

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

**WATER RIGHT
FILE NO. 21,729-D1**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 5, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,729-D1 (the "Water Right"), as modified and amended by the Order of the Chief Engineer dated January 17, 2018, dividing Water Right, File No. 21,729, into File Nos. 21,729-D1 and 21,729-D2 (the "Division Order"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well A) located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 2,259 feet North and 2,705 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, in a quantity not to exceed 122.520 million gallons (376 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 945 gallons per minute (2.11 c.f.s.),

to be completed within the mapped boundaries as shown on the maps marked Exhibits T and U accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 945 gallons per minute (2.11 c.f.s.).

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,729-D1, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 21,729-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on April 27, 2018, (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 5, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,729-D2 (the "Water Right"), as modified and amended by the Order of the Chief Engineer dated January 17, 2018, dividing Water Right, File No. 21,729, into File Nos. 21,729-D1 and 21,729-D2 (the "Division Order"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well A) located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 2,259 feet North and 2,705 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, in a quantity not to exceed 122.520 million gallons (376 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 945 gallons per minute (2.11 c.f.s.),

to be completed within the mapped boundaries as shown on the maps marked Exhibits M and N accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 945 gallons per minute (2.11 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitations (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitations are set forth in the Division Order as follows:

This appropriation right is further limited to a diversion rate which when the well (a.k.a. Well 7A) located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, is further limited to that which when combined with the well (a.k.a. Well 7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, both in Township 25 South, Range 19 West, Edwards County, Kansas, will provide a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) when the wells operate simultaneously, and

That this appropriation is further limited to a diversion rate which when all wells operate simultaneously will provide a diversion rate not in excess of 1,685 gallons per minute (3.75 c.f.s.) for irrigation use on the property described herein.

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 21,729-D1, the total rate of diversion shall not exceed 945 gallons per minute (2.11 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 21,729-D1; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; and 21,729-D1 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

6. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

7. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

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

**WATER RIGHT
FILE NO. 21,730**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on August 31, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,730 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well G) located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,282 feet North and 3,870 feet West of the Southeast corner of said section, in a quantity not to exceed 57.350 million gallons (176 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 795 gallons per minute (1.77 c.f.s.), Township 25 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits P, and Q accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

**APPROVAL OF APPLICATION
TO CHANGE
THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE
OF THE WATER UNDER AN EXISTING WATER RIGHT
WATER RIGHT
FILE NO. 21,731**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on July 25, 1995 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,731 (the "Water Right"), as modified and amended by the Order of the Chief Engineer dated November 22, 1996, approving the application to change the authorized place of use, the Order of the Chief Engineer dated August 19, 1998, approving the application to change the authorized point of diversion, and the Order of the Chief Engineer dated September 8, 1998, correcting the location of the points of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from two (2) wells located as follows:

one (1) well (Well G) located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,282 feet North and 3,870 feet West of the Southeast corner of said section, in a quantity not to exceed 62.563 million gallons (192 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 1,040 gallons per minute (2.32 c.f.s.), and

one (1) well (Well H) located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 3,142 feet North and 2,099 feet West of the Southeast corner of said section, in a quantity not to exceed 198.117 million gallons (608 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 765 gallons per minute (1.70 c.f.s.),

both in Township 25 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Y, Z, AA, and BB accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 1,805 gallons per minute (4.02 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the quantity of water for the Water Right, which Limitation is set forth as follows in the Certificate:

The quantity for the two (2) wells, one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 380 feet North and 3,785 feet West of the Southeast corner of said section, and one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 5,125 feet North and 3,920 feet West of the Southeast corner of said section is further limited to 192 acre-feet of water per calendar year when the wells are operated simultaneously.

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well G): located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,282 feet North and 3,870 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 1,040 gallons per minute (2.32 c.f.s.), when this Water Right is combined with Water Right, File No. 21,730, for municipal use.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; and 21,730 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

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

WATER RIGHT
FILE NO. 21,732-D1**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 5, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,732 (the "Water Right), as modified and amended by the Order of the Chief Engineer dated January 17, 2018, dividing Water Right, File No. 21,732, into File Nos. 21,732-D1 and 21,732-D2, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of, that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well B) located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 2,724 feet North and 1,916 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, in a quantity not to exceed 115.025 million gallons (353 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.),

to be completed within the mapped boundaries as shown on the maps marked Exhibits R and S accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,732-D1, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

WATER RIGHT
FILE NO. 21,732-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on April 27, 2018 (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 5, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,732 (the "Water Right"), as modified and amended by the Order of the Chief Engineer dated January 17, 2018, dividing Water Right, File No. 21,732, into File Nos. 21,732-D1 and 21,732-D2, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of, that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well B) located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 2,724 feet North and 1,916 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, in a quantity not to exceed 78.204 million gallons (240 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.),

to be completed within the mapped boundaries as shown on the maps marked Exhibits L and M accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 21,732-D1, the total rate of diversion shall not exceed 885 gallons per minute (1.97 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.8484 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; and 21,732-D1 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and periodically calculated as provided in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; and 21,732-D1 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public _____

**[notice information in accordance with Master Order
to be added, re availability of administrative review]**

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,732-D2, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 21,733**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on November 30, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,733 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well C) located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 824 feet North and 3,036 feet West of the Southeast corner of said section, in a quantity not to exceed 61.586 million gallons (189 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 915 gallons per minute (2.04 c.f.s.), Township 25 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits P, and Q accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; and 21,732-D2 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1 and 21,732-D2 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,733, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 21,734**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on January 19, 2006 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,734 (the "Water Right"), as modified and amended by the Order of the Chief Engineer dated September 4, 2008, approving the application to change the points of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the points of diversion for the Water Right shall be authorized from three (3) wells located as follows:

one (1) well (Well C) located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 824 feet North and 3,036 feet West of the Southeast corner of said section, in a quantity not to exceed 57.610 million gallons (176.8 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 935 gallons per minute (2.08 c.f.s.), in Township 25 South, Range 19 West,

one (1) well (Well D) located in Lot 3 of Section 5, more particularly described as being near a point 4,867 feet North and 3,107 feet West of the Southeast corner of said section, in a quantity not to exceed 192.676 million gallons (591.3 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 1,500 gallons per minute (3.34 c.f.s.), in Township 26 South, Range 19 West,

one (1) well (Well E) located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1,577 feet North and 901 feet West of the Southeast corner of said section, in a quantity not to exceed 39.428 million gallons (121 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 1,035 gallons per minute (2.31 c.f.s.), in Township 26 South, Range 19 West,

all in Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits S, T, U, V, W, and X accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 3,470 gallons per minute (7.73 c.f.s.).

3. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity of water not to exceed 289.714 million gallons (889.1 acre-feet) per calendar year.

4. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a maximum diversion rate not in excess of 4,800 gallons per minute (10.7 c.f.s.) for irrigation use on the property described herein.

5. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the quantity of water for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a total quantity of water not to exceed 1.040 acre-feet of water per calendar year for irrigation use on the land described herein

6. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

7. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well C): located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 824 feet North and 3,036 feet West of the Southeast corner of said section, Township 25 South, Range 19 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 1,360 gallons per minute (3.03 c.f.s.), when this Water Right is combined with Water Right, File No. 21,733, for municipal use.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; and 21,733 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; and 21,733 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

8. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

9. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,734, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 21,841**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 10, 1988 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,841 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well F) located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 4,545 feet North and 1,311 feet West of the Southeast corner of said section, in a quantity not to exceed 63.541 million gallons (195 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 890 gallons per minute (1.98 c.f.s.), Township 26 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits N and O accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,730; 21,732-D1; 21,732-D2; 21,733; and 21,734 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the “Reasonable-Need Limitation” for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733 and 21,734 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the “Reasonable-Need Limitation” for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

 Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,7841, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 21,842**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 10, 1988 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 21,842 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well E) located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1,577 feet North and 901 feet West of the Southeast corner of said section, in a quantity not to exceed 63.541 million gallons (195 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 900 gallons per minute (2.01 c.f.s.), Township 26 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits M and N accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well E) located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1,577 feet North and 901 feet West of the Southeast corner of said section Township 26 South, Range 19 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 1,040 gallons per minute (2.32 c.f.s.), when this Water Right is combined with Water Right, File No. 21,734, for municipal use.

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 21,842, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,325**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,325 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated March 9, 1988, approving the application to change the place of use, the order of the Chief Engineer dated February 2, 1990, approving the application to change the location of the point of diversion and the order of the Chief Engineer in the matter of the authorized points of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE¼) of Section 19 and the Northwest Quarter (NW¼) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well I) located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 5,034 feet North and 2,790 feet West of the Southeast corner of said section, in a quantity not to exceed 60.608 million gallons (186 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Q and R accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 805 gallons per minute (1.79 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

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

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; and 21,842 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; and 21,842 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

6. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

7. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

**[notice information in accordance with Master Order
to be added, re availability of administrative review]**

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,325, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,326**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,326 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well I) located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 5,034 feet North and 2,790 feet West of the Southeast corner of said section, in a quantity not to exceed 61.260 million gallons (188 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Q and R accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 805 gallons per minute (1.79 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

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

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,325, the total rate of diversion shall not exceed 805 gallons per minute (1.79 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; and 22,325 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; and 22,325 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

6. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

7. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

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

**WATER RIGHT
FILE NO. 22,327**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 17, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,327 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well I) located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 5,034 feet North and 2,790 feet West of the Southeast corner of said section, in a quantity not to exceed 47.509 million gallons (145.8 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Q and R accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 805 gallons per minute (1.79 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.) for irrigation use on the property described herein.

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,325 and 22,326, the total rate of diversion shall not exceed 805 gallons per minute (1.79 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; and 22,326 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; and 22,326 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

6. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

7. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,327, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,329**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,329 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well J) located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,630 feet North and 4,090 feet West of the Southeast corner of said section, in a quantity not to exceed 24.439 million gallons (75 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 570 gallons per minute (1.27 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity of water not to exceed 24.439 million gallons (75 acre-feet) per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; and 22,327 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; and 22,327 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

 Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

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

**WATER RIGHT
FILE NO. 22,330**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,330 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated February 2, 1990 approving the application to change the point of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well J) located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,630 feet North and 4,090 feet West of the Southeast corner of said section, in a quantity not to exceed 24.439 million gallons (75 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 620 gallons per minute (1.38 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,329, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; and 22,329 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; and 22,329 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,330, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,331**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on December 7, 1994 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,331 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well J) located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,630 feet North and 4,090 feet West of the Southeast corner of said section, in a quantity not to exceed 58.653 million gallons (180 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Q, and R accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 700 gallons per minute (1.56 c.f.s.).

3. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

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

4. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

5. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,329 and 22,330, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; and 22,330 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; and 22,330 the water used shall not exceed 1,835.86 million gallons (5,635.03 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

6. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

7. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,331, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,332**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,332 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well J) located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,630 feet North and 4,090 feet West of the Southeast corner of said section, in a quantity not to exceed 43.990 million gallons (135 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

[Type here]

to be completed within the mapped boundaries as shown on the maps marked Exhibits P, and Q accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 43.990 million gallons (135 acre-feet) of water per calendar year.

3. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 700 gallons per minute (1.56 c.f.s.).

4. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 980 gallons per minute (2.18 c.f.s.) for irrigation use on the property described herein.

5. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

6. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,329, 22,330 and 22,331, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; and 22,331 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; and 22,331 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

7. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

8. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,332, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,333**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 7, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,333 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well K) located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,646 feet North and 2,143 feet West of the Southeast corner of said section, in a quantity not to exceed 16.293 million gallons (50 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 520 gallons per minute (1.16 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits R, and S accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; and 22,332 the water used shall not exceed 600,000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; and 22,332 the water used shall not exceed 1,847,650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

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

**WATER RIGHT
FILE NO. 22,334**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,334 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well K) located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,646 feet North and 2,143 feet West of the Southeast corner of said section, in a quantity not to exceed 44.348 million gallons (136.1 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits Q, and R accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 44.348 million gallons (136.1 acre-feet) of water per calendar year.

3. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 700 gallons per minute (1.56 c.f.s.).

4. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 890 gallons per minute (1.98 c.f.s.) for irrigation use on the property described herein.

5. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

6. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,333, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; and 22,333 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; and 22,333 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

7. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

8. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,334, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,335**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,335 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well K) located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,646 feet North and 2,143 feet West of the Southeast corner of said section, in a quantity not to exceed 46.466 million gallons (142.6 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits P, and Q accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 46.466 million gallons (142.6 acre-feet) of water per calendar year.

3. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 700 gallons per minute (1.56 c.f.s.).

4. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

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

5. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

6. Further, the following Limitations (as the terms is defined in the Master Order) shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,333 and 22,334, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; and 22,334 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; and 22,334 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

7. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

8. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this _____ day of _____, 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,335, dated _____, was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,338**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on November 1, 1994 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,338 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well L) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,863 feet North and 883 feet West of the Southeast corner of said section, in a quantity not to exceed 37.994 million gallons (116.6 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits P, and Q accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 37.994 million gallons (116.6 acre-feet) of water per calendar year.

3. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 950 gallons per minute (2.12 c.f.s.).

4. Due to the aforementioned changes, this Change Approval removes the following Limitation, (as that term is defined in the Master Order), on the rate of diversion for the Water Right, which Limitation is set forth as follows in the Certificate:

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.), for irrigation use on the property described herein.

5. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

6. Further, the following Limitations shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; and 22,335 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; and 22,335 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

7. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

8. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,338, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,339**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,339 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well L) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,863 feet North and 883 feet West of the Southeast corner of said section, in a quantity not to exceed 38.711 million gallons (118.8 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 680 gallons per minute (1.52 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 38.711 million gallons (118.8 acre-feet) of water per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,338, the total rate of diversion shall not exceed 950 gallons per minute (2.12 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335 and 22,338 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; and 22,338 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this _____ day of _____, 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,339, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,340**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,340 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well M) located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 4,367 feet North and 1,228 feet West of the Southeast corner of said section, in a quantity not to exceed 37.994 million gallons (116.6 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 37.994 million gallons (116.6 acre-feet) of water per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; and 22,339 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; and 22,339 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,340, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,341**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,341 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well M) located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 4,367 feet North and 1,228 feet West of the Southeast corner of said section, in a quantity not to exceed 61.260 million gallons (188 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 920 gallons per minute (2.05 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits S, and T accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,340, the total rate of diversion shall not exceed 950 gallons per minute (2.12 c.f.s.) for municipal use from the point of diversion authorized herein.

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,341, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,342**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on April 27, 1992 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,342 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated May 2, 1994, correcting the location of the point of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well M) located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 4,367 feet North and 1,228 feet West of the Southeast corner of said section, in a quantity not to exceed 24.439 million gallons (75 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 630 gallons per minute (1.40 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,340 and 22,341, the total rate of diversion shall not exceed 950 gallons per minute (2.12 c.f.s.) for municipal use from the point of diversion authorized herein.

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,342, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,343**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,343 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well N) located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,714 feet North and 2,450 feet West of the Southeast corner of said section, in a quantity not to exceed 39.754 million gallons (122 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 810 gallons per minute (1.80 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 39.754 million gallons (122 acre-feet) of water per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,343, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 22,345**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 21, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,345 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (1) well located as follows:

one (1) well (Well N) located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,714 feet North and 2,450 feet West of the Southeast corner of said section, in a quantity not to exceed 51.810 million gallons (159 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 820 gallons per minute (1.83 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File No. 22,343, the total rate of diversion shall not exceed 1,040 gallons per minute (2.32 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,346; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; and 22,343 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342 and 22,343 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,345, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 2,346**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on November 30, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 22,346 (the "Water Right"), finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the points of diversion for the Water Right shall be authorized from two (2) wells located as follows:

one (1) well (Well N) located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,714 feet North and 2,450 feet West of the Southeast corner of said section, in a quantity not to exceed 45.749 million gallons (140.4 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits O, and P accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 45.749 million gallons (140.4 acre-feet) of water per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,343 and 22,345, the total rate of diversion shall not exceed 1,040 gallons per minute (2.32 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 27,760; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; and 22,345 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; and 22,345 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 22,346, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 27,760**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 13, 1997 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 27,760 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated August 18, 1998, approving the application to change the point of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the points of diversion for the Water Right shall be authorized from two (2) wells located as follows:

one (1) well (Well K) located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,646 feet North and 2,143 feet West of the Southeast corner of said section, in a quantity not to exceed 46.466 million gallons (142.6 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 670 gallons per minute (1.49 c.f.s.), and

one (1) well (Well L) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,863 feet North and 883 feet West of the Southeast corner of said section, in a quantity not to exceed 46.434 million gallons (142.5 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.),

both in Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits R, S, T, and U accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized quantity not to exceed 92.900 million gallons (285.1 acre-feet) of water per calendar year.

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well K): located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,646 feet North and 2,143 feet West of the Southeast corner of said section, Township 26 South, Range 20 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.), when this Water Right is combined with Water Right, File Nos. 22,333; 22,334 and 22,335, for municipal use.

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well L) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 1,863 feet North and 883 feet West of the Southeast corner of said section, Township 26 South, Range 20 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 950 gallons per minute (2.12 c.f.s.), when this Water Right is combined with Water Right, File Nos. 22,338 and 22,339, for municipal use.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 29,816; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; and 22,346 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; and 22,346 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 27,760, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 29,816**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on May 10, 1988 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 29,816 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated September 13, 1991, approving the application to change the place of use, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the points of diversion for the Water Right shall be authorized from two (2) wells located as follows:

one (1) well (Well E) located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼SE¼SE¼) of Section 5, more particularly described as being near a point 1,577 feet North and 901 feet West of the Southeast corner of said section, in a quantity not to exceed 31.933 million gallons (98 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.), and

one (1) well (Well F) located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼SE¼NE¼) of Section 4, more particularly described as being near a point 4,545 feet North and 1,311 feet West of the Southeast corner of said section, in a quantity not to exceed 29.327 million gallons (90 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 750 gallons per minute (1.67 c.f.s.), and

both in Township 26 South, Range 19 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits N, O, P, and Q accompanying the Change Application, and as provided in the Master Order.

2. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

3. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right's rate of diversion from the well described as (Well E) located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1,577 feet North and 901 feet West of the Southeast corner of said section, Township 26 South, Range 19 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 1,270 gallons per minute (2.83 c.f.s.), when this Water Right is combined with Water Right, File No. 21,842, for municipal use.

As provided in the Master Order, this Water Right's rate of diversion from the well described as one (1) well (Well F) located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 4,545 feet North and 1,311 feet West of the Southeast corner of said section, Township 26 South, Range 19 West, Edwards County, Kansas, is subject to a Limitation such that the rate of diversion shall not exceed 1,040 gallons per minute (2.32 c.f.s.), when this Water Right is combined with Water Right, File No. 21,841, for municipal use.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 30,083; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; and 27,760 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; and 27,760 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

4. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

5. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

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

**WATER RIGHT
FILE NO. 30,083**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on April 27, 1992 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 30,083 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated June 1, 2007, correcting the location of the point of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (2) wells located as follows:

one (1) well (Well M) located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 4,367 feet North and 1,228 feet West of the Southeast corner of said section, in a quantity not to exceed 22.712 million gallons (69.7 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 455 gallons per minute (1.02 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits L, and M accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 455 gallons per minute (1.02 c.f.s.).

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,340; 22,341; and 22,342, the total rate of diversion shall not exceed 950 gallons per minute (2.17 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; and 30,084 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; and 29,816 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; and 29,816 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 30,083, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff

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

**WATER RIGHT
FILE NO. 30,084**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written 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, submitted by Toby Dougherty, City Manager, on behalf of the City of Hays, 1507 Main Street, Hays, Kansas 67601, and by Jon Quinday, City Manager, on behalf of the City of Russell, 133 W. 8th Street, Russell, Kansas 67665, and received in this office on June 26, 2015, as amended (the "Change Application"), for approval of changes in the location of the place of use, the point of diversion, and the use made of water under the Certificate of Appropriation issued on June 11, 1987 (the "Certificate"), pursuant to the application for permit to appropriate water for beneficial use regarding the above-mentioned Water Right, File No. 30,084 (the "Water Right"), as modified and amended by the order of the Chief Engineer dated January 3, 1994, approving the application to change the location of the place of use and point of diversion, finds that the changes requested in the Change Application are reasonable and will not impair existing rights, that such changes relate to the same local source of supply, and that the Change Application should be and is hereby approved pursuant to K.S.A. 82a-708b and as provided herein.

This approval order (the "Change Approval") is attached as an exhibit to, is incorporated in, and is subject to the terms of that certain Master Order Contingently Approving Change Applications Regarding R9 Water Rights (the "Master Order"), issued by the Chief Engineer concurrently with this Change Approval. The effective date of the changes approved herein for the Water Right shall be as provided in the Master Order. Upon effectiveness as provided in the Master Order:

1. The authorized use made of water for the Water Right shall be:

Municipal Use,

the authorized locations of the places of use for the Water Right shall be:

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,

the City of Hays, Kansas, and its immediate vicinity as well as related areas in the Northeast Quarter (NE¼) of Section 19 and the Northwest Quarter (NW¼) of Section 36, Township 13 South, Range 18 West, Ellis County, Kansas, and

the City of Russell, Kansas, and its immediate vicinity,

and the location of the point of diversion for the Water Right shall be authorized from one (2) wells located as follows:

one (1) well (Well J) located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,630 feet North and 4,090 feet West of the Southeast corner of said section, in a quantity not to exceed 24.439 million gallons (75 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.), Township 26 South, Range 20 West, Edwards County, Kansas,

to be completed within the mapped boundaries as shown on the maps marked Exhibits L, and M accompanying the Change Application, and as provided in the Master Order.

2. Due to the aforementioned changes, the Water Right shall be reduced to a total authorized rate of diversion not to exceed 700 gallons per minute (1.56 c.f.s.).

3. The following additional conditions of this Change Approval also shall apply to this Water Right:

a. Installation of the works for diversion of water shall be completed on or before December 31, 2029, or within any authorized extension of time granted by the Chief Engineer for good cause shown. The Water Right owner shall notify the Chief Engineer when construction of the diversion works has been completed.

b. All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this Change Approval shall have a tube or other device installed in a manner acceptable to, and in accordance with, specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

c. The Water Right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

d. All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

e. Prior to the use of water, the Water Right owner shall properly install an acceptable water meter on the diversion works authorized for this Water Right, in strict accordance with K.A.R. 5-1-4 through 5-1-12. The Water Right owner shall notify the Chief Engineer when installation of the water meter has been completed. The Water Right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The Water Right owner shall also annually report to the Chief Engineer the reading of said water meter and the total quantity of water diverted. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

4. Further, the following Limitations (as that term is defined in the Master Order), shall apply to this Water Right, for which Limitations the Chief Engineer specifically retains jurisdiction and authority to review and modify, as provided in the Master Order:

As provided in the Master Order, this Water Right is subject to a Limitation such that when this Water Right is combined with Water Right, File Nos. 22,329; 22,330; 22,331 and 22,332, the total rate of diversion shall not exceed 700 gallons per minute (1.56 c.f.s.) for municipal use from the point of diversion authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation (as that term is defined in the Master Order) such that when this Water Right is combined with Water Right, File Nos.: 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; and 30,083 the water used shall not exceed a rolling ten-year aggregate Limitation of 15,640.848 million gallons (48,000 acre-feet) during any, each, and every ten (10) consecutive calendar years (the "Ten-Year Rolling Aggregate Limitation" as defined in the Master Order) at the places of use authorized herein.

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. RS 008; and Water Right, File Nos. 206; 1,267; 1,861; 17,586; 17,587; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; and 30,083 the water used shall not exceed 600.000 million gallons (1,841.3 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Russell, as such term is defined and calculated in the Master Order).

As provided in the Master Order, the authorized quantity of water for municipal use under this Water Right is subject to a Limitation such that when this Water Right is combined with Vested Right, File No. EL 002 and Water Right, File Nos. 1,248; 5,757; 18,857; 18,858; 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; and 30,083 the water used shall not exceed 1,847.650 million gallons (5,670.23 acre-feet) per calendar year (the "Reasonable-Need Limitation" for the City of Hays, as such term is defined and calculated in the Master Order).

5. In all other respects, the Certificate, as modified and amended by the aforementioned orders, including the Master Order, remains as issued.

6. [para. in accordance with Master Order to be added, re circumstances under which Change Approval will become final agency action]

Ordered this day of , 2018, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this day of , 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

[notice information in accordance with Master Order to be added, re availability of administrative review]

CERTIFICATE OF SERVICE

On this day of , 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right, Water Right, File No. 30,084, dated , was mailed postage prepaid, first class, US mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STEET
RUSSELL KS 67665

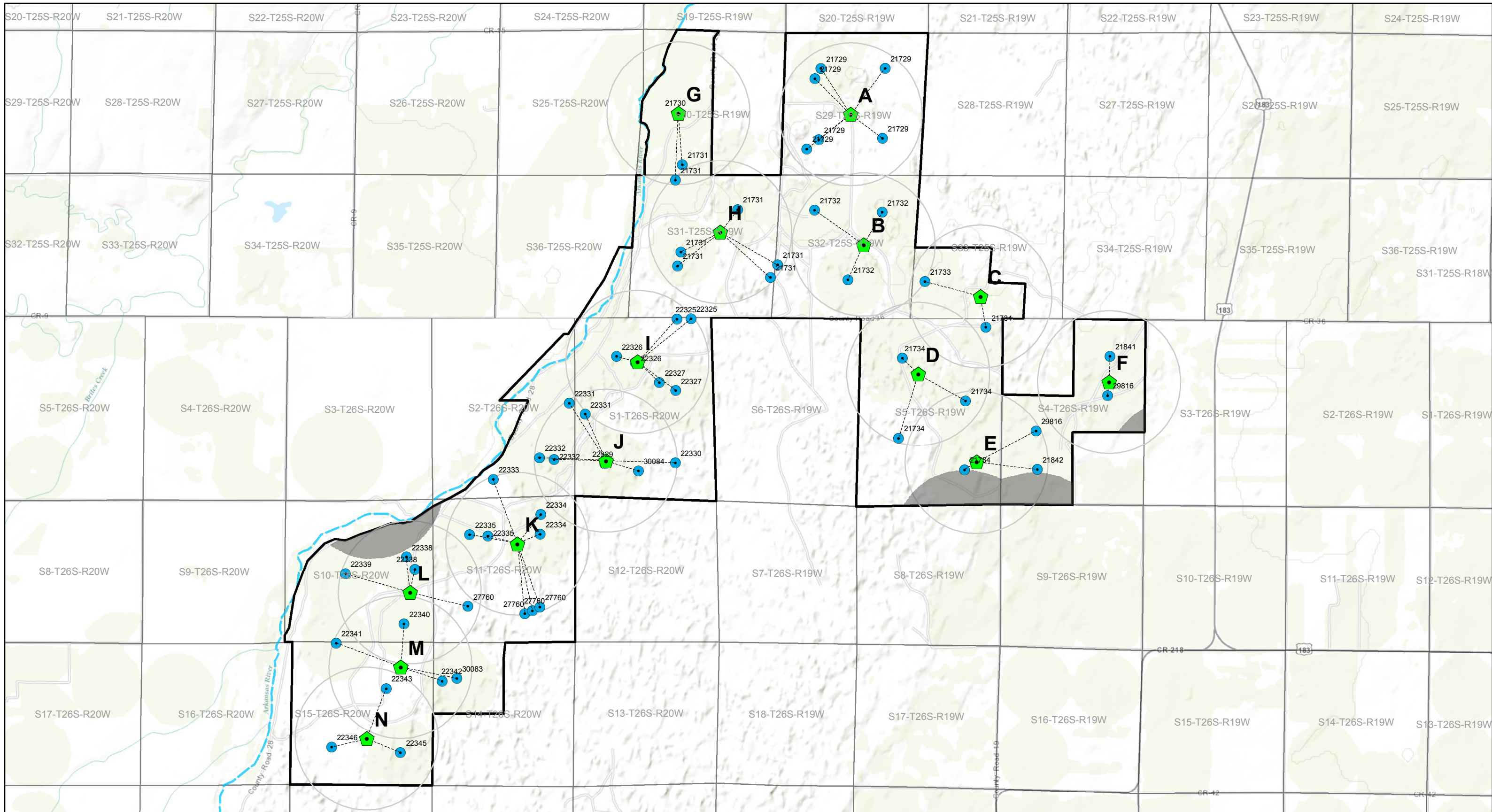
DAVID M. TRASTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA KS 67206

DANIEL J. BULLER
FOULSTON SIEFKIN LLP
9225 INDIAN CREEK PARKWAY
SUITE 600
OVERLAND PARK, KS 66210









With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

Staff



Legend

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

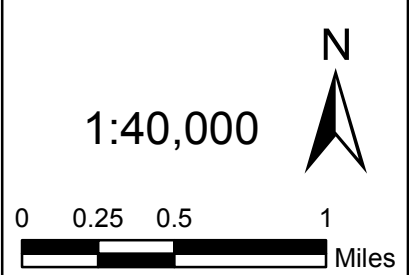


EXHIBIT
33

**R9 RANCH
WATER LEVEL MONITORING PLAN
EDWARDS COUNTY, KANSAS**

**CITY OF HAYS
CITY OF RUSSELL**

1.0 INTRODUCTION

The Division of Water Resources (DWR) has requested that the Cities of Hays and Russell (Cities) develop a water level monitoring plan for the purpose of observing and documenting water level changes as the R9 Ranch is developed for municipal water supply.

The purpose of this monitoring plan is to provide a detailed scope of work and a methodology for gathering water level information. The primary objectives of the water level monitoring plan include:

- Establish the number and locations of observation wells on the R9 Ranch property
- Describe water level measurement sites, method of measurement, and frequency of measurements for evaluation of static and seasonal aquifer conditions

2.0 OBSERVATION WELL LOCATIONS

A review of the R9 ranch property indicates a total of fifteen (15) observation wells were installed as part of an initial site evaluation completed by Groundwater Associates in 1995. The construction logs for these observation wells indicate they were completed at total depths ranging from 38 to 131 feet. Each well was constructed of two inch PVC blank casing, and mill cut PVC screen. The approximate locations of the observation wells are listed below in Table 1.

3.0 CONSTRUCTED MUNICIPAL WELLS

The development of the R9 Ranch for municipal supply is currently anticipated to feature fourteen (14) municipal wells. Newly constructed municipal wells may optionally have transducers that provide feedback to a central City Supervisory Control and Data Acquisition system (SCADA) where water level information during static and operating conditions can be digitally logged or manually recorded. Each municipal well will be constructed with a water level measurement port such that manual measurements can be taken utilizing an electronic measurement tape.

4.0 WATER LEVEL MONITORING

Measurement Procedures:

Manual methods or SCADA systems will be used to monitor the water levels in the aquifer throughout the R9 property. Manual methods should utilize a calibrated electronic measurement tape. The sites to be measured for water levels include the observation wells described in Table 1 and the municipal wells as they are constructed. The following items shall be recorded at each site during a manual measurement of water levels:

- Well Name, Time of Day, Date, and Personnel completing the measurement
- Depth to Water to the nearest tenth of an inch from a static or established measuring point (Top of Casing)
- The elevation above mean sea level of each established measuring point
- The distance from the established measuring point to ground surface to the nearest tenth of an inch
- Where and when possible, the total depth of the well should be verified with a weighted tape to check against casing failure or sedimentation

Measurement Frequency Observation Wells:

Manual measurements will be taken quarterly, with the goal of capturing both the static winter conditions and seasonal variations in aquifer levels throughout the R9 ranch. The quarterly measurements should occur in January, immediately prior to irrigation season, during irrigation season, and following irrigation season as described below:

- Static Conditions – January
- Pre-Stress Conditions – March/April
- Irrigation Season – July/August
- Post-Stress Conditions – September/October

Measurement Frequency Municipal Wells:

If transducers and SCADA systems are implemented at the municipal wells, the digital recording interval of water levels should occur at a minimum frequency of monthly. Manual measurements will be taken annually during January of each year, with the goal of capturing static winter conditions and verifying the accuracy of transducer and SCADA equipment recordings.

5.0 DATA MANAGEMENT

At the end of each calendar year, water level information from the current calendar year and from all previous water level monitoring events plotted as a hydrograph to illustrate changes in water levels through time. The Cities and DWR may periodically review the results of each round of water level measurements and provide a reduction in the frequency or number of wells measured if necessary.

6.0 REPORTING

Annual monitoring data required by this Monitoring Plan will be provided to the Kansas Department of Agriculture, Division of Water Resources on or before March 1 of the following year.

Table 1 – R9 Ranch Observation Well Locations

Observation Well Name	UTM NAD83 EASTING	UTM NAD83 NORTHING	Legal Description
OW-2	460061	4188046	30FT NE OF PIVOT
OW-4	461397	4186512	SE OF CIRCLE 4
OW-10	462308	4188621	22FT NE OF PIVOT
OW-11	463973	4184906	30FT NE OF PIVOT
OW-11A	463663	4184572	SW OF CIRCLE 11
OW-12	461865	4184025	24FT SW OF PIVOT
OW-15	462074	4184897	SW OF CIRCLE 15
OW-20	459103	4186628	N OF CIRCLE 20
OW-23	458355	4184940	30FT N OF PIVOT
OW-25	459904	4184967	30 FT N OF PIVOT
OW-28	456829	4183885	30FT N OF PIVOT
OW-29	456512	4184153	NE OF CIRCLE 29
OW-30	456063	4182921	29FT W OF PIVOT
OW-33	458737	4182957	SE OF CIRCLE 33
OW-37	455904	4181403	SW OF CIRCLE 37