

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**



State of Kansas

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

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

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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

File No. 21,732-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 with the original Change Application. The cover letter is incorporated herein by reference.

The change(s) ~~(was)~~ (will be) completed by See Paragraph 3 of June 25, 2015 cover letter.
(Date)

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>FRR</u>
	<u>C-3</u>					Source	<u>G/S</u>
						County	<u>FD</u>
						By	<u>ADW</u>
						Date	<u>4/27/18</u>
						Receipt Date	<u>4/27/18</u>
						Check #	<u>101685</u>
						Fee \$	<u>700</u>
						TR #	

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32-25S-19W			31.25	31.25	38.25	31.25	31.25	31.25	37.25	38	2	1	33	4	39	35	2	417	

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

List any other water rights that cover this place of use: See paragraph 5 of the 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 S Quarter of the _____ Quarter
 of Section 32, Township 25 South, Range 19 (E/W),
 in Edwards County, Kansas, 1,441 feet North 2,632 feet West of Southeast corner of section.
 Authorized Rate 885 Authorized Quantity 240
 (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 SE Quarter of the SW Quarter of the NW Quarter
 of Section 32, Township 25 South, Range 19 (E/W),
 in Edwards County, Kansas, 2,724 feet North 1,916 feet West of Southeast corner of section.
 Proposed Rate 885 gpm Proposed Quantity 278.67 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 _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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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 discussion 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). 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)

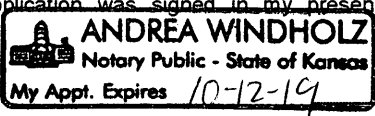
(Spouse)

(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

SEE 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 _____

FEE SCHEDULE

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

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

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

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This Change Application addresses changes to File 21,732, which was divided into File 21,732-D1 and File 21,732-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 requests a total of 278.67 acre-feet at 885 gallons per minute to be diverted from new point of diversion "B," as shown on as shown on Exhibits J and K.

Attached as Exhibits L and M 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 "B," 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 834 acre-feet annually at a rate of up to 2,400 gallons per minute for irrigation use,¹ on 417 acres in Section 32-T25S-R19W,² or 2.0 acre-feet per acre. The Certificate limited the rate to 2,380 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."³

DWR's Field Inspection Reports indicate that 310 acre-feet authorized by the Permit were lawfully perfected by applying that quantity to 160 approved acres in the S/2 of Section 32 T25S-R19W.⁴

While the Certificate limits the total quantity to 240 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.⁵

¹ Permit, HAYS001328, Ex. B.

² Application, HAYS001322, Ex. C.

³ February 27, 1976, letter (emphasis added), HAYS001327, Ex. D.

⁴ FIR, HAYS0001314, Ex. E.

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Since the perfection period has expired, the “authorized quantity” for this water right is the 310.00 acre-feet actually perfected even though it exceeds the certified quantity.

NIR for Alfalfa

According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use during the perfection period,⁶ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 278.67 acre-feet consumed. While this quantity is greater than the quantity set out in the Certificate, it is less than 310 perfected acre-feet, the “maximum annual quantity authorized by the water right.”⁷

⁵ Certificate, HAYS001336, Ex. F; Doug Bush Memo dated March 19, 1987, HAYS001332; Ex. G; Exs. H and I; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁶ Ex. E. *See also* HAYS004448-4453, Ex. I.

⁷ *See* K.A.R. 5-5-9(a)(4).

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KS DEPT OF AGRICULTURE

**EXHIBIT
A**



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. 21,732**

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. 21,732, 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 three (3) wells:

one (1) well (a.k.a. Well #11) located near the center of the Northeast Quarter (NE¼) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 165 acre-feet of water per calendar year;

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW¼) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 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	
32	25S	19W	31.25	31.25	38.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00	

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

2. 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 8th St., Russell, KS 67665, requesting as representatives, that Water Right, File No. 21,732 be divided into two (2) portions with the following assignments:

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(over)

Water Right, File No. 21,732-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 #11) located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of **780 gallons per minute (1.74 c.f.s.)** and a quantity not to exceed **165 acre-feet** of water per calendar year; and,

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of **715 gallons per minute (1.59 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year,

both 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 $\frac{1}{4}$	
32 25S 19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-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. 21,732-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 #12) located near the center of the South Half (S $\frac{1}{2}$) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of **885 gallons per minute (1.97 c.f.s.)** and a quantity not to exceed **240 acre-feet** of water per calendar year, 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 $\frac{1}{4}$	
32 25S 19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D2, shall have 167.00 base acres as defined in K.A.R. 5-5-11, and 167.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

- That the Water Right, File No. 21,732-D1 shall be senior in priority to Water Right, File No. 21,732-D2, within the overall priority established under Water Right, File No. 21,732-D2.

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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. 21,732, should be divided as such separation will be entered into the records for administrative purposes as set forth below:

Water Right, File No. 21,732-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 #11) located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of **780 gallons per minute (1.74 c.f.s.)** and a quantity not to exceed **165 acre-feet** of water per calendar year, and,

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of **715 gallons per minute (1.59 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year,

both 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 $\frac{1}{4}$	
32 25S 19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-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. 21,732-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 #12) located near the center of the South Half (S $\frac{1}{2}$) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of **885 gallons per minute (1.97 c.f.s.)** and a quantity not to exceed **240 acre-feet** of water per calendar year, 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 $\frac{1}{4}$	
32 25S 19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00

WATER RESOURCES RECEIVED

(over)

APR 27 2018

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D2, shall have 167.00 base acres as defined in K.A.R. 5-5-11, and 167.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

That the Water Right, File No. 21,732-D1, shall be senior in priority to Water Right, File No. 21,732-D2, within the overall priority established under Water Right, File No. 21,732.

That the agreement is binding on heirs and successors in interest.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 21,732, dated June 5, 1987, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 17th day of January, 2018, Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of January, 2018, by Lane P. Letourneau, P.G. Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

WATER RESOURCES RECEIVED

APR 27 2018

KS DEPT OF AGRICULTURE

CERTIFICATE OF SERVICE

On this 23rd day of January, 2018, I hereby certify that the attached Findings and Order, File No. 21,732, 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. 8TH 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


Staff

STATE OF KANSAS, EDWARDS COUNTY, SS
CHERYL PROFFITT, Register Of Deeds

Book: S171 Page: 151

Receipt #: 29674
Pages Recorded: 5

Recording Fee: \$89.00

Date Recorded: 2/1/2018 9:45:01 AM

Cheryl Proffitt



WATER RESOURCES
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APR 27 2018

**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. 21,732 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 three (3) wells: one well near the center of the Northeast Quarter (NE $\frac{1}{4}$), one well near the center of the Northwest Quarter (NW $\frac{1}{4}$) and one well near the center of the South Half (S $\frac{1}{2}$) of Section 32, 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 2400 gallons per minute (5.35 c.f.s.) and to a quantity of not to exceed 834 acre-feet

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APR 27 2018

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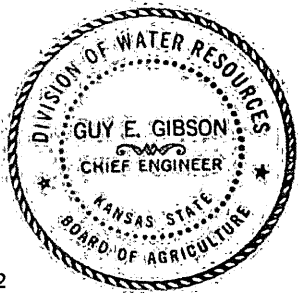
(OVER)

MAR 8 1976
HAYS001328
MICROFILMED
FIELD OFFICE
DIVISION OF WATER RESOURCES
JRG

date Rec'd 6.11.12

- 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

WATER RESOURCES
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 HAYS001329
 APR 27 2018

676-N 6-75-34, DETS

EXHIBIT C

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

Rec'd check \$50 09 1-2-74
Ch from: Wilson & Thorne

NUMBER 21732

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

* SEE LETTER
DATE 8-8-75

(Mr.) MIDWEST LAND & CATTLE COMPANY
(Mrs.) C/O JOHN CARSON, MANAGER

Comes now the applicant (Miss) ~~Esther J. Vandave~~ whose post office

address is ~~70 Andrew J. Moore, Lawrence, Kan., P.O. Box 588, Woodward, Oklahoma 73801~~

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated ground water

as may be available in Arkansas River Basin in the county of Edwards

state of Kansas, to the extent and in accordance with the particulars hereinafter described:

1. The quantity of water desired is in the amount of 834 acre feet per year, (to be diverted at a maximum rate of 2400 gals per minute)

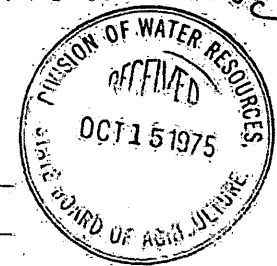
2. The location of the proposed wells or other works for diversion of water is in the NE/4 and the center of the NW/4 near the center of the South 1/2 section 32 township 25 range 19 in Edwards County, Kansas.

3. The water is intended to be appropriated for:

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

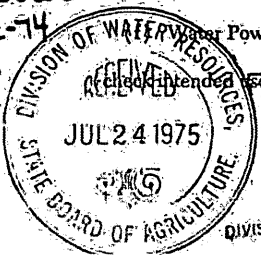
Amount

834 acre ft
2400 gals per minute



MICROFILMED

Date stamp error
Received 1-2-74
9:08 a.m.



MAR 8 1976 Guy Ellis
FIELD OFFICE 9-9-75
DIVISION OF WATER RESOURCES

RECEIVED WATER RESOURCES 74 RECEIVED S001322 FIELD OFFICE DIVISION OF WATER RESOURCES APR 2 1975

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:

Kinsley Joint Venture is a partnership with the following owners
~~J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma~~
~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~
~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~
~~H. C. Bralhart Jr., P. O. Box 576, Perryton, Texas~~
~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~

MIDWEST LAND & CATTLE CO.
 C/O JOHN CARSON, MANAGER
 KINSLEY, KS. 67547
 * SEE LETTER
 DATED 8-9-75 GEE

Owner of Land—NAME: Kinsley Joint Venture

ADDRESS: c/o Andrew J. Moore, Attorney, P.O. Box 588, Woodward, Oklahoma 75801

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
32 25 19					31 1/4	31 1/4	31 1/4	31 1/4									129
" " "	9 1/4	3 1/4	38 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	38	2	1	33	4	39	35	2	417

This acreage is irrigated by pump, well and system whose pivot is at the center of NW 1/4 of said section.

Owner of Land—NAME: Same as above

ADDRESS: same as above

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
32 25 19	31 1/4	31 1/4	31 1/4	31 1/4													129

This acreage is irrigated by pump, well and system whose pivot is at the center of NE 1/4 of said section.

Owner of Land—NAME: same as above

ADDRESS: same as above

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
32 25 19			8														8

This acreage is irrigated by pump, well and irrigation system whose pivot is at the SW 1/4 of NE 1/4 of SE 1/4 of said section.

This acreage is only that acreage irrigated by irrigation system whose pivots are in this section, other acreage in this section is irrigated by systems whose pivots are outside this section.

HAYS001323 SOURCES RECEIVED

* Guy Ellis
 9-9-75

APR 27 2018

7. The works for diversion of water will consist of three wells, three pumps, and three irrigation systems.

(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

(Applicant)

By D. Allen Framé

(Agent or Officer)

D. Allen Framé, Attorney

Note:

- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million-gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

31-528  3-72-104 2078

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MAR 8 1976

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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JUL 15 1975 HAYS001324

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

WATER RESOURCES

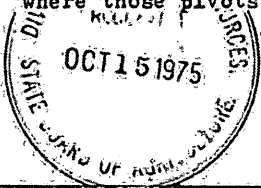
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APR 27 2018

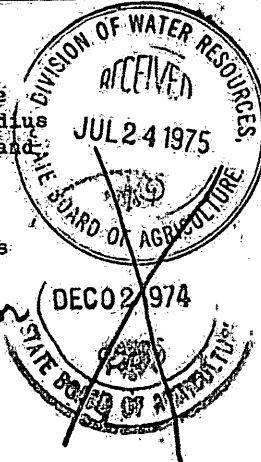
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The system whose pivot is marked by point A covers 125 acres and has a radius of 1320 feet. The system whose pivot is marked by point B is the same. The system whose pivot is marked by point C covers 167 acres and has a radius of 1522 feet. All three systems are served by one well and pump at the pivot.

Also shown are some areas covered by irrigation systems whose pivots are outside this section. The pivots, wells and pumps are listed on those maps showing the sections where those pivots are located.



*Date stamp error
Received 1-2-74
dw*



HAY: S001325

APR 27 2018

**EXHIBIT
D**

EN²

February 27, 1976

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

Re: Appropriation of Water
Application No. 21,732

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

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APR 27 2018

RMD:ee1

Encs.

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**EXHIBIT
E**

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

- Partial
- Full
- Re-Test

Test 3 of 3 Diversion points

Application No. 21732 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Ebert/Klassen

Field Area No. 2 C.M.D. No. 5 County Edward's

Current Landowner Connecticut General Life Insurance Co. Agri. Affiliates

Address Box 1162 North Platte, NE 69103 Attn Jerry Weaver

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: NC 5 1/2 Sec 32, T 25, R 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC 5 1/2 Sec 32, T 25, R 19
Approximately 1441 ft. North and 2632 ft. West of SE corner of Sec. 32
How were distances determined? Scaled from Aesc photo

"Approved" Quantity 834 AF "Approved" Diversion Rate 2400 g.p.in. (5.35 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	
32	25	19	31 1/4	31 1/4	38 1/4	31 1/4	31 1/4	31 1/4	37 1/4	38	2	1	53	4	39	35	2	417	

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	
32	25	19			5				4.5	38.5	2	1	32.5	2.5	39	34	1	160	

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 179,000 or Quantity 309.6 AF

Normal Operating C.P.M. 885 Equiv. c.f.s. 1.97

Maximum Operating C.P.M. 885 Equiv. c.f.s. _____

Year of Record 1985 Extension of time requested: Yes _____ No

Total No. of Hours on land covered by this application 1,900

Ac. Ft. Applied = 1900 hrs. x 48.5 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 310 AF

Acres of "Approved" Land irrigated 160

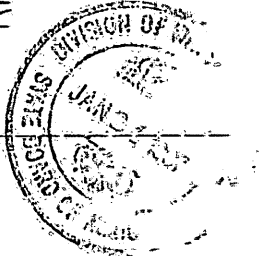
Ac. Ft. on "Approved" Land 310 (0.74 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 310

Proration Calculations 160 acres irrigated x 1.5 AF per acre = 240 AF

Perfected Rate 885 g.p.m. Perfected Quantity 240 AF

DWR-10) 21732 completed by Douglas E. Busa 3-19-87



WATER RESOURCES RECEIVED

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TRAYS 001614

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer: Olson Model: 103 Serial No: 3809

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. 7000

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: _____ Fuel: Natural Gas Rated RPM: _____

PUMP INFORMATION:

Manufacturer: Johnston Model No: _____ Rated RPM: _____

Serial No: CF21233 Type: Vertical Turbine No. stages: _____

GEAR HEAD INFORMATION:

Manufacturer: Amarillo Model No: 580

Serial No: 87937 Drive: Right Angle Ratio: 5:4

WELL INFORMATION: No records available from Owner's Representative

Date Drilled: 1974 Original Depth: _____ ft. Static Water Level When Drilled: _____ ft.

Tape Down Possible? yes 23' 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? yes Check Valve? yes Low Pressure Drain? yes

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

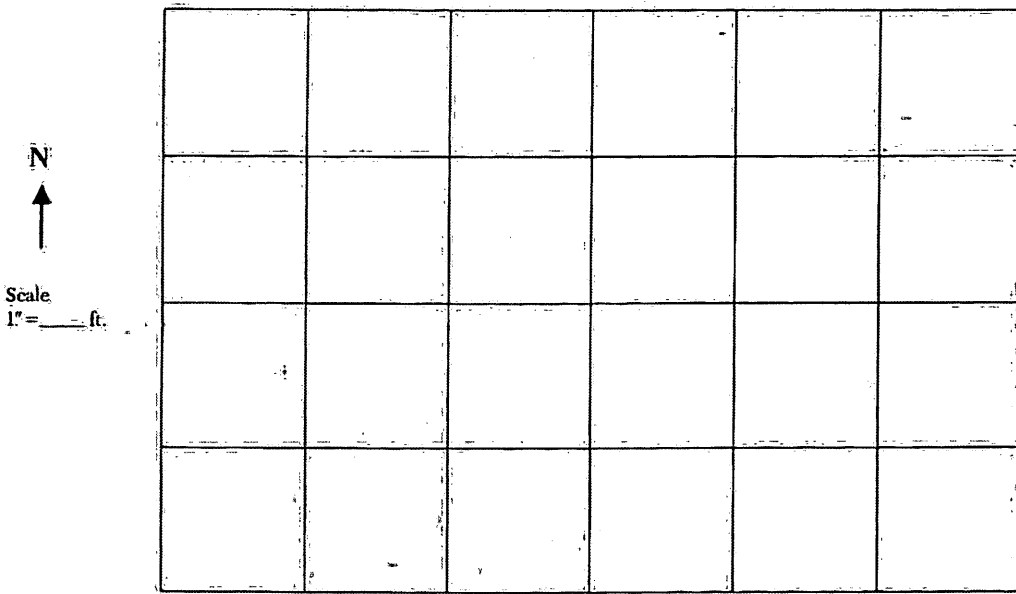
If chemicals are injected into system, please attach sketch of system.

WATER RESOURCES RECEIVED HAYS001315

APR 27 2018

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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.) 8 1/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2190
 R.P.M. PUMP UNIT 1752
 Pressure at Pump 61 psi

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jucuzzi 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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

FILED
 WATER RESOURCES
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 HAYS001316
 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 = _____ 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
1974	2328	1000		
1975				
1976				
1977	1651	1500		
1978				
1979	1224	900		157
1980	1416	900		157
1981	1152	900		157
1982				
1983	2200**	900**		158**
1984	1800**	950**		160**
* 1985	1900**	885*		160**
1986		885*		

* obtained from test on 9/20/86
 ** obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year Soybeans Year of record AlSalsa

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

Person present at test: Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent: Lyle Kolbeck (name) Spearsville, Ks 67876 (address) 316-385-2803 (phone number)

Conducted by: [Signature] Date 10/8/86

Approved by: [Signature] (signature) P.E. (title) Date 1/15/87

WATER RESOURCES RECEIVED HAYS001317

APR 27 2018

APPLICATION NO: 21732 NAME: Connecticut General Life Insurance

COLLINS METER TEST No 3 1/2

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

Pipe Inside Diameter (inches) 8 1/4 Flow Rate Factor 165.3

Test Pressure (psi) 61 Test RPM, Pump 1752

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: Q Check, Initial 6.03 Reversed 6.02
 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 1/16</u>	<u>5.95</u>	<u>5.86</u>	<u>5.87</u>	<u>5.82</u>
<u>2 1/16</u>	<u>5.52</u>	<u>5.52</u>	<u>5.45</u>	<u>5.49</u>
<u>3 3/4</u>	<u>5.12</u>	<u>5.08</u>	<u>4.92</u>	<u>4.80</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.45

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.45 x .9826 = 5.355

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.355 x 165.3 = 885 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:

Handwritten Signature

Professional Engineer

WATER RESOURCES RECEIVED HAYS001318

APR 27 2018

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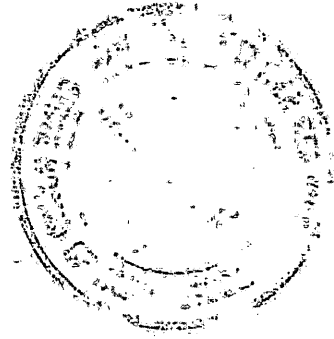
APPLICATION NO: 21,732

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT WDS 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.



PUMPING PLANT TESTING, INC.

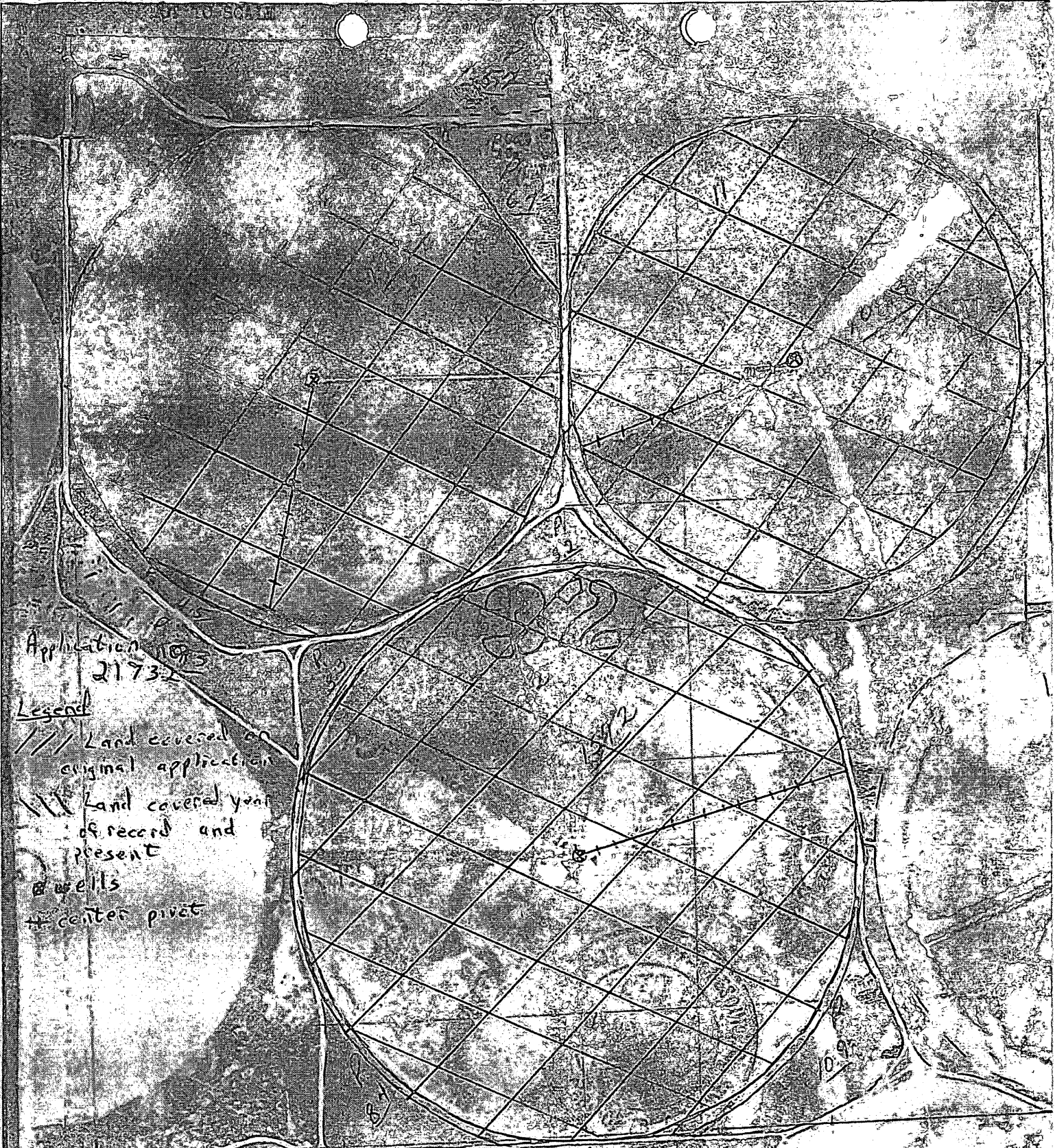
Reviewed by:

W. J. W.

WATER PAYS OFFS RECEIVED 001319

Professional Engineer

APR 27 2018



Application 193
21732

Legend

- /// Land covered on original application
- \\ Land covered year of record and present
- ⊗ wells
- ⊕ center pivot

25-19 RECEIVED
32 25-17

3 farms

D-5

JUN 1986

Page 36 of 57

SE Corner .01511 of E
Edge of 10000

WATER SURVEY
RECORD

APR 27 1986

EXHIBIT
F

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

~~Marked as Public Property~~
Sam Brownback, Secretary

David L. Pope, Chief Engineer, Director

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER
WATER RIGHT, File No. 21,732
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 three (3) wells: one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and in a quantity not to exceed 165 acre-feet per calendar year; one (1) well located near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year; and one (1) well located near the center of the

~~RECORDED~~

WATER RESOURCES
MICROFILMED 1336

APR 27 2018

Re: File No. 21,732

South Half (S $\frac{1}{2}$) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and in a quantity not to exceed 240 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 $\frac{1}{4}$);
- 38.25 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 $\frac{1}{4}$);
- 37.25 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$);
- 38.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$);
- 2.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$);
- 1.00 acre in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$);
- 33.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$);
- 4.00 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$);
- 39.00 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
- 35.00 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$);
- 2.00 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$);

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

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

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JUN 19 1987

Page 38 of 57-126

Page 29 of 48

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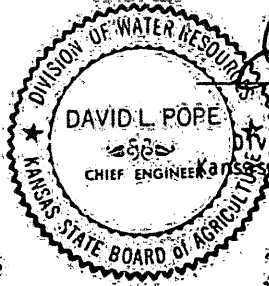
WATER RESOURCES
HAYS001337D

APR 27 2018

KS DEPT OF AGRICULTURE

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

State of Kansas)
) SS
County of Shawnee)

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

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JUN 19 1987

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DIVISION OF WATER RESOURCES

(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. 16,035
STATE OF KANSAS

Water Right, File No. 21,732
State of Kansas,
County, ss. _____
Filed for record this _____ day of _____ 1987
at _____ o'clock _____ m. and _____
recorded in Book _____ Page _____
Fee \$ _____

Register of Deeds

WATER RESOURCES
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HAYS001338
APR 27 2018

EXHIBIT**G**

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 19, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,732

No proposed certificate on file. The certificate is based on a field inspection report conducted under contract by Pumping Plant Testing, Inc.

The quantities for wells covered by the above referenced file were calculated as such:

Well near the center of the Northeast Quarter (NE $\frac{1}{4}$), 1,850 hours x 776 gallons per minute x 0.0001841 = 265 acre-feet. 110 acres irrigated x 1.5 acre-feet per acre = 165 acre-feet.

Well near the center of the Northwest Quarter (NW $\frac{1}{4}$), 1,850 hours x 712 gallons per minute x 0.0001841 = 243 acre-feet. 125 acres irrigated x 1.5 acre-feet per acre = 188 acre-feet.

Well near the center of the South Half (S $\frac{1}{2}$), 1,850 hours x 885 gallons per minute x 0.0001841 = 310 acre-feet. 160 acres irrigated x 1.5 acre-feet per acre = 240 acre-feet.

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.

Douglas E. Bush

Douglas E. Bush
Hydrologist

DEB:jt

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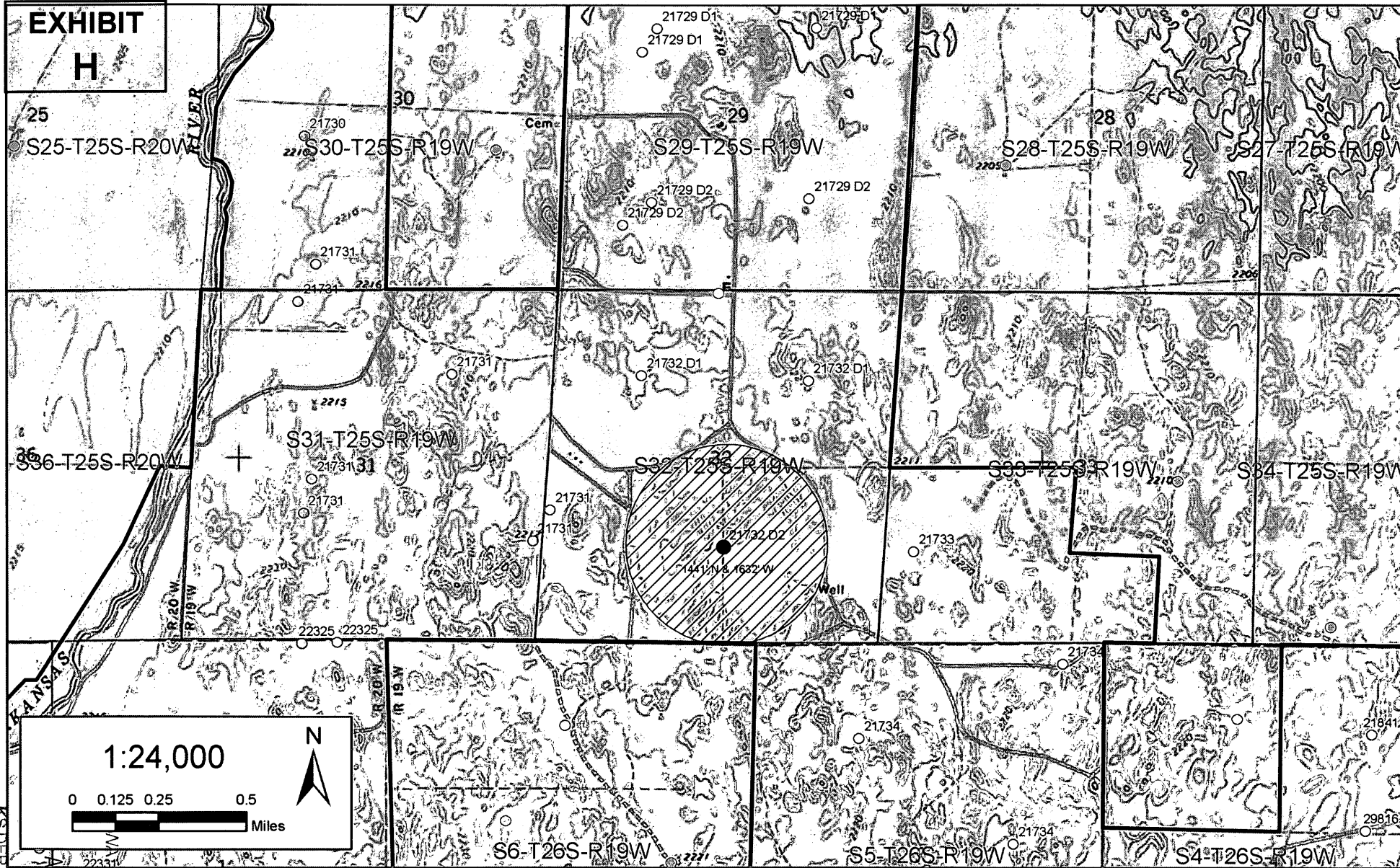
JUN 19 1987

MICROFILMED

WATER RESOURCES DIVISION
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HAY 500-1332

APR 27 2018

EXHIBIT H

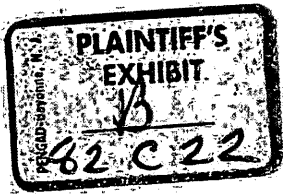


Legend

- 21732-D2 Existing Points of Diversion
- Irrigation Wells (File No.)
- 21732-D2 Existing Place of Use
- Stockwater Wells (File No.)
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- PLSS Sections
- Stockwater Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 21732-D2
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

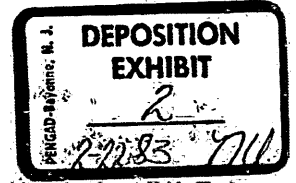


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



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

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.

P O Box 38

Lewis, Kansas 67552

Dear Don,

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

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

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

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

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

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

WATER RESOURCES
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HAYS004448

APR 27 2018

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FILED
83 NOV 16 PM 5 05
CLERK DISTRICT COURT

LUCERNE FARMS HAY
PRODUCTION

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

WATER RESOURCES
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HAYS004449

APR 27 2018

#9
 1st 119 149
 2nd 194 243
 3rd 167 209
 4th 82 102

#10
 1st 77 96
 2nd 261 326
 3rd 201 251
 4th 118 148

#11
 1st 116 145
 2nd 208 260
 3rd 162 202
 4th 42 52

#12
 1st 130 162
 2nd 302 377
 3rd 257 321
 4th 110 137

#13
 1st 75 94
 2nd 122 153
 3rd 121 151
 4th 13 16

#16
 1st 70 88
 2nd 144 180
 3rd 86 108
 4th 15 19

#17
 1st 107 134
 2nd 218 273
 3rd 122 152
 4th 42 53

#18
 1st 23 28

#19
 1st 47 59
 2nd 42 53
 3rd 50 63

#30
 1st 126 158
 2nd 157 196
 3rd 90 113
 4th 18 23

#38
 1st 98 122
 2nd 162 202
 3rd 95 119
 4th 52 65

#9
 1st 30
 2nd 49
 3rd 42
 4th 20

#10
 1st 19
 2nd 65
 3rd 42
 4th 30

#11
 1st 29
 2nd 52
 3rd 40
 4th 10

#12
 1st 32
 2nd 75
 3rd 64
 4th 27

#13
 1st 19
 2nd 31
 3rd 30
 4th 4

#16
 1st 18
 2nd 36
 3rd 22
 4th 4

#17
 1st 27
 2nd 55
 3rd 30
 4th 11

#18
 1st 6

#19
 1st 12
 2nd 11
 3rd 13

#30
 1st 32
 2nd 39
 3rd 23
 4th 5

#38 WATER RESOURCES
 HAYS004450
 1st 24
 2nd 40 APR 27 2018
 3rd 24
 4th 13 KS DEPT OF AGRICULTURE

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

Total Bales 10776

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

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

WATERBURY SOCIETY
 RECEIVED

APR 27 2018

KS DEPT OF AGRICULTURE

BLENTZ-MCALLASTER INC.

ALFALFA REMOVED FROM LUCERNE FARMS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

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

WAYSON RESOURCES RECEIVED

APR 27 2018

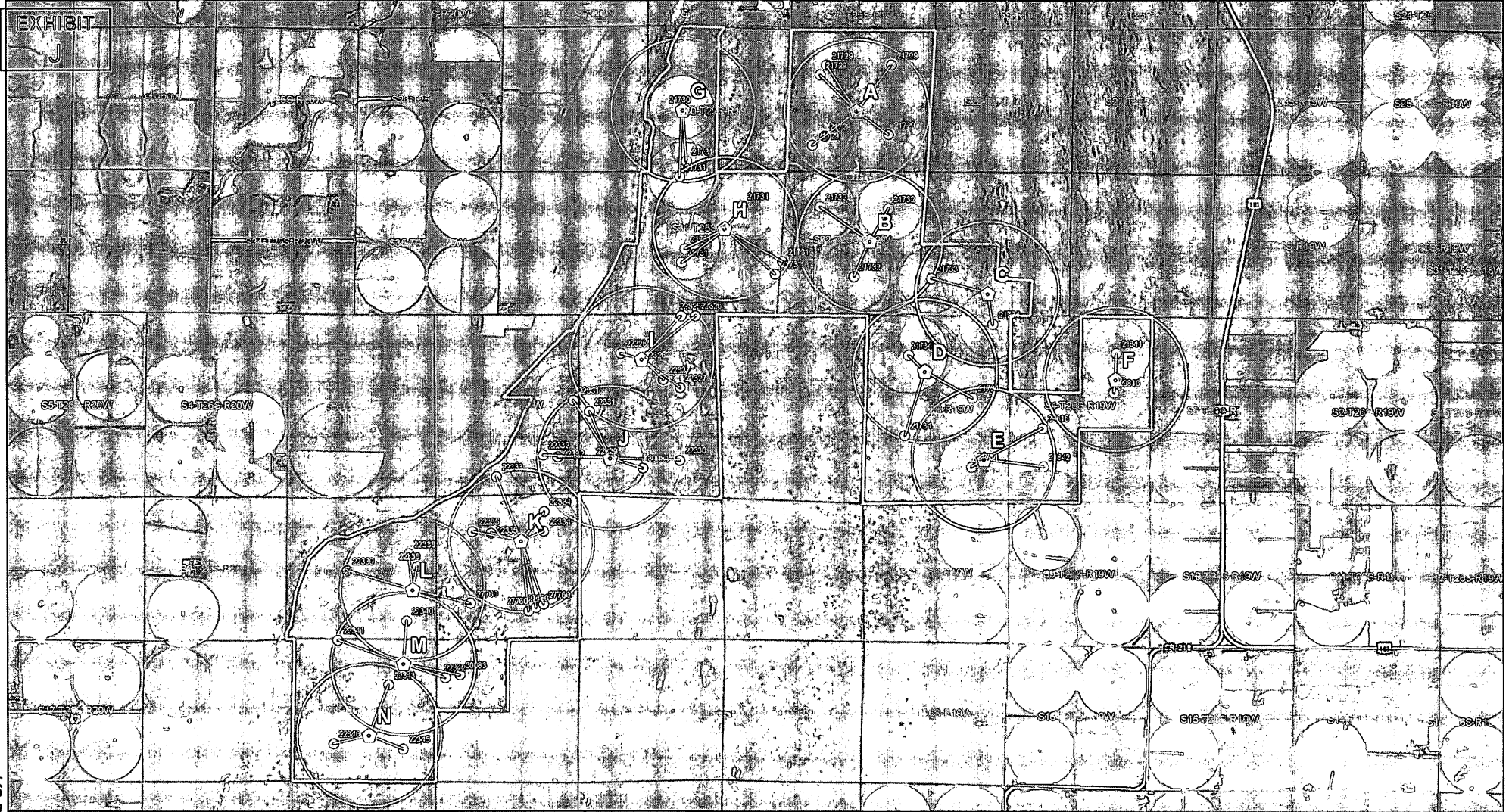
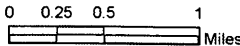


EXHIBIT
J

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

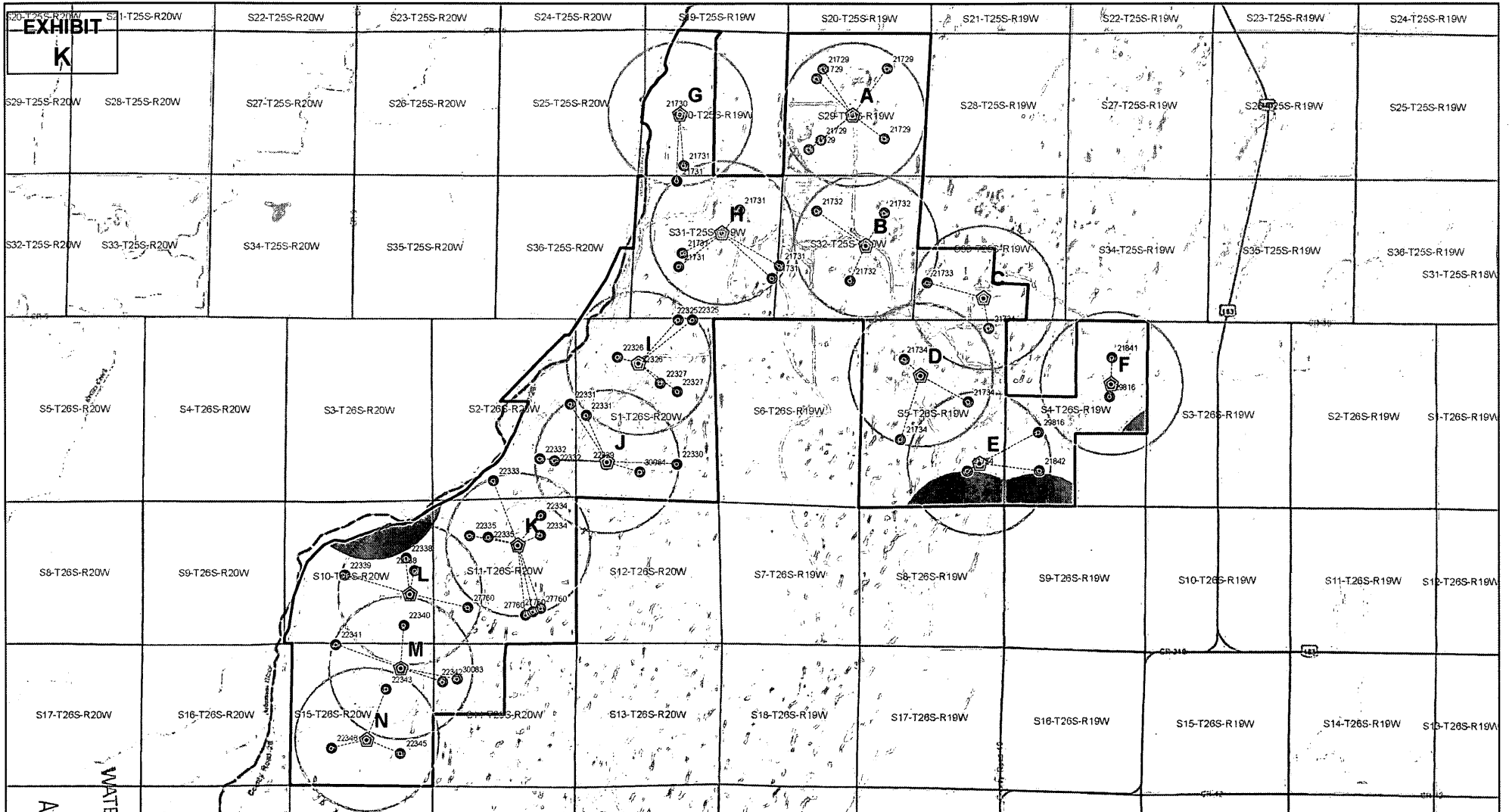
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**BURNS
 MEDONNELL.**

KS DEPT OF AGRICULTURE

APR 9 7 20 08
 WATER RIGHTS DIVISION
 21732-D2



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

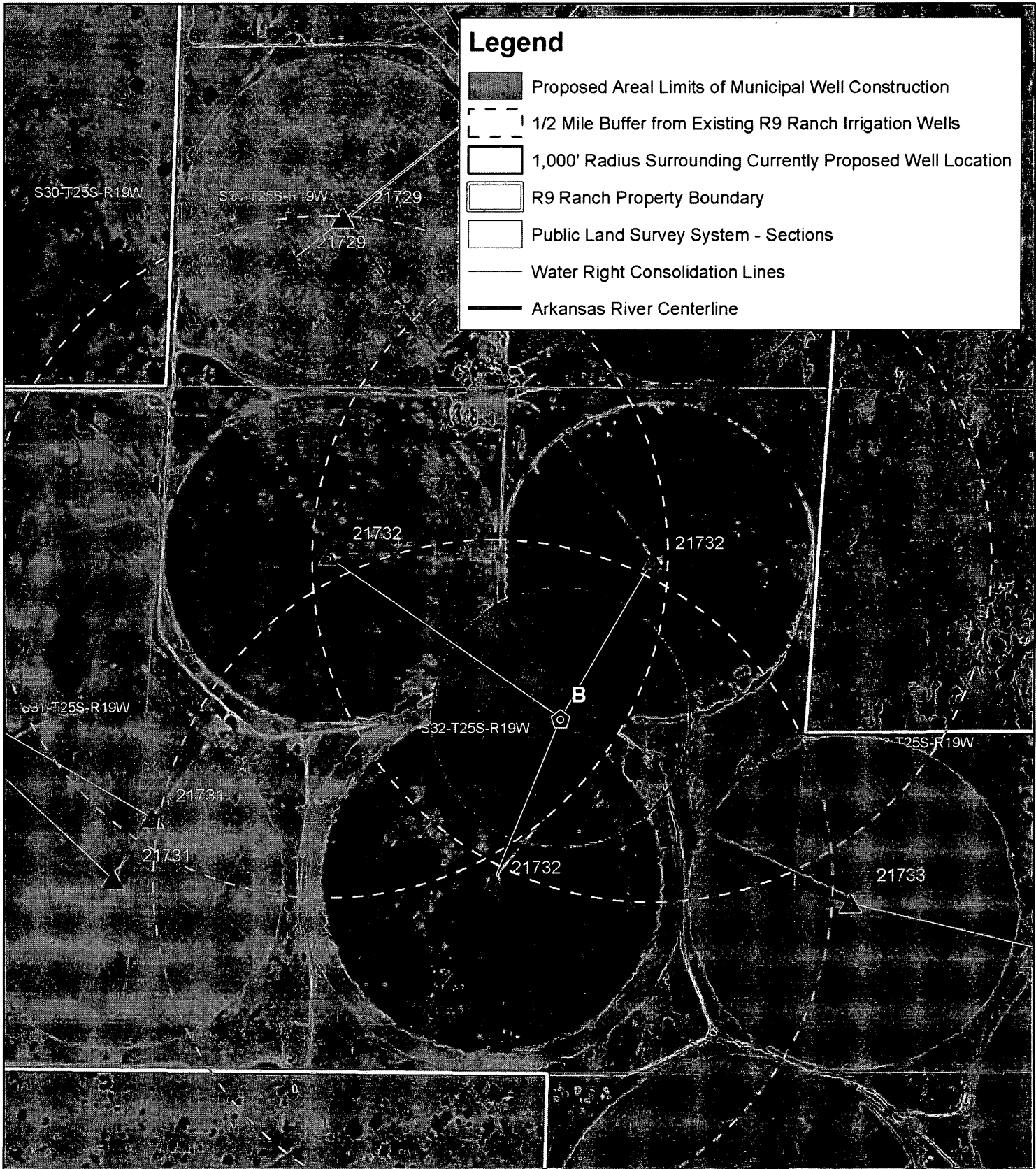


0 0.25 0.5 1 Miles



KS DEPT OF AGRICULTURE

APR 27 2016

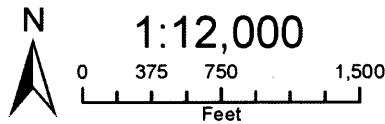


Legend

- 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

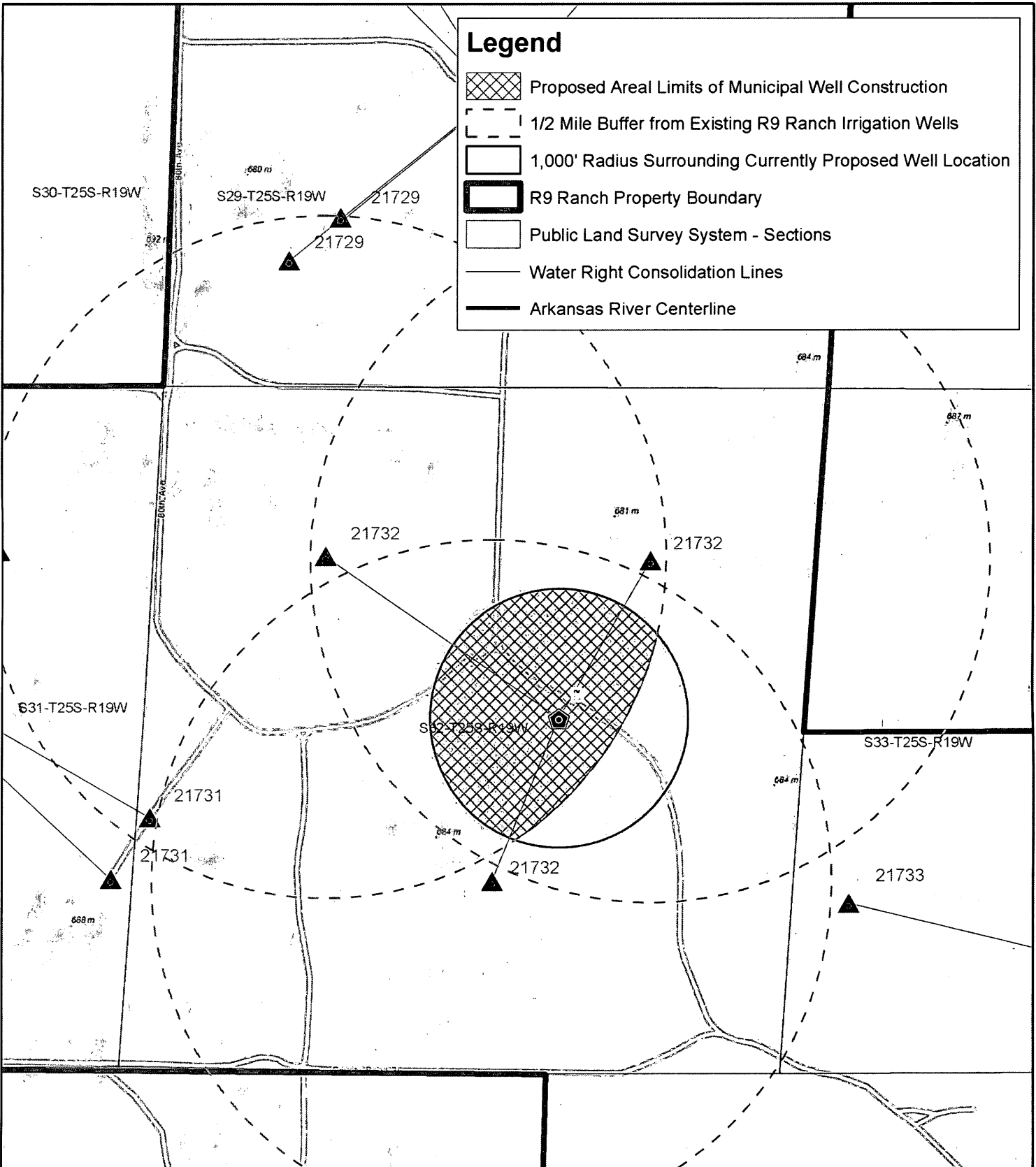
- R9 Irrigation Wells
- Currently Proposed Well Site



Conceptual Well Site B

File No. 21,732
 WATER RESOURCES
 DIVISION
Exhibit

APR 27 2018



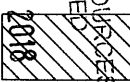
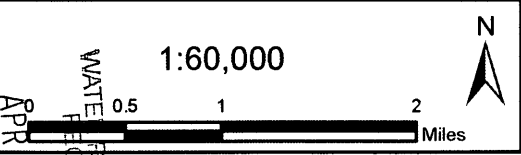
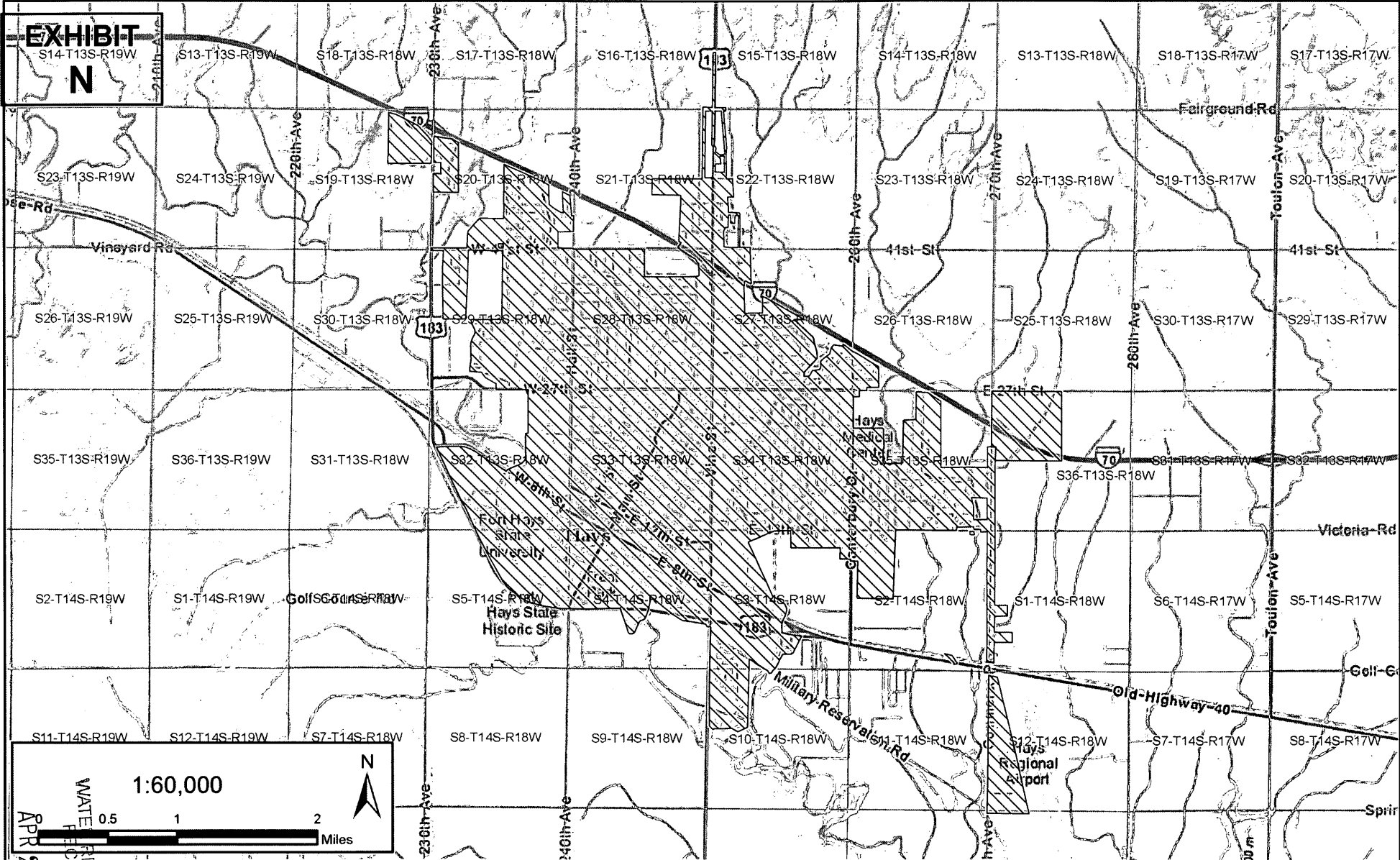
Legend

- ▲ R9 Irrigation Wells
- ⬢ Currently Proposed Well Site

N
 1:12,000
 0 375 750 1,500
 Feet

**BURNS
 McDONNELL.**

Conceptual Well Site B
File No. 21,732
 WATER RESOURCES
Exhibit M
 APR 27 2018



Proposed Place of Use City of Hays



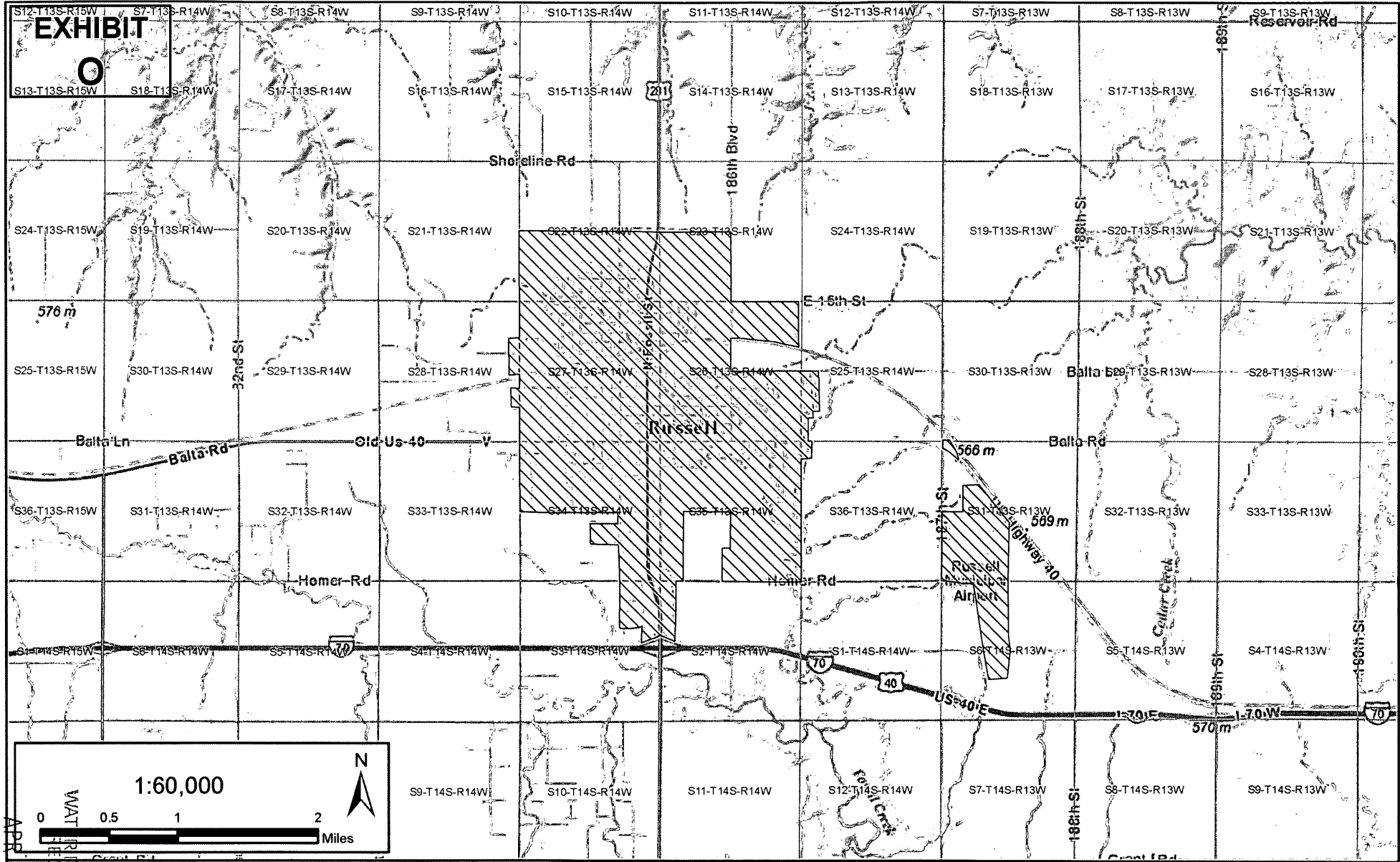
PLSS Sections



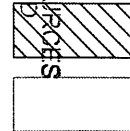
KS DEPT OF AGRICULTURE

EXHIBIT N

APR 27 2018
WATER RESOURCES
RECEIVED



APR 27 2018



Proposed Place of Use - City of Russell

PLSS Sections



KS DEPT OF AGRICULTURE

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
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

**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	587,865,000	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	693,866,000			13,537,000	581,900,000	19,382,000	114,383,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

WATER RECORDS
APR 27 2018

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	753,014,800			11,886,600	654,779,400	17,959,700	68,389,200
Year 10	828,316,390			13,075,260	720,257,340	19,755,670	75,228,120
Year 15	911,148,029			14,382,786	792,283,074	21,731,237	82,750,932
Year 20	1,002,262,832			15,821,065	871,511,381	23,904,361	91,026,025
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

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

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

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

$$\frac{673,753,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{21,038}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = \underline{88} \text{ GALLONS PER PERSON PER DAY.}$$

SECTION 6: AREA TO BE SERVED

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

City of 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 RECEIVED

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	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,308,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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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	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	373,757,000	0	0	171,928,220	115,884,670	18,687,850	87,276,280
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
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

KS DEPT OF AGRICULTURE
APR 27 2018
WATER RESOURCE RECEIVE

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

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

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS:

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

Provide number of current active service connections:

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

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

$\frac{221,991,000}{4,475} \div 365 \text{ Days/Year} = 135.9$ 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 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.

KS DEPT OF AGRICULTURE

APR 27 2018

WATER RESOURCES 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 21732-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