



STATE OF KANSAS
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
TOPEKA, KANSAS

STATE OF KANSAS, COUNTY OF TREGO. THIS INSTRUMENT WAS FILED FOR RECORD June 22, 19 84, AT 10:00AM O'CLOCK AND RECORDED IN BOOK A82, PAGE 397 FEE: \$ 26.00

STATE OF KANSAS }
ELLIS COUNTY }
This instrument was filed for record

BEFORE

DAVID L. POPE, CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

Clea M. Rumpel
REGISTER OF DEEDS by
Cindy Level, Deputy

JUN 28 1984

8:00 o'clock, 7 M recorded in
343 of 082 page 652
Virginia W. ...
Fees 26.00 Register of Deeds

INTERIM ORDER IN THE MATTER OF DESIGNATION OF
AN INTENSIVE GROUNDWATER USE CONTROL AREA IN TREGO,
ELLIS, RUSH AND RUSSELL COUNTIES, KANSAS

The Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, after having given due consideration to evidence, testimony and other information presented to him at, or as a result of, the hearing held in Hays, Kansas, on February 23 and 24, 1984, regarding the proposed designation of an area along the Smoky Hill River in Trego, Ellis, Rush and Russell Counties, Kansas, as an intensive groundwater use control area, makes the following findings, conclusions and order:

FINDINGS

1. That based upon information contained in the files of the office of the Chief Engineer-Director conditions exist within the alluvial groundwater of the Smoky Hill River Valley between Cedar Bluff Reservoir and the confluence of the Smoky Hill River with Big Creek which require regulation in the public interest.
2. That in accordance with the provisions of K.S.A. 1982 Supp. 82a-1036 through K.S.A. 1982 Supp. 82a-1040, the Chief Engineer-Director of the Division of Water Resources may, upon his own initiative, initiate proceedings for designation of an intensive groundwater use control area whenever he or she has reason to believe that conditions exist within an area in question which require regulation in the public interest.
3. That on November 30, 1983, the Chief Engineer-Director issued a findings and order initiating the proceedings for designation of an intensive groundwater use control area within the alluvium of the Smoky Hill River in the reach between Cedar Bluff Dam in Trego County, Kansas, and the confluence of the Smoky Hill River with Big Creek in Russell County, Kansas, in an area described as follows:

to _____
ict _____
irect _____
merical _____
oked _____

State of Kansas, Russell County, ss
This instrument filed for record
July 12, 1984
9:30 A. M. Recorded in
Book M39 Page 249-270
Margaret L. Anderson
Register of Deeds June 26, 84

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BOOK PAGE 175 BOOK 39 PAGE 249

A tract of land totally within the drainage basin of the Smoky Hill River, including all of the valley alluvium between Cedar Bluff Dam and the mouth of Big Creek, and lying partially in Trego, Ellis, Rush and Russell Counties in Kansas, and being more particularly described as a tract of land bounded by a line beginning at the west quarter corner of Section 25, Township 14 South, Range 22 West, in Trego County, thence easterly a distance of five (5) miles to the west quarter corner of Section 26, Township 14 South, Range 21 West; thence southerly a distance of one-half (1/2) mile to the southwest corner of the same said Section 26; thence easterly a distance of four (4) miles to the northwest corner of Section 33, Township 14 South, Range 20 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 33; thence easterly a distance of three (3) miles to the northwest corner of Section 1, Township 15 South, Range 20 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 1; thence easterly a distance of three (3) miles to the northwest corner of Section 9, Township 15 South, Range 19 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 9; thence easterly a distance of one (1) mile to the northwest corner of Section 15, Township 15 South, Range 19 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 15; thence easterly a distance of six (6) miles to the northwest corner of Section 22, Township 15 South, Range 18 West; thence southerly a distance of one (1) mile to the northwest corner of Section 27, Township 15 South, Range 18 West; thence easterly a distance of nine (9) miles to the northwest corner of Section 30, Township 15 South, Range 16 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of Section 19, Township 15 South, Range 16 West; thence easterly a distance of five (5) miles to the west quarter corner of Section 24, Township 15 South, Range 16 West; thence northerly a distance of one and one-half (1 1/2) miles to the northwest corner of Section 13, Township 15 South, Range 16 West; thence easterly a distance of three (3) miles to the northwest corner of Section 16, Township 15 South, Range 15 West; thence northerly a

distance of one (1) mile to the northwest corner of Section 9, Township 15 South, Range 15 West; thence easterly a distance of two (2) miles to the northwest corner of Section 11, Township 15 South, Range 15 West; thence northerly a distance of one (1) mile to the northwest corner of Section 2, Township 15 South, Range 15 West; thence easterly a distance of two (2) miles to the southwest corner of Section 31, Township 15 South, Range 14 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 31; thence easterly a distance of one (1) mile to the northeast corner of same said Section 31; thence southerly a distance of two (2) miles to the southeast corner of Section 6, Township 15 South, Range 14 West; thence westerly a distance of one (1) mile to the southwest corner of same said Section 6; thence southerly a distance of one and one-half (1 1/2) miles to the east quarter corner of Section 13, Township 15 South, Range 15 West; thence westerly a distance of two (2) miles to the east quarter corner of Section 15, Township 15 South, Range 15 West; thence southerly a distance of one and one-half (1 1/2) miles to the southeast corner of Section 22, Township 15 South, Range 15 West; thence westerly a distance of three (3) miles to the northeast corner of Section 30, Township 15 South, Range 15 West; thence southerly a distance of one (1) mile to the southeast corner of same said Section 30; thence westerly a distance of one (1) mile to the southwest corner of same said Section 30; thence southerly a distance of one (1) mile to the southeast corner of Section 36, Township 15 South, Range 16 West; thence westerly a distance of approximately eight and one-half (8 1/2) miles to the northeast corner of Section 4, Township 16 South, Range 17 West; thence southerly a distance of one (1) mile to the southeast corner of same said Section 4; thence westerly a distance of four (4) miles to the southwest corner of Section 1, Township 16 South, Range 18 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of same said Section 1; thence westerly a distance of five (5) miles to the west quarter corner of Section 6, Township 16 South, Range 18 West; thence northerly a distance of one-half (1/2) mile to the northwest corner of same said Section 6; thence westerly a

distance of approximately one and six tenths (1.6) miles to the southeast corner of Section 36; Township 15 South, Range 19 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 36; thence westerly a distance of three (3) miles to the southwest corner of Section 28, Township 15 South, Range 19 West; thence northerly a distance of one and one-half (1 1/2) miles to the east quarter corner of Section 20, Township 15 South, Range 19 West; thence westerly a distance of three (3) miles to the west quarter corner of Section 24, Township 15 South, Range 20 West; thence northerly a distance of one (1) mile to the east quarter corner of Section 14, Township 15 South, Range 20 West; thence westerly a distance of three (3) miles to the east quarter corner of Section 17, Township 15 South, Range 20 West; thence northerly a distance of one-half (1/2) mile to the northeast corner of the same said Section 17; thence westerly a distance of two (2) miles to the southwest corner of Section 7, Township 15 South, Range 20 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 7; thence westerly a distance of two (2) miles to the southwest corner of Section 2, Township 15 South, Range 21 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of same said Section 2; thence westerly a distance of five (5) miles to the west quarter corner of Section 1, Township 15 South, Range 22 West; thence northerly a distance of two (2) miles to the west quarter corner of Section 25, Township 14 South, Range 22 West, which is the point of beginning.

Said tract contains 113 square miles, more or less.

4. That the Chief Engineer-Director further ordered that all applications to appropriate water for beneficial use (other than for domestic use, temporary permits and short term permits) received on or after November 30, 1983, which propose the appropriation of groundwater from the alluvium of the Smoky Hill River in the reach between Cedar Bluff Dam in Trego County, Kansas, and the confluence of the Smoky Hill River with Big Creek in Russell County, Kansas, within the area described above, will be received and assigned a priority and a file number, if acceptable for filing, but will

not be further processed until a decision is made as to whether an intensive groundwater use control area will be established in the above described area. At the conclusion of the proceedings, all applications filed on or after November 30, 1983, will be processed in accordance with the provisions of the Kansas Water Appropriation Act, the rules and regulations, the administrative policies and procedures in effect in that area, and in accordance with the corrective control provisions of the intensive groundwater use control area, if any. Other actions of the Chief Engineer-Director within the above described area will not be affected.

5. That on January 12, 1984, notice of hearing was sent to every water right holder of record and all known landowners within the boundaries of the proposed intensive groundwater use control area. Notices were also sent to the Kansas Register, The Hays Daily News, Rush County News, Russell Daily News, and Western World, Inc., and various governmental officials, state agencies, and members of the Kansas Water Authority. The notice stated that a public hearing would be held at 9:00 a.m. on Thursday, February 23, 1984, at the Auditorium of the Fort Hays State University Experiment Station, Hays, Kansas, at which time all interested parties will have an opportunity to be heard regarding the proposed designation of an intensive groundwater use control area.
6. That on February 23 and 24, 1984, a public hearing was held at the time and place set forth in the notice of hearing.
7. That Everett Watson, Civil Engineer on the staff of the Division of Water Resources, testified concerning a "Preliminary Engineering Report - Proposed Smoky Hill River Intensive Groundwater Use Control Area" which was prepared under his supervision. The entire report was entered into evidence at the hearing.
8. That the report indicates the water levels in Cedar Bluff Reservoir have recently reached an all time low. The lake level as of February 14, 1984, was 2101 feet above mean sea level; the top of the conservation pool is 2144 feet, and the top of the inactive pool is 2107.8 feet. The mass curve for the Arnold gage on the Smoky Hill River above Cedar Bluff Reservoir indicates an average annual flow of 13,000 acre-feet per year for the period 1960 through 1980. However, the slope of the curve for the period 1972

through 1982 indicates an average runoff of 8,800 acre-feet per year. The projected future runoff at the Arnold gage is estimated to be 9,000 acre-feet per year. The drainage area between the Arnold gage and Cedar Bluff Reservoir is estimated to contribute approximately 530 acre-feet annually, while the projected average annual consumptive use for the same area is 1,530 acre-feet per year. Thus the projected average annual future inflow to Cedar Bluff Reservoir is estimated to be approximately 8,000 acre-feet per year, substantially less than the 13,000 acre-feet per year average for the period 1960 through 1980.

9. That the report indicates releases from Cedar Bluff Reservoir have been made in the past for three entities: U.S. Fish and Wildlife Service (to operate a fish hatchery), Cedar Bluff Irrigation District No. 6, and the City of Russell, Kansas, each under the authority of approved applications for permit to appropriate water. The releases for the irrigation district were begun in 1963 at which time an increase inflow of four to six c.f.s. was measured in the first three (3) miles in the river channel below the dam. By 1966 groundwater levels in the terrace deposits which underlie the irrigation district were building up and surface water flows in the Smoky Hill River between the dam and the Schoenchen gage had increased by approximately 10 c.f.s. The releases for the fish hatchery were begun in 1959 and the releases for the City of Russell, which were released directly into the channel of the Smoky Hill River were also begun in 1959. Releases for the irrigation district were discontinued subsequent to 1978 and the fish hatchery was closed on March 31, 1983. Subsequent to 1978, groundwater levels in the terrace deposits mentioned above began to decline and were still declining in 1983. Analysis of streamflow records at the Schoenchen gage for water years 1979 through 1982 show a declining trend when the effects of direct storm runoff were estimated from the daily flow records. The Smoky Hill River from Cedar Bluff Dam to below the Hays well field in the alluvium of the Smoky Hill River Valley near Schoenchen was reported to have ceased flowing during the summer and fall of 1983. The report concludes that when there was adequate water supply in Cedar Bluff Reservoir to fully irrigate the Cedar Bluff Irrigation District, there was adequate recharge to the Smoky Hill River and valley alluvium to meet authorized uses in the proposed control area.

10. That the report indicates groundwater levels have begun to decline since 1980 in the Hays well field and since 1982 in the Russell well field in the Smoky Hill River Valley alluvium near Pfeifer. The report concludes that present water supplies in the proposed control area are not adequate to meet present needs, that the supply is not adequate for any additional appropriations of water, and that constraints on water use may become necessary in the proposed control area.
11. That Danny Rogers, Area Extension Irrigation Engineer for Kansas State University stationed at Colby, Kansas, testified concerning crop water use. Mr. Rogers testified that for Rush, Ellis, and Trego Counties, Kansas, based on 80% chance of rainfall, the net irrigation requirements for full irrigation of corn, soybeans, grain sorghum and wheat are 14.8 inches, 11.9 inches, 12.4 inches and 10.6 inches, respectively. The net irrigation requirements under a limited irrigation program for the same area, based on 80% chance of rainfall, is from six to eight inches for grain sorghum. Mr. Rogers also testified that it would be possible within the proposed control area to establish levels which would reduce water usage but still allow the economic use of existing irrigation systems.
12. That Laren Dinkel, Water and Sewage Plant Superintendent for the City of Hays, testified concerning the amount of water diverted by the City of Hays from its well fields along Big Creek and the Smoky Hill River, the amount of water treated at its treatment plant and the various uses, metered and unmetered, to which such water is put within the area served by the City of Hays. That Leo Wellbrock, Public Works Director for the City of Hays, testified concerning the efforts made by the city to locate alternate sources of water supply. That Ken Carter, City Manager for the City of Hays, testified concerning water usage and proposed conservation measures by the city. Mr. Carter also testified that it was the intent of the Hays City Commissioners to enact some very strenuous water conservation measures.
13. That Larry F. Werth, a resident about a quarter of a mile west of Schoenchen, Kansas, testified that he has a well in the basement of his house which he has deepened twice between 1971 and 1982. That said well began sucking air in July of 1982 and that the well was not further deepened because of iron in the water at the deeper levels of the alluvium.

14. That Eddie Roth, a resident about a quarter of a mile west of Pfeifer, Kansas, on the Smoky Hill River, testified that he has a domestic well near his house that went dry in June of 1983. That he redrilled said well closer to the Smoky Hill River and that said redrilled well went dry in October of 1983.
15. That Loran Zimmerman, Chairman of Rural Water District No. 1, Ellis County, which is located near Schoenchen, testified that the rural water district's wells began to suck air in the middle of the summer. That in 1982 a deeper well was drilled for the rural water district. That the water in the deeper well had to be treated for iron.
16. That George N. Crawford, Jr., a resident in Section 3, Township 15 South, Range 21 West, in Trego County, about four and one-half (4 1/2) miles below Cedar Bluff Dam on the South side of the Smoky Hill River, testified that he was in favor of extending the boundaries of the proposed intensive groundwater use control area to include the Smoky Hill River Valley above Cedar Bluff Dam to the Colorado line. That he was of the opinion that people in the area would support mandatory metering of all surface and groundwater diversions within the proposed control area. That he was also in favor of seeing an additional gaging station installed on the Smoky Hill River about two and one-half (2 1/2) miles east of Cedar Bluff Dam.
17. That Glen Hill, City Manager of Russell, Kansas, testified on behalf of the City of Russell concerning the construction of a pipeline in 1981 from its well field in the alluvium of the Smoky Hill River Valley near Pfeifer to the City of Russell. That said pipeline has resulted in a reduction in the amount of water diverted from either the river or the wells for municipal use by the City of Russell. That he also testified concerning water usage by the City of Russell. That he testified that the City of Russell opposes the formation or extension of the proposed control area into the Pfeifer area if it would adversely impact upon the water rights held by the City of Russell.
18. That Kenneth L. Brunson, Stream Investigation and Development Biologist for the Kansas Fish and Game Commission, testified that the Kansas Fish and Game Commission supports the designation of the proposed control area.

19. That Gilbert Dinges, a resident just north of Schoenchen, testified that trees and marsh grasses on his property have been dying out for the last three years. That this phenomenon is not observed everywhere along the river, but occurs mainly in the vicinity of the Hays well field. That three (3) domestic wells on his property have gone dry.
20. That Earl J. Munsch, Mayor of Schoenchen, and also a member of the board of directors of Rural Water District No. 1, Ellis County, testified that when the rural water district was formed in 1964 it was difficult to get people to sign on and initially only about 30 did so. The year that the City of Hays installed wells No. 9 and No. 10 some of the residents of Schoenchen had their wells go dry and subsequently another 15 or 20 more hook-ups were added to the rural water district. That currently there are around 80 to 85 hook-ups.
21. That Harold G. Kraus, a farmer and irrigator and a resident in Section 16, Township 15 South, Range 19 West, Ellis County, testified concerning his cropping practices and irrigation water use. Mr. Kraus stated that he has flow meters installed on his irrigation system and provided information on actual water use for crops grown in the last several years. Mr. Kraus stated that he could grow a milo crop under a center pivot system with only 14 inches of water.
22. That P. Allen Macfarlane, a hydrologist employed by the Kansas Geological Survey, has been conducting a study of the groundwater resources of the Smoky Hill River Valley between Cedar Bluff Dam and Kanopolis Dam. That a complete and final report of the study is expected to be ready by January, 1985. The preliminary findings of the study show that the surface and groundwater in the alluvial system are very intimately connected.
23. That Floyd Cline, a resident in the East Half of the Southeast Quarter (E1/2 SE1/4) of Section 35, Township 15 South, Range 17 West, which is just west of Pfeifer, Kansas, testified that some cottonwood trees along the Smoky Hill River near the Russell well field have died. Mr. Cline also expressed his desire to see Pfeifer included in the proposed control area. Mr. Cline also testified that there had been a loss of yield in some of the domestic wells in his area.

24. That Alvin Werth, a resident one (1) mile north of Schoenchen, testified that there was a producing oil and gas field about three (3) miles north of Schoenchen and that test holes drilled in the summer of 1983 on the Northeast Quarter (NE1/4) of Section 29, Township 15 South, Range 18 West, have water in them which is too salty even for livestock.
25. That Ron Parks testified concerning dead trees and other environmental concerns in the vicinity of the Hays well field as a result of no flow in the Smoky Hill River. Mr. Parks also indicated his support for the establishment of the proposed control area.
26. That Ann Millholland, a resident of Hays and Vice President of the Hays League of Women Voters, testified that the League of Women Voters supports all measures that would increase the conservation of water.
27. That Howard Reynolds, a resident of Hays and Professor Emeritus at Fort Hays State University, testified that he supports the establishment of the proposed control area.
28. That the hearing was continued for a period of 45 days or any such other time as may be deemed necessary for intervening parties to furnish information requested at the hearing.
29. That a letter dated March 12, 1984, from the Ellis County Conservation District signed by Robert J. Binder, Chairman, was received in the office of the Chief Engineer-Director on March 14, 1984. The letter indicates the district's support for the proposed control area and further recommends that the Chief Engineer-Director consider a study and control area of the Smoky Hill River and its watershed above Cedar Bluff Reservoir.
30. That a letter dated March 19, 1984, from Larry J. Reichert was received in the office of the Chief Engineer-Director on March 22, 1984. The letter states that hearings should be held to consider extending the control area west of Cedar Bluff Dam to the river's source.
31. That a letter dated March 23, 1984, from the Bureau of Reclamation signed by Robert D. Kutz, Project Manager for the Nebraska-Kansas Projects Office, was received on March 26, 1984. The letter indicated that a significant amount of the problems downstream of Cedar Bluff Reservoir are caused and/or created by conditions above the dam and therefore this should justify the extension of the control area to the river alluvium adjacent to the river upstream of the reservoir.

32. That based upon testimony presented at the hearing, and on affidavits provided by clients of Mr. Ed Larson as requested at the hearing, vested and senior appropriation rights to the use of water for domestic purposes exist within the proposed control area.
33. That K.S.A. 1981 Supp. 82a-1038 provides:

"(a) In any case where the chief engineer finds that any one or more of the circumstances set forth in K.S.A. 1978 Supp. 82a-1036 exist and that the public interest requires that any one or more corrective controls be adopted, said chief engineer shall designate, by order, the area in question, or any part thereof, as an intensive groundwater use control area.

(b) The order of the chief engineer shall define specifically the boundaries of the intensive groundwater use control area and shall indicate the circumstances upon which his or her findings are made. The order of the chief engineer may include any one or more of the following corrective control provisions: (1) A provision closing the intensive groundwater use control area to any further appropriation of groundwater in which event the chief engineer shall thereafter refuse to accept any application for a permit to appropriate groundwater located within such area; (2) a provision determining the permissible total withdrawal of groundwater in the intensive groundwater use control area each day, month or year, and, insofar as may be reasonably done, the chief engineer shall apportion such permissible total withdrawal among the valid groundwater right holders in such area in accordance with the relative dates of priority of such rights; (3) a provision reducing the permissible withdrawal of groundwater by any one or more appropriators thereof, or by wells in the intensive groundwater use control area; (4) a provision requiring and specifying a system of rotation of groundwater use in the intensive groundwater use control area; (5) any one or more other provisions making such additional requirements as are necessary to protect the public interest.

(c) The order of designation of an intensive groundwater use control area shall be in full force and effect from the date of its entry in the records of the chief engineer's office unless and until its operation shall be stayed by an appeal therefrom in accordance with the provisions of subsection (d) of K.S.A. 1978 Supp. 60-2101. The chief engineer upon request shall deliver a copy of such order to any interested person who is affected by such order, and shall file a copy of the same with the register of deeds of any county within which such designated control area lies."

CONCLUSIONS

1. That groundwater levels in the area in question have declined.
2. That the present rate of withdrawal of water from the area in question exceeds the rate of inflow or recharge to the area.
3. That other conditions exist in the area in question which require regulation in the public interest, specifically the interrelationship of surface water and groundwater in the area in question.

4. That an intensive groundwater use control area should be established within the boundaries as set forth in Finding No. 3.
5. That the area in question should be closed to any further appropriation of groundwater and surface water except for domestic uses, temporary permits and short term permits and corrective control provisions are necessary to protect the public interest.
6. That conditions exist within the alluvium of the Smoky Hill River Valley and its major tributaries between Cedar Bluff Dam and a point about four miles north and west of Sharon Springs, Kansas, which require regulation in the public interest.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, that an intensive groundwater use control area should be and is hereby established in Rush, Trego, Ellis and Russell Counties, Kansas, within the boundaries set forth below, and the following corrective control provisions shall be in full force and effect within the area described from and after the date of this Order:

1. That the boundaries of the District shall be as follows:

A tract of land totally within the drainage basin of the Smoky Hill River, including all of the valley alluvium between Cedar Bluff Dam and the mouth of Big Creek, and lying partially in Trego, Ellis, Rush and Russell Counties in Kansas, and being more particularly described as a tract of land bounded by a line beginning at the west quarter corner of Section 25, Township 14 South, Range 22 West, in Trego County, thence easterly a distance of five (5) miles to the west quarter corner of Section 26, Township 14 South, Range 21 West; thence southerly a distance of one-half (1/2) mile to the southwest corner of the same said Section 26; thence easterly a distance of four (4) miles to the northwest corner of Section 33, Township 14 South, Range 20 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 33; thence easterly a distance of three (3) miles to the northwest corner of Section 1, Township 15 South, Range 20 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 1; thence easterly a distance of three (3) miles to the northwest corner of Section 9, Township 15 South, Range 19 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 9; thence easterly a distance of one (1) mile to the northwest corner of Section 15, Township 15 South, Range 19 West; thence southerly a distance of one (1) mile to the southwest corner of same said Section 15; thence easterly a distance of six (6) miles to the northwest corner of Section 22, Township 15 South, Range 18 West;

thence southerly a distance of one (1) mile to the northwest corner of Section 27, Township 15 South, Range 18 West; thence easterly a distance of nine (9) miles to the northwest corner of Section 30, Township 15 South, Range 16 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of Section 19, Township 15 South, Range 16 West; thence easterly a distance of five (5) miles to the west quarter corner of Section 24, Township 15 South, Range 16 West; thence northerly a distance of one and one-half (1 1/2) miles to the northwest corner of Section 13, Township 15 South, Range 16 West; thence easterly a distance of three (3) miles to the northwest corner of Section 16, Township 15 South, Range 15 West; thence northerly a distance of one (1) mile to the northwest corner of Section 9, Township 15 South, Range 15 West; thence easterly a distance of two (2) miles to the northwest corner of Section 11, Township 15 South, Range 15 West; thence northerly a distance of one (1) mile to the northwest corner of Section 2, Township 15 South, Range 15 West; thence easterly a distance of two (2) miles to the southwest corner of Section 31, Township 15 South, Range 14 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 31; thence easterly a distance of one (1) mile to the northeast corner of same said Section 31; thence southerly a distance of two (2) miles to the southeast corner of Section 6, Township 15 South, Range 14 West; thence westerly a distance of one (1) mile to the southwest corner of same said Section 6; thence southerly a distance of one and one-half (1 1/2) miles to the east quarter corner of Section 13, Township 15 South, Range 15 West; thence westerly a distance of two (2) miles to the east quarter corner of Section 15, Township 15 South, Range 15 West; thence southerly a distance of one and one-half (1 1/2) miles to the southeast corner of Section 22, Township 15 South, Range 15 West; thence westerly a distance of three (3) miles to the northeast corner of Section 30, Township 15 South, Range 15 West; thence southerly a distance of one (1) mile to the southeast

corner of same said Section 30; thence westerly a distance of one (1) mile to the southwest corner of same said Section 30; thence southerly a distance of one (1) mile to the southeast corner of Section 36, Township 15 South, Range 16 West; thence westerly a distance of approximately eight and one-half (8 1/2) miles to the northeast corner of Section 4, Township 16 South, Range 17 West; thence southerly a distance of one (1) mile to the southeast corner of same said Section 4; thence westerly a distance of four (4) miles to the southwest corner of Section 1, Township 16 South, Range 18 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of same said Section 1; thence westerly a distance of five (5) miles to the west quarter corner of Section 6, Township 16 South, Range 18 West; thence northerly a distance of one-half (1/2) mile to the northwest corner of same said Section 6; thence westerly a distance of approximately one and six tenths (1.6) miles to the southeast corner of Section 36, Township 15 South, Range 19 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 36; thence westerly a distance of three (3) miles to the southwest corner of Section 28, Township 15 South, Range 19 West; thence northerly a distance of one and one-half (1 1/2) miles to the east quarter corner of Section 20, Township 15 South, Range 19 West; thence westerly a distance of three (3) miles to the west quarter corner of Section 24, Township 15 South, Range 20 West; thence northerly a distance of one (1) mile to the east quarter corner of Section 14, Township 15 South, Range 20 West; thence westerly a distance of three (3) miles to the east quarter corner of Section 17, Township 15 South, Range 20 West; thence northerly a distance of one-half (1/2) mile to the northeast corner of the same said Section 17; thence westerly a distance of two (2) miles to the southwest corner of Section 7, Township 15 South, Range 20 West; thence northerly a distance of one (1) mile to the northwest corner of same said Section 7; thence westerly a distance of two (2) miles to the southwest corner of Section 2, Township 15 South,

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Range 21 West; thence northerly a distance of one-half (1/2) mile to the west quarter corner of same said Section 2; thence westerly a distance of five (5) miles to the west quarter corner of Section 1, Township 15 South, Range 22 West; thence northerly a distance of two (2) miles to the west quarter corner of Section 25, Township 14 South, Range 22 West, which is the point of beginning. Said tract contains 113 square miles, more or less.

2. That this intensive groundwater use control area shall be closed to further groundwater and surface water appropriation, except for domestic use or any use authorized by temporary permit granted under the authority of K.S.A. 82a-727; that the Chief Engineer-Director shall refuse to accept any other application for a permit to appropriate groundwater or surface water within the intensive groundwater use control area, except that the Chief Engineer-Director further reserves the right to accept, consider, approve, reject or modify any application to appropriate groundwater or surface water requesting approval for the use of water for a period not to exceed one calendar year within the intensive groundwater use control area; that any such application approved by the Chief Engineer-Director shall be subject to such terms, conditions and limitations as the Chief Engineer-Director shall deem necessary in the public interest.
3. That all applications to appropriate water filed on or after November 30, 1983, and prior to the date of this Order declaring an intensive groundwater use control area, shall be dismissed.
4. That by July 1, 1984, or within any authorized extension of time thereof for good cause shown by the water user, flow meters shall be installed on all water wells and surface water diversion facilities now existing in the intensive groundwater use control area except on those wells and surface water diversion facilities used solely for domestic purposes and those wells authorized by temporary permits; that these meters shall meet or exceed the specifications for flow meters adopted by the Chief Engineer-Director on March 27, 1980, and amended on March 16, 1981, unless a written waiver is obtained from the Chief Engineer-Director prior to the use of the well or surface water

diversion facility; that flow meters shall be installed on all water wells and surface water diversion facilities, except those to be used solely for domestic purposes and those authorized by temporary permits, constructed after the date of this Order; and those flow meters shall meet or exceed the specifications required by the Chief Engineer-Director at the time the well or surface water diversion facility is constructed unless a written waiver is obtained from the Chief Engineer-Director prior to use of the well or surface water diversion facility; that each water right holder in the intensive groundwater use control area shall file water use reports no later than March 1 of the year following the usage or such other time as may be indicated by the Chief Engineer-Director; that in addition to reporting the information normally required in the water use reports, each water right holder shall also report: (a) the depth to static water level in each well in the intensive groundwater use control area determined and in a manner acceptable to the Chief Engineer-Director, (b) the serial number of the water meter, and (c) the meter reading at the beginning and end of the calendar year.

5. That the meters installed in accordance with paragraph number 4 shall be maintained in a condition satisfactory to the Chief Engineer-Director;
6. That paragraph numbers 4 and 5 of this Order are hereby incorporated as terms, conditions and limitations of each approved application for a permit to appropriate water for beneficial use, certificate of appropriation or vested right for all wells and surface water diversion facilities located within the intensive groundwater use control area as described in paragraph number 1.
7. That in all other respects not inconsistent with this Order, the Chief Engineer-Director shall continue to administer water rights and process applications filed pursuant to the Kansas Water Appropriation Act in accordance with the Kansas Water Appropriation Act and rules and regulations and policies of the Division of Water Resources, Kansas State Board of Agriculture.

8. That usage under all appropriation rights and approved applications for permit to appropriate water for irrigation use within the boundaries of the control area shall be restricted until such time as may be modified by any subsequent order of the Chief Engineer-Director, to: 1) an amount not to exceed an average of 15 acre-inches per acre on the maximum number of authorized acres irrigated under those rights and approved applications during any one of the calendar years 1977 through 1982 as determined by the Chief Engineer-Director, or 2) the amount authorized under said rights or approved applications, whichever is less.
9. That usage under all appropriation rights and approved applications for permit to appropriate water for any uses other than irrigation or domestic within the boundaries of the control area shall be restricted for calendar year 1984 to an amount not to exceed 95 percent of the maximum usage for any one of the calendar years 1981, 1982 and 1983. That usage under said rights and approved applications shall be restricted for calendar year 1985 and any subsequent calendar year, until such time as may be modified by any subsequent order of the Chief Engineer-Director, to an amount not to exceed 90 percent of the maximum usage for any one of the calendar years 1981, 1982 and 1983. That in no case shall the usage provided for above be allowed to exceed the amount authorized under said rights and approved applications.
10. That a task force is hereby appointed to further study the water supply and demand situation within the control area and to make recommendations to the Chief Engineer-Director as to what further control provisions, if any, should be implemented within the control area. Such task force shall make reports as requested by the Chief Engineer-Director. The task force shall be constituted as follows:
 - a. One (1) representative chosen from the membership of any of the boards of directors of the Conservation Districts of Ellis, Trego, Rush and Russell Counties.
 - b. One (1) representative from the membership of any of the boards of directors of the rural water districts within the control area.

- c. One (1) representative from the City of Hays.
- d. One (1) representative from the City of Russell.
- e. One (1) representative who is the holder of a water right or approved application for permit to appropriate groundwater for irrigation use within the control area.
- f. One (1) representative from the Cedar Bluff Irrigation District.
- g. One (1) representative who is a domestic user within the control area.
- h. One (1) representative from the Kansas Water Office.
- i. One (1) representative from the Kansas Geological Survey.
- j. One (1) representative from the U.S. Bureau of Reclamation.
- k. One (1) representative of the Kansas Water Authority.

That the task force members representing entities described in subparagraphs a, b, c, d, f, h, i, j and k shall be appointed by the entities represented. That the task force members described in subparagraphs e and g shall be selected by the Chief Engineer-Director after consideration of nominations by the water users in the category represented. That the Chief Engineer-Director shall designate the chairperson of said task force after the representatives have been selected. That the task force shall be specifically charged with providing advice and recommendations to the Chief Engineer-Director on plans and alternatives for bringing the stream-aquifer system in to balance between water supply and demand within the control area, in so far as may be possible, including but not limited to recommendations as to:

- a. Possible changes to the operation and/or use of water stored in Cedar Bluff Reservoir.
- b. Limitations on the withdrawal of water from the area.
- c. Alternative sources of water for use by existing water users in the area.
- d. Conservation plans for water use in the area.
- e. Such other items as may be deemed necessary to effectuate a long term solution to the water supply problem in the area.

11. That David L. Pope, Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, hereby, on his own initiative, initiates proceedings for the extension of the intensive groundwater use control area to include the alluvium of the Smoky Hill River Valley and its major tributaries in the reach between Cedar Bluff Dam in Trego County, Kansas, and a point about four miles north and west of Sharon Springs, Kansas, in an area described as follows:

Hackberry Creek and Alluvium

	Sections
Township 13 South, Range 25 West,	30-33
Township 14 South, Range 25 West,	4-6, 9-16, 24
Township 13 South, Range 26 West,	17-20, 25-30, 32-36
Township 13 South, Range 27 West,	6-10, 13-26
Township 12 South, Range 28 West,	31, 32
Township 13 South, Range 28 West,	1-6, 8-16, 23, 24
Township 12 South, Range 29 West,	31-36
Township 13 South, Range 29 West,	1-9, 17, 18

Said tract containing 86 square miles, more or less; and

Smoky Hill River and Alluvium

	Sections
Township 14 South, Range 22 West,	26-35
Township 15 South, Range 22 West,	2-6
Township 14 South, Range 23 West,	31-36
Township 15 South, Range 23 West,	1-6
Township 14 South, Range 24 West,	27-36
Township 15 South, Range 24 West,	1, 2
Township 14 South, Range 25 West,	25, 26, 31-36
Township 15 South, Range 25 West,	6, 7
Township 14 South, Range 26 West,	33-36
Township 15 South, Range 26 West,	1-12, 18, 19
Township 15 South, Range 27 West,	1, 2, 11-24
Township 15 South, Range 28 West,	13-24

Township 15 South, Range 29 West,	13-24
Township 15 South, Range 30 West,	7-10, 13-18, 22-24
Township 14 South, Range 31 West,	31-33
Township 15 South, Range 31 West,	2-6, 10-15
Township 14 South, Range 32 West,	19, 20, 26-30, 32-36
Township 15 South, Range 32 West,	1-5, 8-10
Township 13 South, Range 33 West,	31-33
Township 14 South, Range 33 West,	4-6, 8-10, 14-16, 21-26
Township 13 South, Range 34 West,	25-36
Township 14 South, Range 34 West,	1, 2
Township 13 South, Range 35 West,	19-30, 35, 36
Township 13 South, Range 36 West,	13-30
Township 13 South, Range 37 West,	9, 10, 13-16, 19-30
Township 13 South, Range 38 West,	21-32
Township 13 South, Range 39 West,	18-21, 25-36
Township 13 South, Range 40 West,	2-18, 24, 25, 36

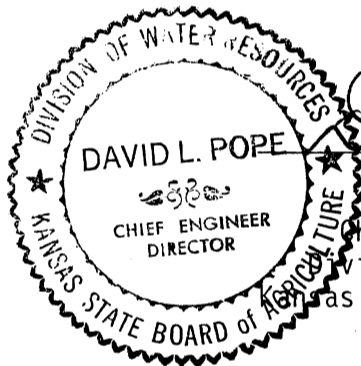
Said tract containing 284 square miles, more or less;
a total of 370 square miles, more or less.

12. That the Chief Engineer-Director orders that all applications to appropriate water for beneficial use (other than for domestic use, temporary permits and short term permits) received on or after the date of this Order, which propose the appropriation of groundwater from the alluvium of the Smoky Hill River Valley and its major tributaries in the reach between Cedar Bluff Dam in Trego County, Kansas, and a point about four miles north and west of Sharon Springs, Kansas, within the area described in Condition No. 11 above, will be received and assigned a priority and a file number, if acceptable for filing, but will not be further processed until a decision is made as to whether the intensive groundwater use control area will be extended to include the above described area. At the conclusion of the proceedings, all applications filed on or after the date of this Order, will be processed in accordance with the provisions of the Kansas Water Appropriation Act, the rules and regulations, the administrative policies and procedures in effect in that area, and in accordance with

the control provisions of the intensive groundwater use control area, if any. Other actions of the Chief Engineer-Director within the above described area will not be affected.

- 13. That the Chief Engineer-Director specifically retains jurisdiction in this matter with authority to make such changes in the boundaries of the intensive groundwater use control area or the corrective control provisions which have been instituted or any other provisions of this Order, and to hold any subsequent hearings in the matter of the control area or the corrective control provisions, which he or she may deem to be in the public interest.

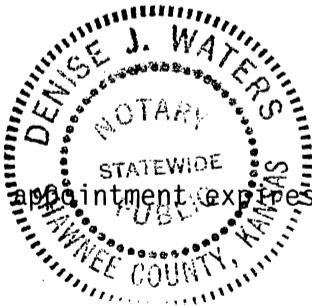
Dated at Topeka, Kansas, this 31st day of May, 1984.



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

State of Kansas)
) SS
 County of Shawnee)

The foregoing instrument was acknowledged before me this 31st day of May, 1984, by David L. Pope, P.E., Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters
 Notary Public

My appointment expires: March 1, 1986