

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

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



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

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

- 1. Application is hereby made for approval of the Chief Engineer to change the
  - Place of Use
  - (Check one or more)  Point of Diversion
  - Use Made of Water

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1:54  
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File No. 21,729-D2

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas

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

City, State and Zip: Wichita, KS 67206

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

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

Name of water use correspondent: City of Hays, Kansas

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

City, State and Zip: Hays, Kansas 67601

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): See Paragraph 3 of the June 25, 2015 cover letter filed with the original Change Applications. The cover letter is incorporated herein by reference.

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

For Office Use Only:							
F.O. #	GMD	Meets K.A.R. 5-5-1	(YES / NO)	Use	Source	County	By
Code	5	YES		FRR	G/S	ED	AJW
		Fee \$	100	TR #	Receipt Date	4/27/18	Check #
							01683

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main St., Hays, KS 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	T25S	R19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500

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

Owner of Land — NAME: City of Russell, Kansas

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

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

List any other water rights that cover this place of use. \_\_\_\_\_

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

List any other water rights that cover this place of use. See paragraph 5 of the June 25, 2015 cover letter.

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

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- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NC Quarter of the SE Quarter of the \_\_\_\_\_ Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 1,377 feet North 1,415 feet West of Southeast corner of section.  
 Authorized Rate 720 Authorized Quantity 188  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NE Quarter of the SW Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.  
 Proposed Rate 945 gpm Proposed Quantity 435.42 af  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the NC Quarter of the SW Quarter of the \_\_\_\_\_ Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 1,416 feet North 4,000 feet West of Southeast corner of section.  
 Authorized Rate 360 Authorized Quantity 74  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NE Quarter of the SW Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.  
 Proposed Rate 945 gpm Proposed Quantity 435.42 af  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the SW Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 1,043 feet North 4,370 feet West of Southeast corner of section.  
 Authorized Rate 635 Authorized Quantity 114  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NE Quarter of the SW Quarter  
 of Section 29, Township 25 South, Range 19 (E/W)  
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.  
 Proposed Rate 945 gpm Proposed Quantity 435.42 af  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
See paragraph 11 of the June 25, 2015 cover letter.

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

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- 12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to municipal purposes.
- 13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
See the attached dicussion regarding the quantity of water to be changed to municipal use and paragraph 13 of the June 25, 2015 cover letter.

(Please show any calculations here.)

- 14. It is requested that the maximum annual quantity of water be reduced to not applicable (acre-feet or million gallons).
- 15. It is requested that the maximum rate of diversion of water be reduced to not applicable gallons per minute (\_\_\_\_ c.f.s.).
- 16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
  - a. If a change in the location of the point(s) of diversion is proposed, show:
    - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
    - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
    - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
  - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

- 17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.  
See paragraph 17 of the June 25, 2015 cover letter.

- 18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.  
See paragraph 17 of the June 25, 2015 cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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

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

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

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

Dated at Hays, Ellis County, Kansas, this 25 day of April, 2018.

[Signature]  
\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of April, 2018.



[Signature]  
\_\_\_\_\_  
Notary Public

My Commission Expires 10-12-19

**FFF SCHEDULE**

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

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

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

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

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

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

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

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

Dated at Russell, Russell County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of Russell ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

**FFC SCHEDULE**

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

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

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

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This Change Application addresses changes to File 21,729, which was divided into File 21,729-D1 and File 21,729-D2 in an Order dated January 17, 2018, and attached as Ex. A.

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

The City of Hays, Kansas and its immediate vicinity as well as related areas in the Northeast Quarter (NE/4) of Section 19 and the Northwest Quarter (NW/4) of Section 36, T13S-R18W, Ellis County, Kansas and

The City of Russell, Kansas and its immediate vicinity.

Upon the execution of a contract to purchase water from the Project, the authorized place of use should include industrial facilities or the corporate limits of the municipality, rural water district, or other entity entering into such contract for purchase and in the case of a municipality, its immediate vicinity.

**7., 8., 9., and 10. Proposed Rate, Quantity, and Well Location**

The Cities request a total of 435.42 acre-feet at 945 gallons per minute to be diverted from new point of diversion "A," as shown on Exhibits K and L.

Attached as Exhibits M and N are additional maps that show the location of the currently authorized points of diversion, a one-half mile buffer around each irrigation well, the proposed location of municipal well "A," a 1,000-foot radius around that location, and the proposed areal limits within which the new municipal wells can be located.

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

*Quantity authorized and perfected*

The Permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,000 acre-feet annually at a rate of up to 2,900 gallons per minute for irrigation use<sup>1</sup> on 500 acres in Section 29, T25S-R19W,<sup>2</sup> or 2.0 acre-feet per acre. The rate for the point of diversion near the center of the southwest quarter of Section 29 was limited by the Certificate to 700 gpm when combined with the well in the northeast quarter of the southwest quarter of the southwest quarter of that Section.<sup>3</sup> There is also an overall rate limitation of 2,900 gallons per minute

In the cover letter transmitting the Permit, DWR made findings of fact stating that "the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest."<sup>4</sup>

The Field Inspection Reports indicate that 897 of the 1,000 acre-feet authorized by the Permit were lawfully perfected, including:

<sup>1</sup> Permit, HAYS000671, Ex. B.

<sup>2</sup> Application, HAYS000664, Ex. C.

<sup>3</sup> Certificate, HAYS000685, Ex. D.

<sup>4</sup> February 27, 1976, letter (emphasis added), HAYS000670, Ex. E.

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- 145 acre-feet<sup>5</sup> and 94 acre-feet<sup>6</sup> (239 acre-feet) applied to 125 approved acres.
- 245 acre-feet applied to 125 approved acres.<sup>7</sup>

While the Certificate limits the total quantity to 376 acre-feet based on DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.<sup>8</sup>

Since the perfection period has expired, the "authorized quantity" for this water right is the 484 acre-feet actually perfected even though it exceeds the certified quantity.

*NIR for Alfalfa*

The FIRs state that alfalfa was grown on each of these circles during the perfection period.<sup>9</sup> According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County for alfalfa is 20.9 inches (1.74 feet).

Since alfalfa was grown on the authorized place of use during the perfection period it is reasonable to use the NIR for alfalfa, which yields a total quantity of 435.42 acre-feet consumed. While this quantity is greater than the quantity set out in the Certificate, it is less than the 484 perfected acre-feet, the "maximum annual quantity authorized by the water right."<sup>10</sup>

<sup>5</sup> FIR, HAYS000618, Ex. F.

<sup>6</sup> FIR, HAYS000626, Ex. G.

<sup>7</sup> FIR, HAYS000634, Ex. H.

<sup>8</sup> Certificate, HAYS000685-687, Ex. D; Doug Bush Memo dated March 17, 1987, HAYS000679-680, Ex. I; Ex. J; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

<sup>9</sup> FIRs, HAYS000621 (Ex. F), 629 (Ex. G), 637 and (Ex. H).

<sup>10</sup> See K.A.R. 5-5-9(a)(4).

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<b>EXHIBIT</b> <b>A</b>
----------------------------

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
 David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
 IN THE MATTER OF THE DIVISION  
 OF WATER RIGHT, FILE NO. 21,729**

After Due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on June 5, 1987, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 21,729, for beneficial use, subject to vested rights and prior appropriation rights, to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells:

one (1) well (a.k.a. Well #9) located near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of **615 gallons per minute (1.37 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year;

one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of **275 gallons per minute (0.61 c.f.s.)** and a quantity not to exceed **86 acre-feet** of water per calendar year;

one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of **325 gallons per minute (0.72 c.f.s.)** and a quantity not to exceed **102 acre-feet** of water per calendar year;

one (1) 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, at a diversion rate not in excess of **360 gallons per minute (0.80 c.f.s.)** and a quantity not to exceed **74 acre-feet** of water per calendar year;

one (1) 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, at a diversion rate not in excess of **635 gallons per minute (1.60 c.f.s.)** and a quantity not to exceed **114 acre-feet** of water per calendar year; and,

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one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of **720 gallons per minute (1.60 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

a total of 500.00 acres in Section 29, Township 25 South, Range 19 West, Edwards County, Kansas.

That the rate of diversion by means of 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, in Township 25 South, Range 19 West, Edwards County, Kansas, 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, 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 are run simultaneously.

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 **2,900 gallons per minute (6.46 c.f.s.)** for irrigation use on the property described herein.

- That on December 7, 2017, the office of the Chief Engineer received a signed and notarized *Application to Divide a Water Right*, from Toby Dougherty, on behalf of the City of Hays, P.O. Box 490, Hays, KS 67601, and Jon Quinday, on behalf of the City of Russell, 133 West 8<sup>th</sup> St., Russell, KS 67665, requesting as representatives, that Water Right, File No. 21,729, be divided into two (2) portions with the following assignments:

**Water Right, File No. 21,729-D1**, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #9) located near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of **615 gallons per minute (1.37 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year,

one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of **275 gallons per minute (0.61 c.f.s.)** and a quantity not to exceed **86 acre-feet** of water per calendar year, and,

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one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of **325 gallons per minute (0.72 c.f.s.)** and a quantity not to exceed **102 acre-feet** of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

a total of 500.00 acres in Section 29, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,729-D1, shall have 250.00 base acres, as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,729-D2, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) 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, at a diversion rate not in excess of **360 gallons per minute (0.80 c.f.s.)** and a quantity not to exceed **74 acre-feet** of water per calendar year;

one (1) well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) 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, at a diversion rate not in excess of **635 gallons per minute (1.60 c.f.s.)** and a quantity not to exceed **114 acre-feet** of water per calendar year; and,

one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE¼) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of **720 gallons per minute (1.60 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

a total of 500.00 acres in Section 29, Township 25 South, Range 19 West, Edwards County, Kansas.

(over)

APR 27 2018

Water Right, File No. 21,729-D2, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

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 (SW¼) 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 (NE¼ SW¼ SW¼) 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.

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.

3. That the Water Right, File No. 21,729-D1 shall be senior in priority to Water Right, File No. 21,729-D2, within the overall priority established under Water Right, File No. 21,729.
4. That the agreement is binding on heirs and successors in interest.

#### ORDER

NOW, THEREFORE, it is the conclusion of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that Water Right, File No. 21,729, should be divided as such separation will be entered into the records for administrative purposes as set forth below.

**Water Right, File No. 21,729-D1**, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #9) located near the center of the Northeast Quarter (NE¼) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of **615 gallons per minute (1.37 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year;

one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW¼) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of **275 gallons per minute (0.61 c.f.s.)** and a quantity not to exceed **86 acre-feet** of water per calendar year; and,

one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of **325 gallons per minute (0.72 c.f.s.)** and a quantity not to exceed **192 acre-feet** of water per calendar year.

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all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

a total of 500.00 acres in Section 29, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,729-D1, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,729-D2, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) 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, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and a quantity not to exceed 74 acre-feet of water per calendar year;

one (1) well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) 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, at a diversion rate not in excess of 635 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 114 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE¼) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of 720 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year.

all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

a total of 500.00 acres in Section 29, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,729-D2, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

(over)

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### CERTIFICATE OF SERVICE

On this 23rd day of January, 2018, I hereby certify that the attached Findings and Order, File No. 21,729, dated January 17th, 2018, was mailed postage prepaid, first class, U.S. mail to the following:

TOBY DOUGHERTY  
CITY OF HAYS  
1507 MAIN STREET  
HAYS KS 67601

JON QUINDAY  
CITY OF RUSSELL  
133 W. 8<sup>TH</sup> STEET  
RUSSELL KS 67665

DAVID TRASTER  
FOULSTON SIEFKIN LLP  
1551 N WATER FRONT PARKWAY  
SUITE 100  
WICHITA KS 67206

With photocopies to:

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

*Danielle Wilson*  
Staff

STATE OF KANSAS, EDWARDS COUNTY, SS  
CHERYL PROFFITT, Register of Deeds  
Book: S171 Page: 150  
Receipt #: 29674 Recording Fee: \$123.00  
Pages Recorded: 7  
Date Recorded: 2/1/2018 9:45:00 AM

*Cheryl Proffitt*



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**EXHIBIT  
B**

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE  
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES  
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,729 of the applicant.

Midwest Land and Cattle Company  
c/o John Carson, Manager  
Box 208  
Kinsley, Kansas 67547

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

1. That the priority date assigned to such application is January 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells: one well near the center of the Northeast Quarter (NE<sub>4</sub>), one well near the center of the Northwest Quarter (NW<sub>4</sub>), one well in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE<sub>4</sub> SW<sub>4</sub> NW<sub>4</sub>), one well near the center of the Southwest Quarter (SW<sub>4</sub>), one well in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE<sub>4</sub> SW<sub>4</sub> SW<sub>4</sub>) and one well near the center of the Southeast Quarter (SE<sub>4</sub>) of Section 29, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

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

2900 gallons per minute (6.46 c.f.s.)

and to a quantity of not to exceed

1000 acre-feet

for any calendar year

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FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

- 5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.
- 6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.
- 7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.
- 8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.
- 9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
- 10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
- 11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.
- 12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February 1976.



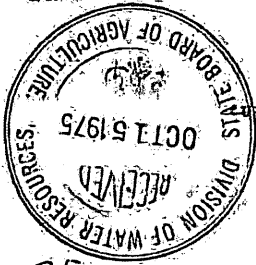
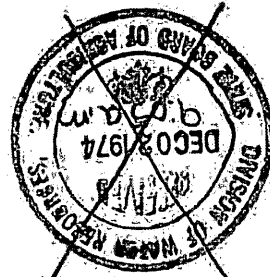
*Guy E. Gibson*  
 Guy E. Gibson, Chief Engineer  
 Division of Water Resources  
 Kansas State Board of Agriculture

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DIVISION OF WATER RESOURCES  
ST. LOUIS

JUL 15 1974



(Check intended use or uses and specify quantity for each use)

- (a) Domestic use \_\_\_\_\_
- (b) Municipal use \_\_\_\_\_
- (c) Irrigation use \_\_\_\_\_
- (d) Industrial use \_\_\_\_\_
- (e) Recreational use \_\_\_\_\_
- (f) Power use \_\_\_\_\_

Amount \_\_\_\_\_

1. The quantity of water desired is in the amount of 1000 acre feet per year, to be diverted at a maximum rate of 2900 gals per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the \_\_\_\_\_ quarter of the \_\_\_\_\_ township \_\_\_\_\_ range \_\_\_\_\_ in \_\_\_\_\_ County, Kansas, plus one well in the NE 1/4 of \_\_\_\_\_ of said section & one well in the NE 1/4 of \_\_\_\_\_ of the SW 1/4 of the NW 1/4 of sec. 29.

3. The water is intended to be appropriated for: \_\_\_\_\_

as may be available in Arkansas River Basin \_\_\_\_\_ in the county of \_\_\_\_\_ state of Kansas, to the extent and in accordance with the particulars hereinafter described:

\_\_\_\_\_ (name of stream or drainage basin)

\_\_\_\_\_ ground water \_\_\_\_\_ (surface water or ground water)

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit for beneficial use such as \_\_\_\_\_

address is \_\_\_\_\_

Comes now the applicant (Miss) \_\_\_\_\_ (Mrs) \_\_\_\_\_ (Mr) \_\_\_\_\_

MIDWEST LAND & CATTLE COMPANY  
C/O JOHN CARSON, MANAGER  
SEE LETTER DATED 8-8-75

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

DIVISION OF WATER RESOURCES  
Guy E. Gibson, Chief Engineer

STATE BOARD OF AGRICULTURE  
Roy Ireland, Secretary

Number 21729

Rec'd from Wilson & Strawn  
1-2-74

OF KANSAS



THE STATE

EXHIBIT C

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

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

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

fractional portion thereof: ~~This joint venture is a partnership with the following owners:~~  
~~J. D. Hodges, 1921 Broadway, Woodward, Oklahoma~~  
~~W. A. McQuiddy, 1210 S. Eordham, Perryton, Texas~~  
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~  
~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~  
~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~  
~~Wood B. Sheerill, P. O. Box 399, Perryton, Texas~~  
 Owner of Land—NAME: Kinsley Joint Venture  
 ADDRESS: c/o Andrew J. Moore, Attorney, P. O. Box 588, Woodward, Oklahoma 73800

MIDWEST LAND & CATTLE CO  
 JOHN CARSON  
 BOX 208  
 KINSLEY, KANSAS  
 67547  
 \*SEE LETTER DATED 8-8-75

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
29	25	19	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	500

Owner of Land—NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

Owner of Land—NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

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\* Guy EINHAYS000665  
 9-9-75 APR 27 2018

One well and pump in the center of each quarter section which will be the pivot

7. The works for diversion of water will consist of of a circle irrigation system; with one pivot, in SW/4, having two wells and pumps & pivot in NW/4 having two pumps wells

(wells, pumps, etc.)

and will be completed by already completed

(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be already used- use begun with 1973 growing season

(Date)

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

The plat or aerial photograph should show

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

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

None

11. The relation of the subscriber to this application is that of Attorney

(Owner, agent or otherwise)

and he is authorized to make this application in behalf of the interest affected.

Dated at Kinsley, Kansas, this 15 day of Dec, 1973

KINSLEY JOINT VENTURE

D. Allen Frame  
By D. Allen Frame, Attorney

By \_\_\_\_\_  
(Agent or Officer)

Note:

- 1 cubic foot per second = 448.8 gallons per minute = 640,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

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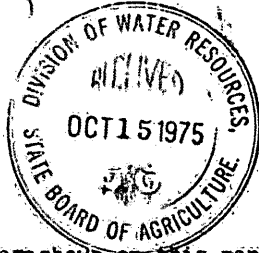
MAR 8 1976

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

WATER RESOURCES  
HAYS000666

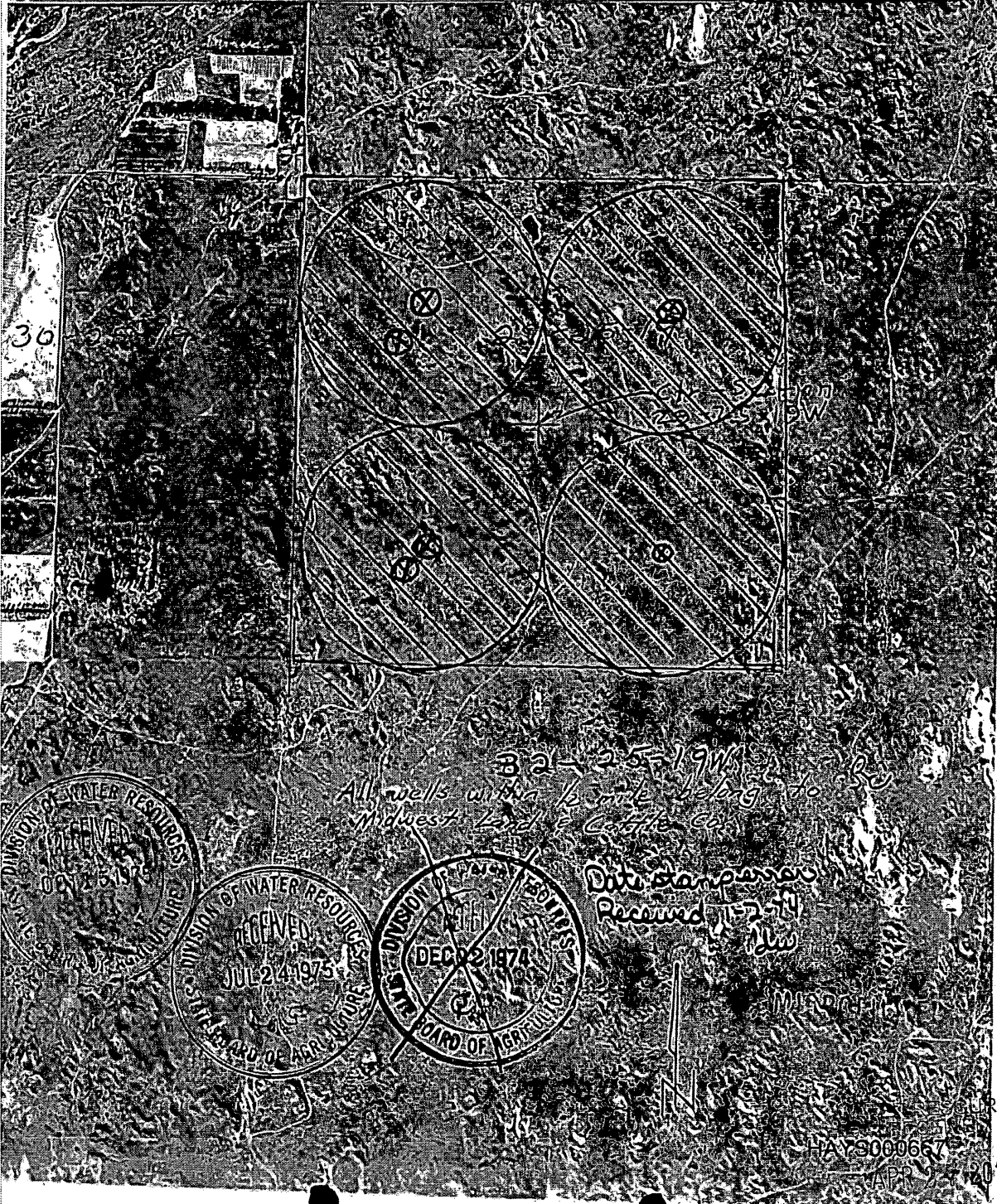
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*Date stamped  
Received 1-2-74  
du*



The four circle systems shown on this map are all within Section 29, Township 25, Range 19. Each circle system has a radius of 1320 feet and is served by pump and well at the pivot. In addition, the circle system in the SW/4 has one well and one pump at point X (at the pivot) and one well and pump at point Y which is  $\frac{1}{8}$ th of a mile southwest of point X. Point X and point Y are joined by a pipe line. Each of these circle systems cover 125 acres.

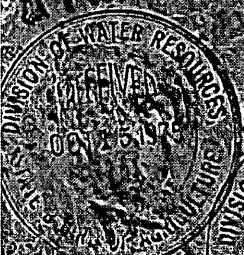


36

32-25-19W

*All wells within 1/2 mile belong to  
Midwest Land & Cattle Co.*

*Date stamped  
Received 7-2-74  
du*



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HAYS000667

2018

EXHIBIT  
D

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

~~Herland E. Priddy, Secretary~~

David L. Pope, Chief Engineer, Director

Sam Brownback, Secretary

CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER  
WATER RIGHT, File No. 21,729  
PRIORITY DATE January 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells: one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year; one (1) well located near the center of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of 275 gallons per minute (0.61 c.f.s.) and in a quantity not to exceed 86 acre-feet per calendar year; one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year.

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WATER RESOURCES

Re: File No. 21,729

particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of 325 gallons per minute (0.72 c.f.s.) and in a quantity not to exceed 102 acre-feet per calendar year; one (1) well 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, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and in a quantity not to exceed 74 acre-feet per calendar year; one (1) well 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, at a diversion rate not in excess of 635 gallons per minute (1.41 c.f.s.) and in a quantity not to exceed 114 acre-feet per calendar year; and one (1) well located near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of 720 gallons per minute (1.60 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year, all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

31.25 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
 31.25 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
 31.25 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
 31.25 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
 31.25 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
 31.25 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
 31.25 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
 31.25 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
 31.25 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
 31.25 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
 31.25 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
 31.25 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
 31.25 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
 31.25 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
 31.25 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
 31.25 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ),

a total of 500.00 acres in Section 29, Township 25 South,  
 Range 19 West, Edward County, Kansas.

The rate of diversion by means of the well 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, in Township 25 South, Range 19 West, Edwards County, Kansas, is further limited to that which when combined with the well 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, 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 are run simultaneously.

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This appropriation is further limited to a diversion rate which when all wells operate simultaneously will provide a diversion rate not in excess of 2,900 gallons per minute (6.46 c.f.s.) for irrigation use on the property described herein.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 of each year following.

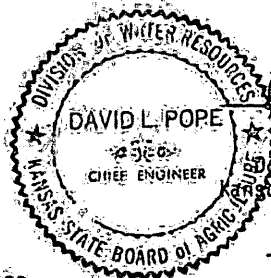
The appropriator shall maintain, in an operating condition satisfactory to the Chief Engineer, all check valves installed for the prevention of chemical or other foreign substance pollution of the water supply.

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

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

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

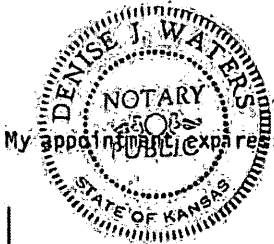
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 5th day of June, 1987.



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

State of Kansas }  
County of Shawnee } SS

The foregoing instrument was acknowledged before me this 5th day of June, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters  
Notary Public

My appointment expires: March 1, 1990

MICROFILMED

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

WATER APPROPRIATION  
- CERTIFICATE  
No. 16,034

STATE OF KANSAS

Water Right, File No. 21,729  
JUN 19 1987  
DIVISION OF WATER RESOURCES  
STAFFORD

County, ss: \_\_\_\_\_  
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_ Page \_\_\_\_\_  
recorded in Book \_\_\_\_\_ Fee \$ \_\_\_\_\_

Register of Deeds

WATER RESOURCES RECEIVED  
HAYS000687  
APR 27 2018

**EXHIBIT  
E**

*E-N<sup>2</sup>*

February 27, 1976

*2/27/76*

Midwest Land and Cattle Company  
c/o John Carson, Manager  
Box 208  
Kinsley, Kansas 67547

Re: Appropriation of Water  
Application No. 21,729

*ED*

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon  
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976

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M.L.G. S000670  
M.L.G.

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STAFFORD

APR 27 2018

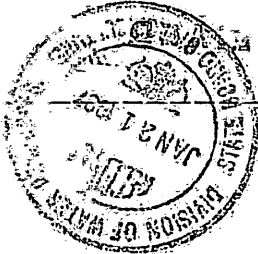
KS DEPT OF AGRICULTURE

Perfected Rate 635 g.p.m. Perfected Quantity 114 A.C. 114  
 Perfection Date Nov 2, 1979  
 Approved Quantity 1000 AF Approved Diversion Rate 2500 g.p.m. (1.6 1/2 c.f.s.)  
 Priority Date Jan 2, 1979 Approval of Application Date Feb 27, 1976  
 Perfection Date Dec 31, 1981

HAYS000618  
 APR 27 2018  
 Revised March, 1985

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 175  
 Ac. Ft. on "Approved" Land 175  
 Ac. Ft. Applied =  $1850 \times \frac{4.418}{24 \times 1000} = 175$   
 Total No. of Hours on land covered by this application 1850  
 Year of Record 1985  
 Extension of time requested: Yes  No

Ac. Ft. on "Approved" Land irrigated 175  
 Ac. Ft. Applied =  $1850 \times \frac{4.418}{24 \times 1000} = 175$   
 Year of Record 1985  
 Extension of time requested: Yes  No



Normal Operating C.P.M. 425  
 Maximum Operating C.P.M. 631  
 Equiv. c.f.s. 497  
 Equiv. c.f.s. 1406

Year of Record 1985  
 Hours Pumped 1850 or Quantity 149.8 AF

FOR D.W.R. USE ONLY  
 Year of Record 1985  
 Extension of time requested: Yes  No

S	T	R	NEN				NWN				SWE				SSE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	25	19																
TOTAL ACRES			NEN				NWN				SWE				SSE			

LAND IRRIGATED - YEAR OF RECORD 1985

S	T	R	NEN				NWN				SWE				SSE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	25	19																
TOTAL ACRES			NEN				NWN				SWE				SSE			

LAND TO BE INCLUDED ON CERTIFICATE

S	T	R	NEN				NWN				SWE				SSE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	25	19																
TOTAL ACRES			NEN				NWN				SWE				SSE			

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

Authorized Point of Diversion: Well NEN, SW 1/4, SW 1/4, Sec 29, T.25, R.19  
 Approximately: 1/4 North and 1/4 West of SE corner of Sec  
 Actual Point of Diversion: Well NEN, SW 1/4, SW 1/4, Sec 29, T.25, R.19  
 Approximately: 1/4 North and 1/4 West of SE corner of Sec  
 How were distances determined? Scaled from ASCS photo

Surface Water ( ) Stream  
 Groundwater  Drainage Basin Arkansas River  
 Water Use Classification: 1. Domestic ( ) 2. Industrial ( ) 3. Irrigation  4. Municipal ( ) 5. Recreation ( ) 6. Stockwatering ( ) 7. Water Power ( )  
 Address: Box 1162, North Platte, NE 69103  
 Current Landowner: Contract General, W. E. Ins. Co Agri. Activities  
 Field Area No. 2 C.M.D. No. 5 County Edwards  
 Application No. 21729 Date 11/5/86 Inspector F. E. Klassen  
 Firm/Field Office: Lumping Plant Testing Inc

Test 6 of 6 Diversion points  
 Test 6 of 6 Diversion points

Partial  Full  Re-Test

FIELD INSPECTION REPORT

DIVISION OF WATER RESOURCES - KANSAS STATE BOARD OF AGRICULTURE



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot     High Pressure     Low Pressure

Manufacturer Olson    Model no tag\*    Serial No. \_\_\_\_\_

Drive Electric    Length of Pivot Arm \_\_\_\_\_

Design Pressure-Pivot \_\_\_\_\_ p.s.i.    Operating Pressure-Pivot \_\_\_\_\_ p.s.i.

End Gun? yes    End Gun Rating \_\_\_\_\_ g.p.m. Rain Bird 85

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open \_\_\_\_\_    Normal Pipe Size \_\_\_\_\_

Pressure at pump \_\_\_\_\_ p.s.i.

Other    Type \_\_\_\_\_

Manufacturer \_\_\_\_\_    Model \_\_\_\_\_    Serial No. \_\_\_\_\_

Unusual Conditions/Other Info: THERE IS A TAG ON CENTRAL PIVOT, BUT NO NUMBERS WERE STAMPED ON IT.

POWER UNIT INFORMATION:

Manufacturer Ford    Model No. 300    HP \_\_\_\_\_

Serial No. 08948 E-23-TE    Fuel Natural Gas    Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Johnston    Model No. \_\_\_\_\_    Rated RPM \_\_\_\_\_

Serial No. CF 21230    Type Vertical Turbine    No. stages \_\_\_\_\_

GEAR HEAD INFORMATION:

Manufacturer Amatilla    Model No. 560

Serial No. 115267    Drive Right Angle    Ratio 4:3

WELL INFORMATION: Records not available from Owner's representative.

Date Drilled prior to Jan 1974    Original Depth \_\_\_\_\_ ft.    Static Water Level When Drilled \_\_\_\_\_ ft.

Tape Down Possible? yes 19'    Water Level Measurement Tube? no

Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no    Make of Meter \_\_\_\_\_

Meter Model No. \_\_\_\_\_    Serial No. \_\_\_\_\_    Size \_\_\_\_\_

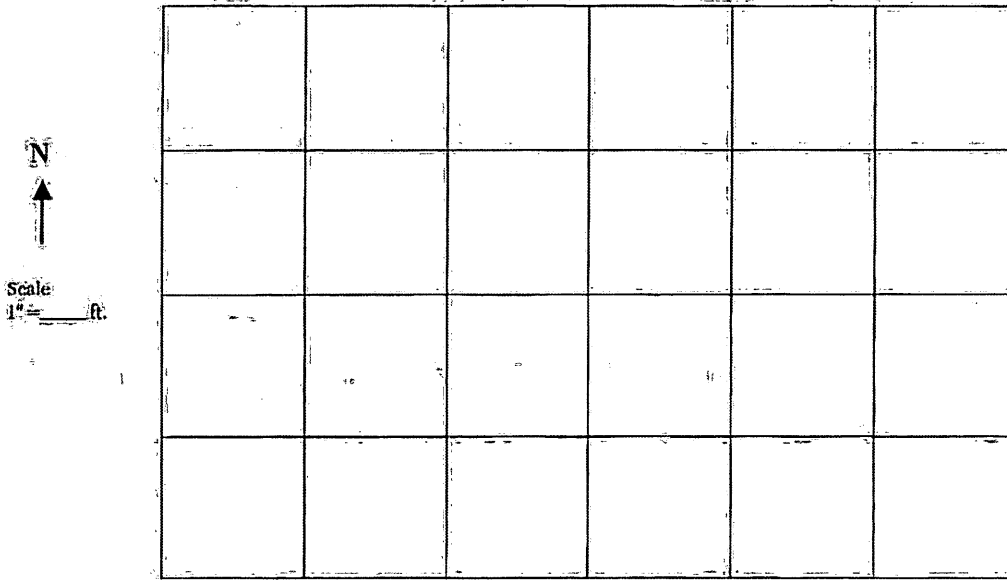
Is Meter Installed Properly? \_\_\_\_\_

Chemical Injection System? no    Check Valve? yes    Low Pressure \_\_\_\_\_

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

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

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



**TEST OF DIVERSION RATE:**

Length of time well has been operating prior to test 0  
 Location of test Horizontal pipe at pivot  
 Pipe Diameter (I.D.) 7 3/8 inches

Test No. 1—Normal Conditions *See attached sheet*      Test No. 2—Maximum Conditions *Flow from well NE 1/4, SW 1/4, SW 1/4 NONE*

R.P.M. POWER UNIT 2213  
 R.P.M. PUMP UNIT 1660  
 Pressure at Pump 110 psi

R.P.M. POWER UNIT 2200  
 R.P.M. PUMP UNIT 1650  
 Pressure at Pump 10 psi

Jacuzzi Meter Test      Meter Identification No. \_\_\_\_\_

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

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

Propeller Meter Test      Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Meter Diameter \_\_\_\_\_ inches

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

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

NOT RECORDED  
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 APR 27 2018

**FUEL RECORDS:**

Electricity Supplier \_\_\_\_\_  
 Meter Manufacturer \_\_\_\_\_ Type \_\_\_\_\_ Serial No. \_\_\_\_\_

K \_\_\_\_\_ watt/rev r \_\_\_\_\_ revolutions t \_\_\_\_\_ seconds

Rate =  $Kr \times 3.6$  = \_\_\_\_\_ kw/hr Hours = \_\_\_\_\_ kw-hr = \_\_\_\_\_ rate

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

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

**TABULATION OF WATER USE:**

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	936	1000		130
1978				
1979				
1980				
1981				
1982				
1983	2200 <sup>†</sup>	700 <sup>†</sup>		127 <sup>†</sup>
1984	1750 <sup>†</sup>	400 <sup>†</sup>		130 <sup>†</sup>
* 1985	1850 <sup>†</sup>	425 <sup>*</sup>		130 <sup>†</sup>
1986		425 <sup>*</sup>		

<sup>†</sup> From WUR sent to us from Jerry Weaver of Agri. Affiliates

\* From test on 11/5/86

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: SEE ATTACHED SHEETS FOR LOGIC IN CHOOSING A YEAR OF RECORD.

Person present at test Kent Naber Irrigation Manager (name) (relation to you)

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

Conducted by Rag Ebert Date 11/13/86 (signature) (date)

Approved by [Signature] Date 1/15/87 (name) (date)

WATER RESOURCES REAYS000621

APR 27 2018

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

Flow from well in the NE 1/4, SW 1/4, SW 1/4 pumping alone

**COLLINS METER TEST**

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

Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 147.8

Test Pressure (psi) 10 Test RPM, Pump 1650

Description of Test Location Horizontal pipe before pivot stand

TEST DATA:  Check, Initial  Reversed

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
--------------------------------------	--	--

<u>1 5/8</u>	<u>4.52</u>	<u>4.35</u>	<u>4.28</u>	<u>4.25</u>
<u>2 3/4</u>	<u>4.93</u>	<u>4.54</u>	<u>4.20</u>	<u>3.68</u>
<u>3 9/16</u>	<u>4.40</u>	<u>4.45</u>	<u>4.15</u>	<u>4.40</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.35

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
4.35 x .9826 = 4.27

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
4.27 x 147.8 = 631 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:

*[Signature]*

Professional Engineer

JUN 19 1987

WATERWAY S000622

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APR 27 2018

DIVISION OF WATER  
STAFFORD

KS DEPT OF AGRICULTURE

597

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Flow from well in NE 1/4, SW 1/4, SW 1/4 under normal conditions*

Collins Meter No. 1-85 Meter Calibration Factor 9826

Pipe Inside Diameter (inches) 7 13/16 Flow Rate Factor 147.8

Test Pressure (psi) 110 Test RPM, Pump 1660

Description of Test Location Horizontal pipe before pivot stand

TEST DATA:  Check, Initial 2.92 Reversed 2.96  
 Meter Setting From Left Side of Pipe Velocity 2.92 Right Side of Pipe Velocity 2.96  
 Center of Pipe (or Front Side if Vertical Test) (or Back Side if Vertical Test)

<u>1 5/8</u>	<u>2.99</u>	<u>2.95</u>	<u>2.95</u>	<u>2.91</u>
<u>2 3/4</u>	<u>2.90</u>	<u>2.90</u>	<u>2.92</u>	<u>2.92</u>
<u>3 9/16</u>	<u>2.96</u>	<u>2.93</u>	<u>2.82</u>	<u>2.93</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.923

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
2.923 x 9826 = 2.872

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
2.872 x 147.8 = 425 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

*Neil J. W. [Signature]*

Professional Engineer

JUN 19 1987

WATER RESOURCES RECEIVED HAYS000623

DIVISION OF WATER & STAFFORD

APR 27 2018



APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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RECEIVED PUMPING PLANT TESTING, INC.

Reviewed by:

*[Signature]*  
Professional Engineer

WATER RESOURCES RECEIVED S000624

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

APR 27 2018

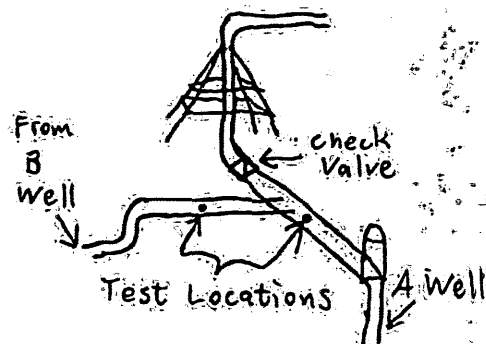
KS DEPT OF AGRICULTURE

APPLICATION NO: 21729

NAME: Connecticut General Life Ins

Flow test on wells pumping independently:

Since there was only one check valve for both wells (located downstream of the pipe junction), each of these wells were tested upstream of the pipe junction. (See diagram) The pressure is low on the individual test because the water is going down the well on the pump that isn't running.



Flow test under "normal" conditions:

"Normal" conditions are when both wells are pumping together into the center pivot. We tested the flow from each individually while both were pumping. The total flow into the system would be the combined flow of each well pumping under "normal" conditions, (274 gpm + 425 gpm = 699 gpm)



PUMPING PLANT TESTING, INC.

Reviewed by:

*Neil J. W. [Signature]*

Professional Engineer HAYS000625

JUN 10 1987

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FIELD OFFICE  
DIVISION OF WATER RESOURCES

APR 27 2018

EXHIBIT G

DIVISION OF WATER RESOURCES - KANSAS STATE BOARD OF AGRICULTURE  
FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 5 of 6 Diversion points  
 Application No. 21729 Date 11/5/86 Firm/Field Office Pumping Plant Testing, Inc  
 Inspector Klassen/Ebert  
 Field Area No. 2 G.M.D. No. 5 County Edwards  
 Current Landowner Connecticut General Life Ins. 70 Agri. Affiliates  
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver  
 Additional landowners and addresses identified in remarks section.  
 Water Use Classification: 1. Domestic ( ) 2. Industrial ( ) 3. Irrigation ()  
 4. Municipal ( ) 5. Recreation ( ) 6. Stockwatering ( ) 7. Water Power ( )  
 Groundwater ( Drainage Basin Arkansas River  
 Surface Water ( ) Stream \_\_\_\_\_  
 Authorized Point of Diversion: well N.E. SW 1/4 Sec. 29, T. 25, R. 19  
 Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of S.E. corner of Sec. \_\_\_\_\_  
 Actual Point of Diversion: well N.E. SW 1/4 Sec. 29, T. 25, R. 19  
 Approximately 1916 ft. North and 4000 ft. West of S.E. corner of Sec. 29  
 How were distances determined? Scaled from A.S.C.S. photo  
 "Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.96 c.f.s.)  
 Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976  
 Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED - YEAR OF RECORD 1985

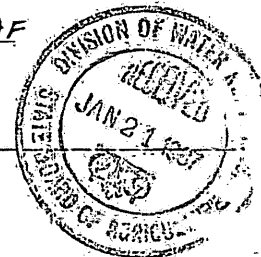
S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19																	130

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 93.3 AF  
 Flow from individual well with both Normal Operating C.P.M. 274 Equiv. c.f.s. .611  
 well pumping alone Maximum Operating C.P.M. 358 Equiv. c.f.s. .798

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: RECEIVED  
 Total No. of Hours on land covered by this application 1850  
 Ac. Ft. Applied = 1850 hrs. x 274 g.p.m. x 4.19 = 2117 AF  
 Acres of "Approved" Land irrigated 125  
 Ac. Ft. on "Approved" Land 94 (019 Ac. Ft./Ac.)  
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 94



Proportion Calculations:  $274 \text{ g.p.m.} \times 7.425 \text{ g.p.m.} = 6.99 \text{ g.p.m.}$   $274 \text{ g.p.m.} = 6.99 \text{ g.p.m.}$   
 $0.39 \times 10.8 \text{ AF} = 4.2 \text{ AF}$   
 Perfected Rate 360 g.p.m. Perfected Quantity 74 AF  
 DWR-101 Completed by Douglas E. Bush 3-17-87  
 DIVISION OF WATER RESOURCES STAFFORD  
 WATER RESOURCES HAYS000626  
 Revised March 1987  
 APR 27 2018

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot     High Pressure     Low Pressure

Manufacturer Olsen    Model not ag    Serial No. \_\_\_\_\_

Drive Electric    Length of Pivot Arm \_\_\_\_\_

Design Pressure-Pivot \_\_\_\_\_ p.s.i.    Operating Pressure-Pivot \_\_\_\_\_ p.s.i.

End Gun? yes    End Gun Rating \_\_\_\_\_ g.p.m. / Rain Bird 85

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open \_\_\_\_\_    Normal Pipe Size \_\_\_\_\_

Pressure at pump \_\_\_\_\_ p.s.i.

Other:    Type: \_\_\_\_\_

Manufacturer \_\_\_\_\_    Model \_\_\_\_\_    Serial No. \_\_\_\_\_

Unusual Conditions/Other Info. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

POWER UNIT INFORMATION:

Manufacturer Ford    Model No. 300    HP \_\_\_\_\_

Serial No. 11909 K-28-76    Fuel Natural Gas    Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Western Land Roller    Model No. not ag    Rated RPM \_\_\_\_\_

Serial No. \_\_\_\_\_    Type Vertical Turbine    No. stages \_\_\_\_\_

GEAR HEAD INFORMATION:

Manufacturer Amacillo    Model No. \_\_\_\_\_

Serial No. OL 36605    Drive Right Angle    Ratio 1:1

WELL INFORMATION: No records available from owner's representative.

Date Drilled prior to Jan. 1977    Original Depth \_\_\_\_\_ ft.    Static Water Level When Drilled \_\_\_\_\_ ft.

Tape Down Possible? yes 25'    Water Level Measurement Tube? No

Measuring Point 5 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no    Make of Meter: \_\_\_\_\_

Meter Model No. \_\_\_\_\_    Serial No. \_\_\_\_\_    Size \_\_\_\_\_

Is Meter Installed Properly? \_\_\_\_\_

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

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

WATER RESOURCES RECEIVED HAYS000627

APR 27 2018

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



**TEST OF DIVERSION RATE:**

Length of time well has been operating prior to test 0  
 Location of test Horizontal pipe at pivot  
 Pipe Diameter (I.D.) 7.316 inches

Test No. 1—Normal Conditions *See attached sheet*      Test No. 2—Maximum Conditions *Flow from well NC SW 1/4 alone*

R.P.M. POWER UNIT <u>1760</u>	R.P.M. POWER UNIT <u>1771</u>
R.P.M. PUMP UNIT <u>1760</u>	R.P.M. PUMP UNIT <u>1771</u>
Pressure at Pump <u>110</u> psi	Pressure at Pump <u>6</u> psi

Jacuzzi Meter Test      Meter Identification No. \_\_\_\_\_

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

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

Propeller Meter Test      Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Meter Diameter \_\_\_\_\_ inches

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

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

WATER RESOURCES  
 HAYS000628-D  
 FILMED  
 APR 27 2018

FUEL RECORDS:

Electricity Supplier \_\_\_\_\_  
 Meter Manufacturer \_\_\_\_\_ Type \_\_\_\_\_ Serial No. \_\_\_\_\_  
 K \_\_\_\_\_ watt/rev r \_\_\_\_\_ revolutions l \_\_\_\_\_ seconds  
 Rate =  $Kr \times 3.6$  = \_\_\_\_\_ kw/hr Hours = \_\_\_\_\_ kw-hr = \_\_\_\_\_ rate

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate =  $\frac{\text{Volume (test)}}{\text{Time}}$  = \_\_\_\_\_  
 How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

Year	Hours Pumped (hr.)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1764	1000		125
1976				
1977	936	1000		130
1978				
1979	1224	650		126
1980	1416	650		126
1981	1152	650		126
1982				
1983	2200 <sup>†</sup>	700 <sup>†</sup>		127 <sup>†</sup>
1984	1750 <sup>†</sup>	450 <sup>†</sup>		130 <sup>†</sup>
* 1985	1850 <sup>*</sup>	274 <sup>*</sup>		130 <sup>*</sup>
1986		274 <sup>*</sup>		

<sup>†</sup> From WUA sent to us from Jerry Weaver of Agri Affiliates

\* From test on 11/5/86

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

Crops Irrigated; this year Alfalfa Year of record Alfalfa

REMARKS: See attached sheet for logic in choosing a year of record.

Person present at test Kent Nabes Irrigation Manager  
 Water Use Correspondent Lyle Kolbeck Spearville, Ks 67976 316-385-2803  
 Conducted by Greg Ebert Date 11/11/86  
 Approved by [Signature] Date 1/15/87

APR 27 2018

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

COLLINS METER TEST Flow from well newly pumping alone

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

Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 147.8

Test Pressure (psi) 6 Test RPM, Pump 1771

Description of Test Location Horizontal pipe before pivot stand

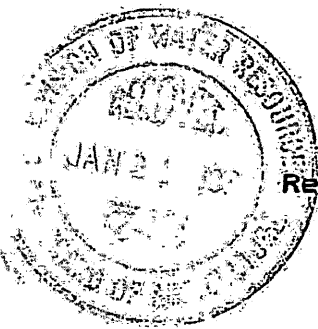
TEST DATA:  Check, Initial 2.72 Reversed 2.75  
 Meter Setting From Center of Pipe Velocity Left Side of Pipe Velocity Right Side of Pipe  
 (or Front Side if (or Back Side if  
 Vertical Test) Vertical Test)

<u>1 5/8</u>	<u>2.66</u>	<u>2.67</u>	<u>2.75</u>	<u>2.70</u>
<u>2 3/4</u>	<u>2.48</u>	<u>2.48</u>	<u>2.56</u>	<u>2.60</u>
<u>3 9/16</u>	<u>2.26</u>	<u>2.30</u>	<u>2.38</u>	<u>2.29</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.51

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
2.51 x .9635 = 2.419

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
2.419 x 147.8 = 358 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

Professional Engineer

JUN 19 1987

HAYS000630

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

WATER RESOURCES  
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APR 27 2018

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Flow from wall NC SW 1/4 under normal conditions*

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

Pipe Inside Diameter (inches) 7 13/16 Flow Rate Factor 14.78

Test Pressure (psi) 110 Test RPM, Pump 1760

Description of Test Location Horizontal pipe before pivot stand

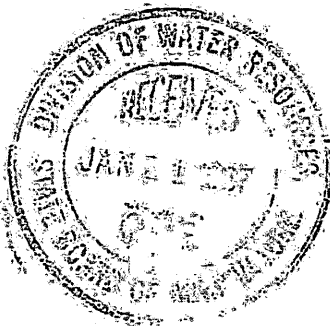
TEST DATA:	<input checked="" type="checkbox"/> Check, Initial	<u>2.05</u>	Reversed	<u>2.06</u>
		Velocity		Velocity
	Meter Setting From	Left Side of Pipe		Right Side of Pipe
	Center of Pipe	(or Front Side if		(or Back Side if
		Vertical Test)		Vertical Test)

<u>1 5/8</u>	<u>1.99</u>	<u>2.00</u>	<u>2.04</u>	<u>2.01</u>
<u>2 3/4</u>	<u>1.87</u>	<u>1.92</u>	<u>2.00</u>	<u>1.99</u>
<u>3 9/16</u>	<u>1.81</u>	<u>1.76</u>	<u>1.95</u>	<u>1.78</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 1.93

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 1.93 x .9635 = 1.856

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 1.856 x 14.78 = 274 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

Professional Engineer

JUN 10 1957

WATER RESOURCES RECEIVED HAYS000631

APR 27 1958 FILMED

FIELD DIVISION OF WATER RESOURCES



APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

Reviewed by:

*M. J. W.*

WATER RESOURCES RECEIVED S000632

Professional Engineer

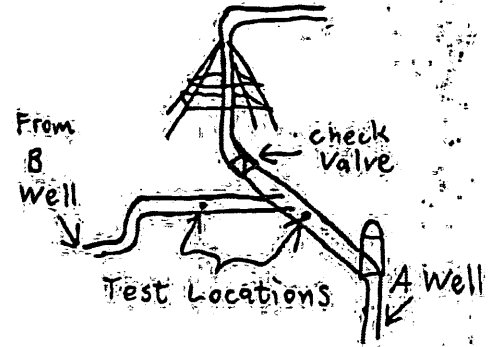
APR 27 2018

APPLICATION NO: 21729

NAME: Connecticut General Life Ins

Flow test on wells pumping independently:

Since there was only one checkvalve for both wells (located downstream of the pipe junction), each of these wells were tested upstream of the pipe junction. (See diagram) The pressure is low on the individual test because the water is going down the well on the pump that isn't running.



Flow test under "normal" conditions:

"Normal" conditions are when both wells are pumping together into the center pivot. We tested the flow from each individually while both were pumping. The total flow into the system would be the combined flow of each well pumping under "normal" conditions. (274 gpm + 425 gpm = 699 gpm)



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PUMPING PLANT TESTING, INC.

Reviewed by:

JUN 19 1987

*M.J. W.*

Professional Engineer

FILL IN  
DIVISION OF WATER RESOURCES  
STAFFORD

WATER RESOURCES HAYS000633

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APR 27 2018

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EXHIBIT H

DIVISION OF WATER RESOURCES - KANSAS STATE BOARD OF AGRICULTURE  
FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 4 of 6 Diversion points

Application No. 21729 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc.  
Inspector Ebert/Klassen

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

Current Landowner Connecticut General Life Insurance Co. Agr. Associates

Address Box 1162 North Platte NE 69103 Ann Terry Weaver

Additional landowners and addresses identified in remarks section.

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

Groundwater (X) Drainage Basin Arkansas River

Surface Water ( ) Stream

Authorized Point of Diversion: Well NC SE 1/4 Sec. 29, T. 25, R. 19  
Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of SE corner of Sec. \_\_\_\_\_

Actual Point of Diversion: Well NC SE 1/4 Sec. 29, T. 25, R. 19  
Approximately 1377 ft. North and 1415 ft. West of SE corner of Sec. 29

How were distances determined? Scaled from ASES photo

"Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED - YEAR OF RECORD 1985

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
29	25	19																		125

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APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 244.6 AF

Normal Operating C.P.M. 718 Equiv. c.f.s. 1.60

Maximum Operating C.P.M. \_\_\_\_\_ Equiv. c.f.s. \_\_\_\_\_

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes \_\_\_\_\_ No 2

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = 1850 hrs. x 718 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 245 AF

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 245 (0.49 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 245

Proration Calculations: 125 acres irrigated x 1.5 A.F. per acre WATER RESOURCES RECEIVED

Perfected Rate 720 g.p.m. Perfected Quantity 188 AF

Dwn. by completed by Douglas E. Bush 3-10-87



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HAYS000634  
APR 27 2018  
Revised March 1988

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot     High Pressure     Low Pressure

Manufacturer Olsen    Model 103 PL    Serial No. 3999

Drive Electric    Length of Pivot Arm \_\_\_\_\_

Design Pressure-Pivot \_\_\_\_\_ p.s.i.    Operating Pressure-Pivot \_\_\_\_\_ p.s.i.

End Gun? yes    End Gun Rating \_\_\_\_\_ g.p.m. Toto

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open \_\_\_\_\_    Normal Pipe Size \_\_\_\_\_

Pressure at pump \_\_\_\_\_ p.s.i.

Other    Type \_\_\_\_\_

Manufacturer \_\_\_\_\_    Model \_\_\_\_\_    Serial No. \_\_\_\_\_

Unusual Conditions/Other Info. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

POWER UNIT INFORMATION:

Manufacturer Ford    Model No. 460    HP \_\_\_\_\_

Serial No. 11669 K-26-TG    Fuel Natural Gas    Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Johnston    Model No. \_\_\_\_\_    Rated RPM \_\_\_\_\_

Serial No. CF21229    Type Vertical Turbine    No. stages \_\_\_\_\_

GEAR HEAD INFORMATION:

Manufacturer Amarillo    Model No. 580

Serial No. 87993    Drive Right Angle    Ratio 5:1

WELL INFORMATION:

Date Drilled prior to Jan 1974    Original Depth 33 ft.    Static Water Level When Drilled 4 ft.

Tape Down Possible? No    Water Level Measurement Tube? no

Measuring Point \_\_\_\_\_ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no    Make of Meter \_\_\_\_\_

Meter Model No. \_\_\_\_\_    Serial No. \_\_\_\_\_    Size \_\_\_\_\_

Is Meter Installed Properly? \_\_\_\_\_

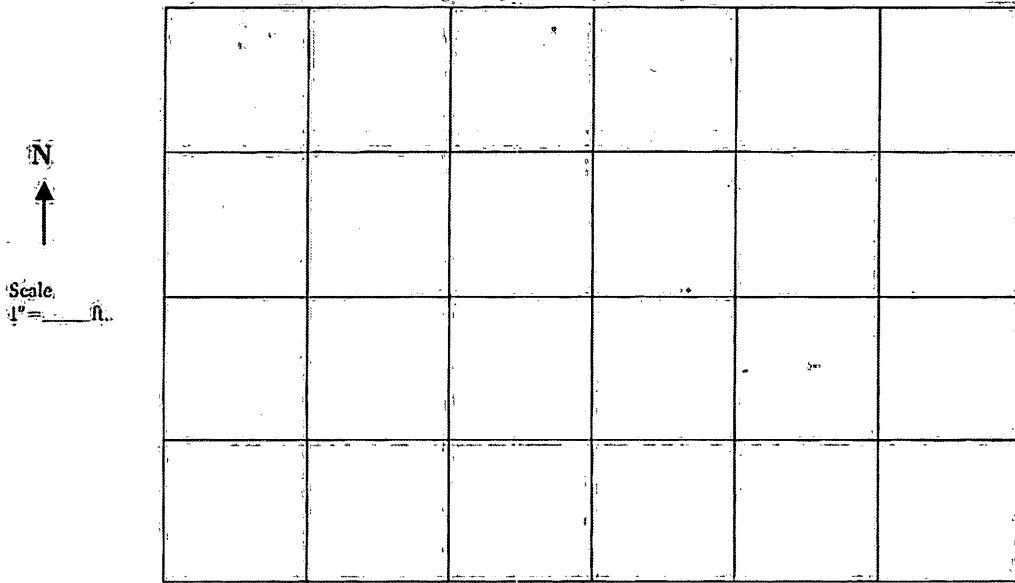
Chemical Injection System? yes    Check Valve? no    Low Pressure Drain? no

Vacuum Breaker? no    Are these anti-pollution devices installed properly? \_\_\_\_\_

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

WATER RESOURCES  
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HAYS000635  
APR 27 2018

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test: 0  
 Location of test: In horizontal pipe between pump and pivot  
 Pipe Diameter (I. D.): 73/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 3210  
 R.P.M. PUMP UNIT 1768  
 Pressure at Pump 53 psi

R.P.M. POWER UNIT \_\_\_\_\_  
 R.P.M. PUMP UNIT \_\_\_\_\_  
 Pressure at Pump \_\_\_\_\_ psi

Jacuzzi Meter Test

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

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

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

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

Propeller Meter Test Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Meter Diameter \_\_\_\_\_ inches

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

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

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

HAYS000636  
 APR 27 2018

**FUEL RECORDS:**

Electricity Supplier \_\_\_\_\_  
 Meter Manufacturer \_\_\_\_\_ Type \_\_\_\_\_ Serial No. \_\_\_\_\_  
 K \_\_\_\_\_ watt/rev R \_\_\_\_\_ revolutions T \_\_\_\_\_ seconds  
 Rate =  $\frac{Kr \times 3.6}{T}$  = \_\_\_\_\_ kw/hr Hours =  $\frac{\text{kw-hr}}{\text{rate}}$  = \_\_\_\_\_

Other Fuels Type Natural Gas Supplier Kansas-Nebraska  
 Rate =  $\frac{\text{Volume (test)}}{\text{time}}$  = \_\_\_\_\_  
 How was the test volume determined? Not Determined Engine not on individual meter

**TABULATION OF WATER USE:**

Year	Hours Pumped (hr.)	Tested Pumping Rate (gpm.)	Water Used (AF.)	Acres Irrigated
1975	1260	1000		125
1976				
1977	701	1000		130
1978				
1979	1224	780		123
1980	1416	780		123
1981	1152	780		123
1982				
1983	2200 <sup>F</sup>	800 <sup>F</sup>		123 <sup>F</sup>
1984	1700 <sup>F</sup>	850 <sup>F</sup>		125 <sup>F</sup>
* 1985	1850 <sup>F</sup>	718 <sup>*</sup>		125 <sup>F</sup>
1986		718 <sup>*</sup>		

\* obtained from test on 9/30/86  
 F obtained from WAR sent to us from Jerry Weaver

Indicate Year of Record with (\*) Source of Information Stafford Files  
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: See attached sheet for logic in choosing a year of record.

Person present at test Kent Naber Irrigation Manager  
(name) (relationship)  
 Water Use Correspondent Lyle Kolbeck Spearsville, Ks 67876 316-385-2803  
(name) (address) (phone number)  
 Conducted by Greg Ebert Date 10/11/86  
(signature)  
 Approved by W.D. Winters P.E. Date 1/15/87  
(signature) (title)

WATER RESOURCES RECEIVED  
 HAYS000637  
 APR 27 2018

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

WC SE 1/4

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor 9559

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

Test Pressure (psi) 53 Test RPM, Pump 1768

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA:  Check, Initial 5.70 Reversed 5.68

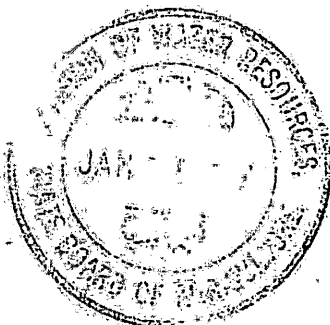
Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
--------------------------------------	--	--

<u>1 9/16</u>	<u>5.44</u> <u>5.52</u>	<u>5.67</u> <u>5.56</u>
<u>2 3/4</u>	<u>5.37</u> <u>5.30</u>	<u>5.42</u> <u>5.50</u>
<u>3 9/16</u>	<u>4.55</u> <u>4.59</u>	<u>4.60</u> <u>4.47</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.17

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) =  
5.17 × 19559 = 4.94

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) =  
4.94 × 145.4 = 718 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

Professional Engineer WATER RESOURCES

JUN 19 1987

HAYS000638

APR 27 2018

DIVISION OF WATER RESOURCES

KANSAS DEPT OF AGRICULTURE

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:

*Neil J. W.*

WATER RESOURCES RECEIVED

DAYS000639

Professional Engineer APR 7 2018



KANSAS STATE BOARD OF AGRICULTURE  
Division of Water Resources

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

To: Files

Date: March 17, 1987

From: Douglas E. Bush

Re: Appropriation of Water  
File No. 21,729

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc. has been reviewed. It meets the requirement specified in the scope of work.

The quantity perfected under the above referenced File No. was fully perfected in accordance to the acres irrigated. That is 500 acres irrigated x 1.5 acre-feet per acre = 750 acre-feet or 752 acre-feet because of the rounding of quantity.

The combined tested rates for the two wells located in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, Township 25 South, Range 19 West, Edwards County, Kansas, did not equal the rate when the wells were tested pumping by themselves and then added together. Pumping Plant Testing was contacted on March 17, 1987. It was learned that because of air being in the system, the rates were lower when tested by themselves. Therefore the rates for the two wells were prorated up to the combined rate as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 599 (combined rate) = 273 gallons per minute [near the center of the Northwest Quarter (NW $\frac{1}{4}$ )]. 313 gallons per minute divided by 576 gallons per minute = 0.54 x 599 gallons per minute (combined rate) = 325 gallons per minute [in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ )].

The quantities for the wells located near the center of the Northwest Quarter (NW $\frac{1}{4}$ ) and in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 86 acre-feet [near the center of the Northwest Quarter (NW $\frac{1}{4}$ )], 313 gallons per minute divided by 576 gallons per minute = 0.54 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 102 acre-feet [Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ )].

The quantities for the wells located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) and in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 274 gallons per minute + 425 gallons per minute = 699 gallons per minute. 274 gallons per minute divided by 699 gallons per minute = 0.39 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per

APR 27 2018

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KS DEPT OF AGRICULTURE

Memo  
page two  
File No. 21,729  
March 17, 1987

gallons per minute divided by 699 gallons per minute = 0.61 x 188 acre-feet  
(maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 114 acre-  
feet.

The acres shown to be irrigated by some pivots were over the 125 approved  
acres. The actual acres irrigated under all pivot irrigation systems is  
probably close to 125 acres as shown by the ASCS aerial photograph. Therefore,  
no prorating of quantity was done for irrigating unapproved land.

The WUC shown on the Field Inspection Report was changed to show Agri  
Affiliates as correspondent. This information was obtained in a March 25, 1987  
phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of  
Agri Affiliates.

A limitation was needed on the combined rate, for the well located in the  
Southwest Quarter (SW $\frac{1}{4}$ ) of said section and the well 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 said  
section. This limitation limits the combined rate of these two wells to 700  
gallons per minute when the wells are run simultaneously.

A limitation was needed on the total rate when all wells are being run  
simultaneously. The limitation limits the rate to 2,900 gallons per minute, the  
maximum approved rate.

*Douglas E. Bush*

Douglas E. Bush  
Hydrologist

DEB:jt

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JUN 19 1987

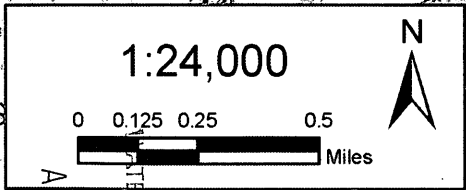
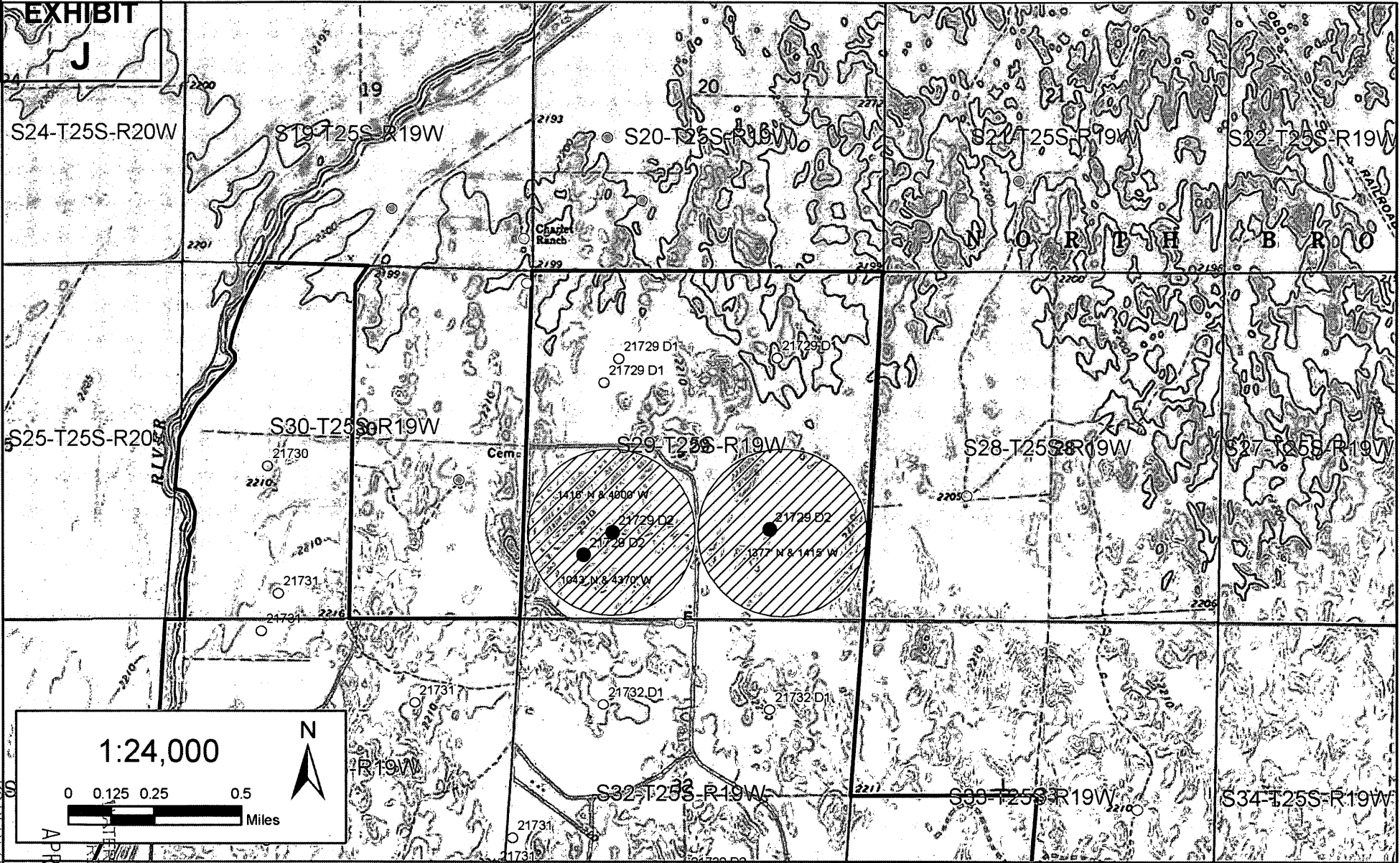
FIELD  
DIVISION OF WATER RESOURCES  
STATE OF KANSAS

WATER RESOURCES  
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EXHIBIT

J



**Legend**

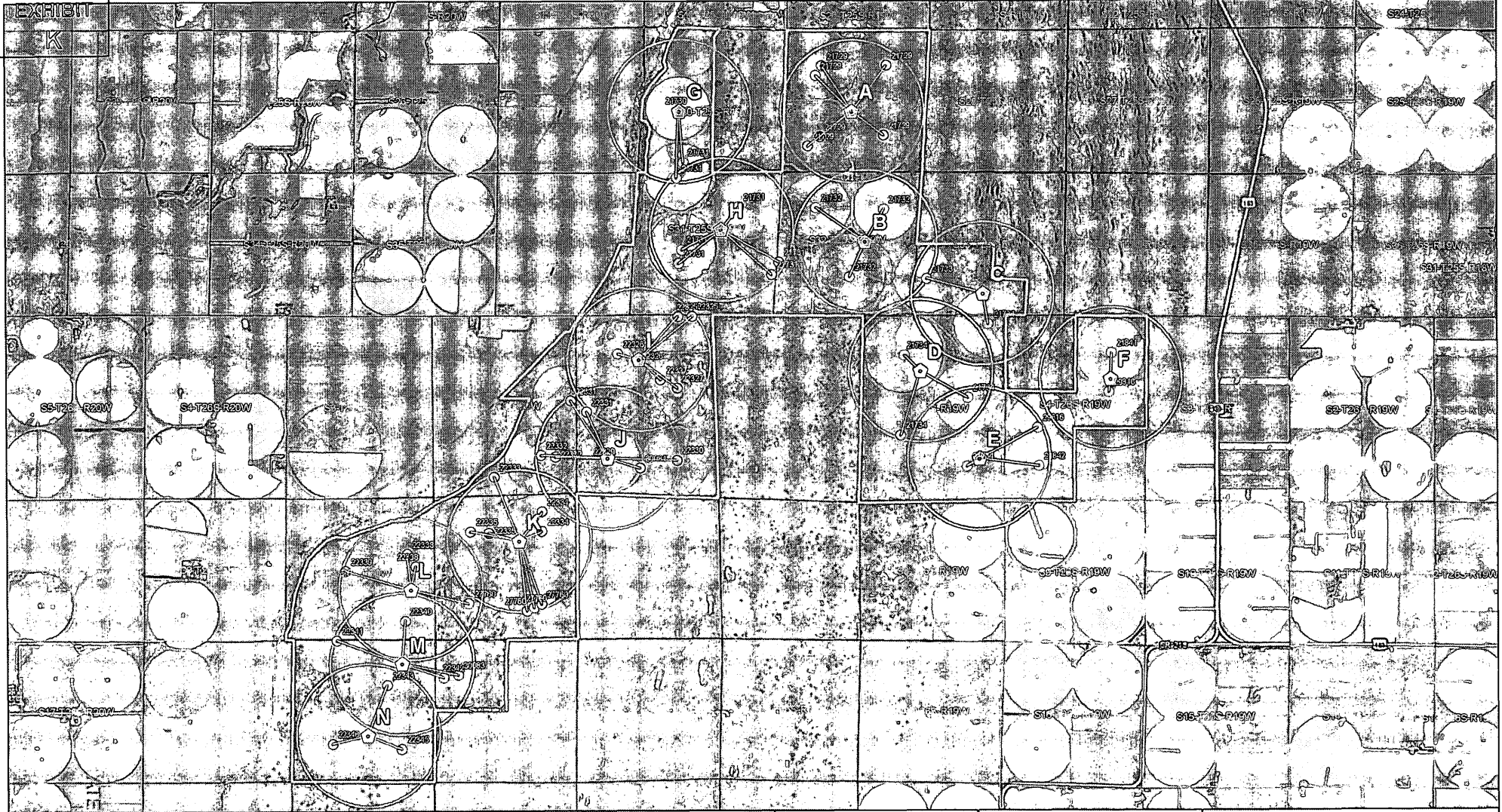
- 21729-D2 Existing Points of Diversion
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stockwater Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells
- ▨ 21729-D2 Existing Place of Use
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stockwater Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections



**CHANGE APPLICATION 21729-D2  
APPLICATION MAP  
AUTHORIZED PLACE OF USE &  
POINTS OF DIVERSION**

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RESOURCES  
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**Legend**

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

1:40,000

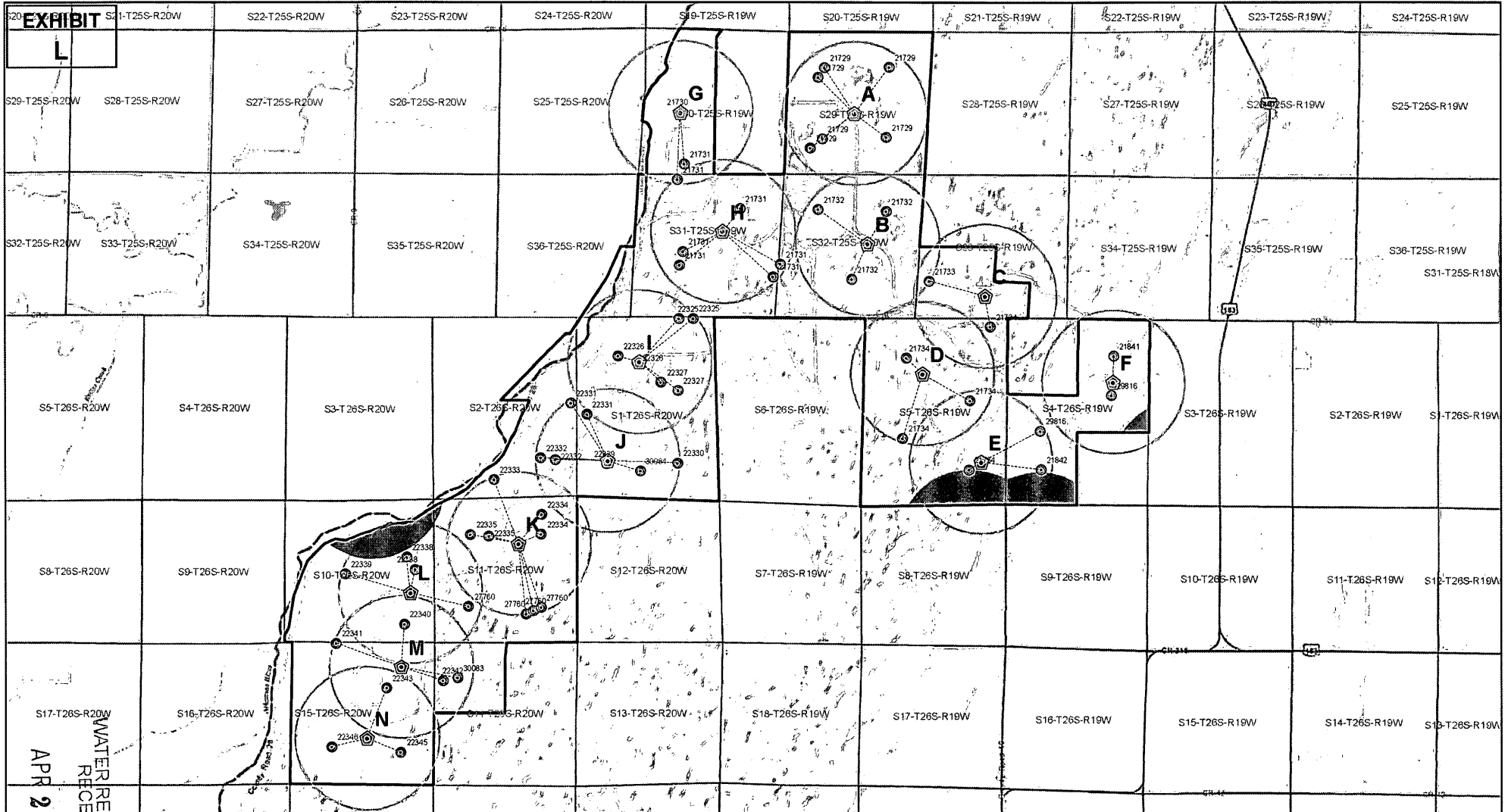
0 0.25 0.5 1 Miles

N



RECORDED  
R 29 2018

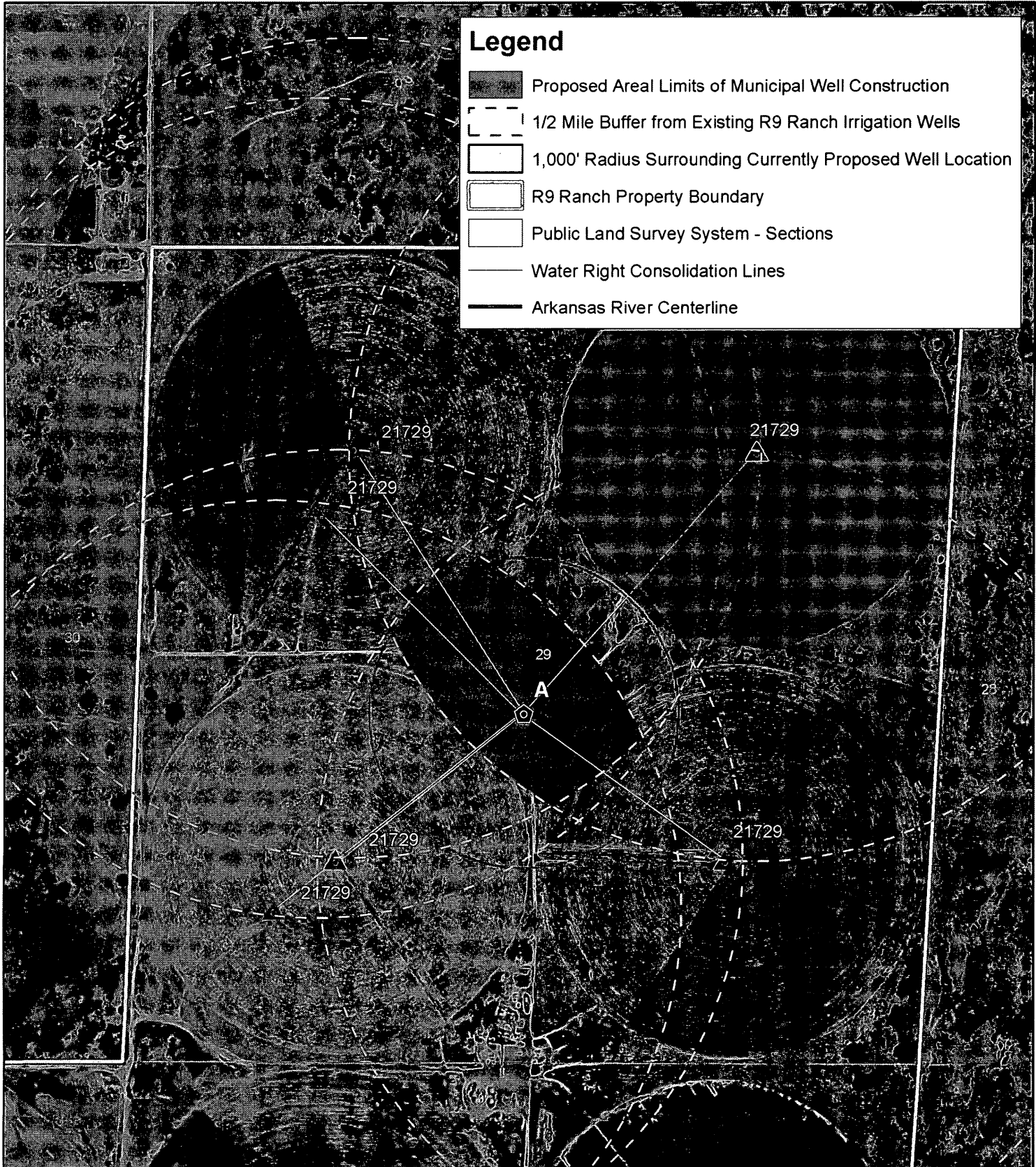
KS DEPT OF AGRICULTURE



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Proposed Municipal Wells (A-N)</li> <li>Existing R9 Ranch Points of Diversion</li> <li>1/2 Mile Buffer Around Proposed Wells</li> <li>Water Rights Consolidation Lines</li> <li>Area Excluded From Proposed Wells</li> <li>River Centerline</li> <li>R9 Ranch Property Boundary</li> <li>PLSS Sections</li> </ul>		<p>1:40,000</p> <p>0 0.25 0.5 1 Miles</p>			
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WATER RESOURCES  
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**Legend**

- Proposed Areal Limits of Municipal Well Construction
- 1/2 Mile Buffer from Existing R9 Ranch Irrigation Wells
- 1,000' Radius Surrounding Currently Proposed Well Location
- R9 Ranch Property Boundary
- Public Land Survey System - Sections
- Water Right Consolidation Lines
- Arkansas River Centerline

**Legend**

- R9 Irrigation Wells
- Currently Proposed Well Site

N

1:10,000

0 250 500 1,000  
Feet

**BURNS  
MCDONNELL.**

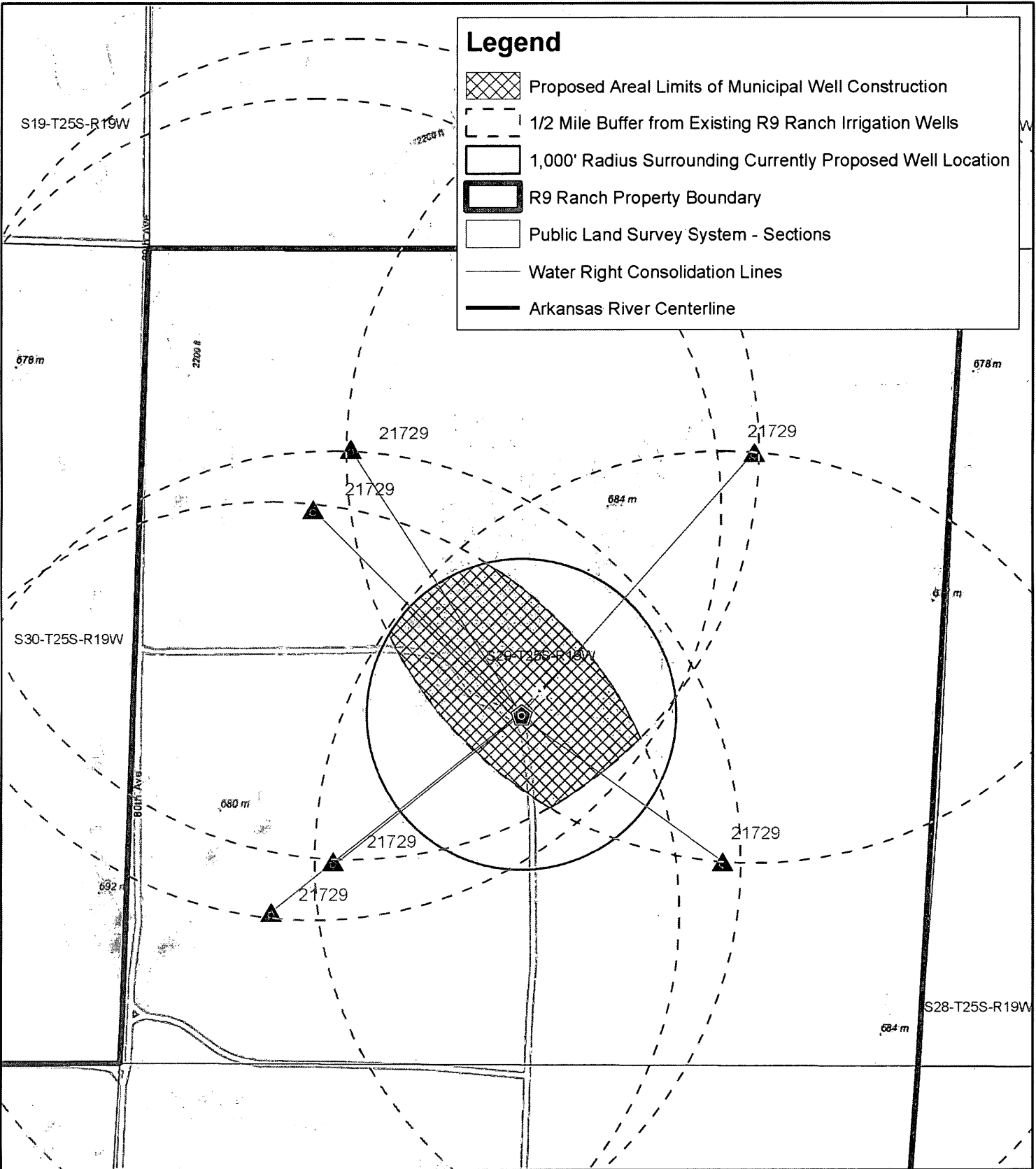
**Conceptual Well Site A**

File No. 21,729

WATER RESOURCES  
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**Exhibit M**

APR 27 2018



**Legend**

- Proposed Areal Limits of Municipal Well Construction
- 1/2 Mile Buffer from Existing R9 Ranch Irrigation Wells
- 1,000' Radius Surrounding Currently Proposed Well Location
- R9 Ranch Property Boundary
- Public Land Survey System - Sections
- Water Right Consolidation Lines
- Arkansas River Centerline

**Legend**

- R9 Irrigation Wells
- Currently Proposed Well Site

N

1:10,000

0 250 500 1,000

Feet

**BURNS  
MCDONNELL**

**Conceptual Well Site A**

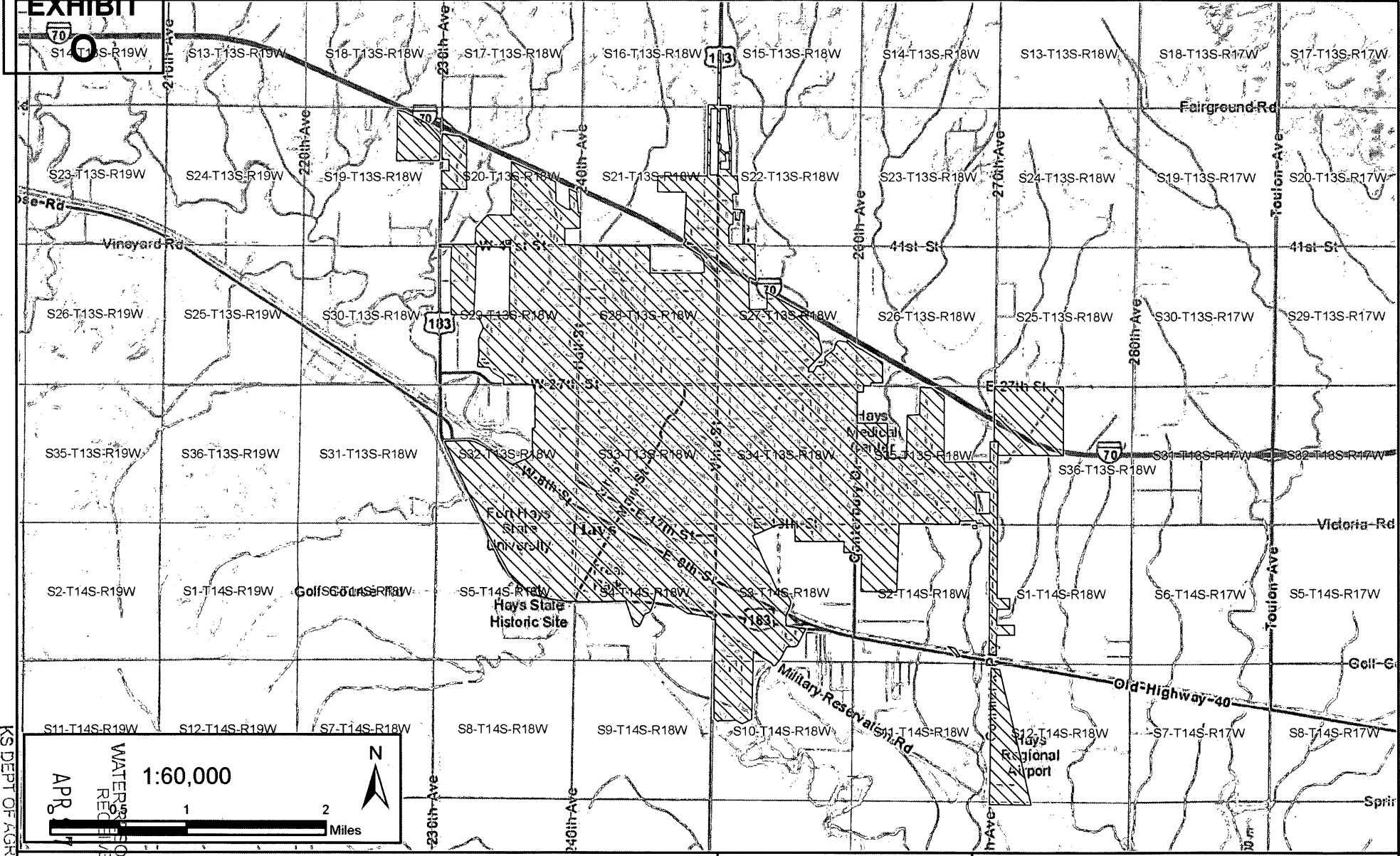
File No. 21729

WATER RESOURCES DIVISION RECEIVED

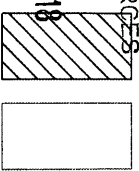
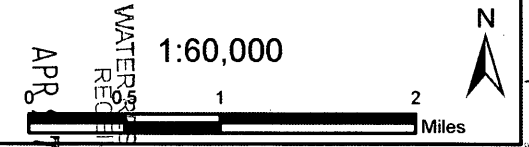
Exhibit N

APR 27 2018

**EXHIBIT**



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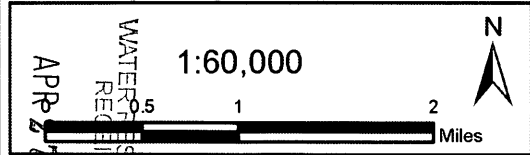
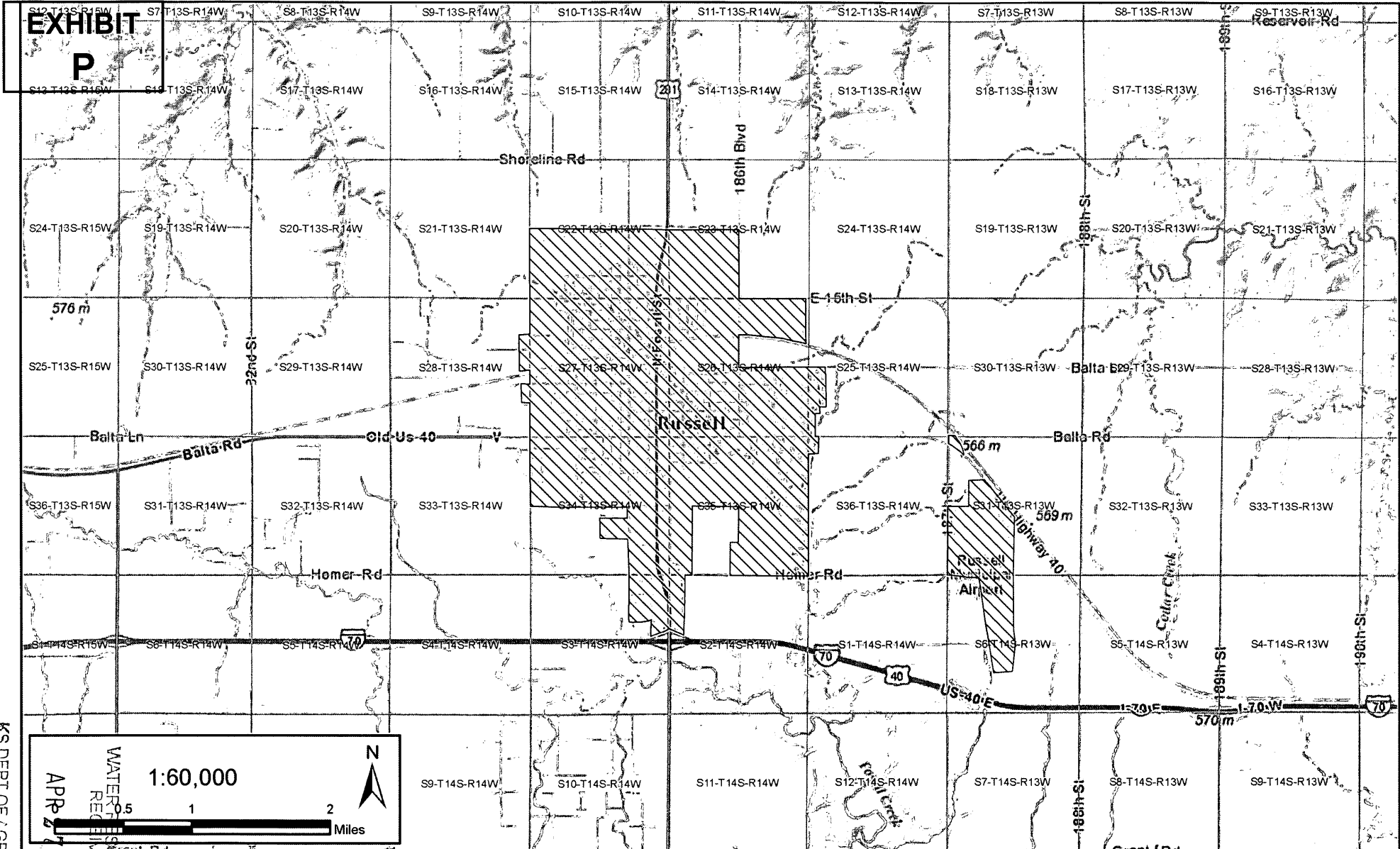


Proposed Place of Use City of Hays

PLSS Sections

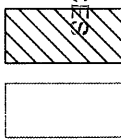






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APR 27 2018



Proposed Place of Use - City of Russell

PLSS Sections



Applicant's Name City of Russell  
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION  
SUPPLEMENTAL INFORMATION SHEET**

Application File Number  
(assigned by DWR)

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

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

**UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER**

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2, and subtracting the numbers in Columns 3, 4, 5, and 6.

**UNACCOUNTED FOR WATER**

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

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:  
Percent Unaccounted For Water =  $\frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$   
If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT  
Q**

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	373,757,000	0	0	171,928,220	115,864,670	18,687,850	67,276,280
10 years ago	477,486,000	0	0	222,781,000	147,340,000	19,483,000	87,882,000
5 years ago	375,790,000	0	0	144,277,000	123,343,000	18,907,000	89,263,000
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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**SECTION 3: PROJECTED FUTURE WATER NEEDS**

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

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

**SECTION 4: POPULATION AND SERVICE CONNECTIONS**

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS.

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

Provide number of current active service connections:

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

**SECTION 5: PRESENT GALLONS PER PERSON PER DAY**

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

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

**SECTION 6: AREA TO BE SERVED**

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

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

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

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION  
SUPPLEMENTAL INFORMATION SHEET**

Application File Number:  
(assigned by DWR)

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

Column 1: Raw Water Diverted Under Your Rights	Column 2: Water Purchased From All Sources	Column 3: Water Sold to Other Public Water Suppliers	Column 4: Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5: Water Sold to Your Residential and Commercial Customers	Column 6: Other Metered Water	Column 7: Remaining Water Used (See Below Explanation)	
684,659,000			10,808,000	595,254,000	16,327,000	62,172,000	
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>	

**UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER**

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

**UNACCOUNTED FOR WATER**

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

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:  
Percent Unaccounted For Water =  $\frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$   
If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT  
R**

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

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

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**SECTION 3: PROJECTED FUTURE WATER NEEDS**

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)
Year 5	753,014,900			11,886,600	654,779,400	17,859,700	68,389,200
Year 10	828,316,390			13,075,260	720,257,340	19,755,670	75,228,120
Year 15	911,148,029			14,382,786	792,283,074	21,731,237	82,750,832
Year 20	1,002,262,832			15,821,065	871,511,381	23,904,361	91,026,025
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>	

**SECTION 4: POPULATION AND SERVICE CONNECTIONS**

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

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

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

**PROJECTED FUTURE POPULATION**

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

6,824 Residential      2 Industrial      \_\_\_\_\_ Other (specify) \_\_\_\_\_  
 1,256 Commercial      \_\_\_\_\_ Pasture/Stockwater/Feedlot      8,082 Total

**SECTION 5: PRESENT GALLONS PER PERSON PER DAY**

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

$$\frac{673,753,000}{21,038} \div 365 \text{ Days/Year} = 88 \text{ GALLONS PER PERSON PER DAY}$$

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

**SECTION 6: AREA TO BE SERVED**

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

City of Hays, KS Municipal Water Supply

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

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

KS DEPT OF AGRICULTURE

APR 27 2018

WATER RESOURCES DIVISION RECEIVED

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

CITY OF HAYS, KANSAS & CITY OF RUSSELL, KANSAS  
1551 N WATERFRONT PARKWAY, SUITE 100  
WICHITA, KS 67206

April 27, 2018

RE: File No 21729-D2

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use                      PU/PD/UMW  
 point of diversion  
 use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office    GMD5