

File No. **26,435** 11. County: BU Basin: Walnut River Stream: Little Walnut River Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD			28103	NE SE SW	3	29S	4E	1	695	2731		805	16	510.4	10.9	
MOD			25950	SE NW NE	9	29S	4E	1	4490	1624		915	73	579.2	50.4	
MOD			32801	SW NE NW	10	29S	4E	1	4388	3867		805	17	510.4	11.7	

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **1600GPM COM/W 73AF/YR WHEN PUMPED SIMULTANEOUSLY**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %						
ENT			67909	4			29S4E									22.0	32.5							54.5	8b				
ENT			67910	9			29S4E				1.0													1.0	8d				
DEL			67342																										
DEL			54505																										
MOD			6827	3			29S4E					.5	1.0	17.0	29.5									48.0	8c				
MOD			17972	4			29S4E					6.0			14.5								40.0	36.0	96.5	8a			
MOD			21477	9			29S4E		9.5	17.5														27.0	8a				
MOD			10186	10			29S4E				6.5	6.5												13.0	8c				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 27, 2016

FROM: Austin McColloch

RE: Water Right
File No. 26,435

John McClure, on behalf of McClure Brothers Farms LLC, filed an application for approval to change the place of use and points of diversion authorized for irrigation use. The application for change was received in the Office of the Chief Engineer on March 8, 2016. The application is to help address overpumping from three (3) surface diversions from the Little Walnut River. The change in place of use will cover currently unauthorized acres. The change in point of diversion will move quantity between the three diversion points. The right is in compliance with K.S.A. 82a-718 and K.S.A. 82a-732. The certificate of appropriation was issued in 2003 for Water Right, File No. 26,435.

The referenced file currently authorizes 73 acre-feet at 1,600 gallons per minute when pumped simultaneously from the three (3) pumpsites located in the Walnut River Basin, for the irrigation of 305.97 acres in the Southeast Quarter of Section 4, Northeast Quarter of Section 9, South Half of Section 3 and Northwest Quarter of Section 10 all in Township 29 South, Range 4 East, Butler County. In an e-mail with Elizabeth Fitch, Environmental Scientist, Stafford Field Office, dated March 22, 2016, it was determined that the base acres are 230 acres.

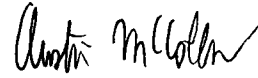
The owners are requesting to irrigate 240 acres in the South half of Section 4, Southwest Quarter of Section 3, Northwest Quarter of Section 10 and North Half of Section 9 all in Township 29 South, Range 4 East resulting in 10 acres to be added to the base acres. The proposed change in place of use complies with K.A.R. 5-5-11(b) allowing a proposed place of use to increase the irrigated acres by allowing the base acreage to be increased by 10 acres or 10 percent, whichever is less.

The proposed change in Point of Diversion is to shuffle authorized quantity for a single point of diversion around between the already authorized pumpsites in Township 29 South, Range 4 East. The pumpsite in Section 3 that is authorized a quantity of 30 acre-feet would now be authorized 16 acre-feet. The pumpsite in Section 9 that is authorized a quantity of 49 acre-feet would now be authorized 73 acre-feet. The pumpsite in Section 10 that is authorized a quantity of 27 acre-feet would now be authorized 17 acre-feet. Because there is no increase in rate of diversion for any pumpsite, and no increase in overall combined acre-feet for the Water Right, the change complies with K.A.R. 5-5-3, having no increase in consumptive use. The limitation of 1,600 gpm combined with 73 acre-feet per calendar year when pumped simultaneously still applies. No change in the local source of supply will occur as no new pumpiste has been proposed.

Nearby letters were sent to landowners one-half (½) mile up and down stream. A John Jones called with questions but no objections to the proposed changes. A John Woody called with questions but no objection to the proposed changes. He also requested an application to appropriate water for his property and a letter and application was sent to him.

In a June 24, 2016 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application with the emphasis on strong water flowmeter requirements. There is already required flow meters on the points of diversions with a meter order with the option for the flowmeters to be sealed to the pipe by DWR.

Based on the above discussion, the change is reasonable, consumptive use will not increase and impairment of existing water rights is unlikely. No change in the local source of supply will occur, it is recommended that the referenced application be approved.

A handwritten signature in black ink, appearing to read "Austin McColloch". The signature is written in a cursive style with a prominent initial "A" and a checkmark-like flourish at the end.

Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 22, 2016

MCCLURE BROTHERS FARMS LLC
C/O JOHN MCCLURE
22548 SW ADAMS RD
DOUGLAS KS 67039

RE: Water Right
File No. 26,435

Dear Mr. McClure:

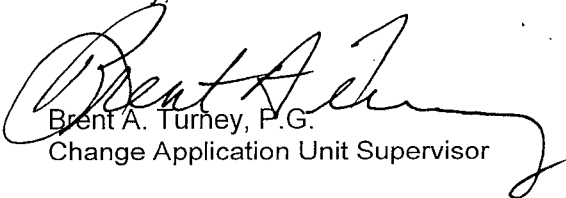
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number with the option for the flowmeters to be sealed to the pipe by the Division of Water Resources. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact me at 785-464-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:am

Enclosure(s)

pc: Stafford Field Office
The Howard Trust
Marjorie F Moody Living Trust
Kevin & Angela G Coombes et. Al.

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 AND POINT OF DIVERSION
 WATER RIGHT
 FILE NO. 26,435**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application by John McClure, on behalf of McClure Brothers Farms LLC, 22548 SW Adams Rd. Douglass, Kansas 67039, Deborah DeHoff, on behalf of The Howard Trust, 18524 SW Hunter Rd. Douglass, Kansas 67039, Majorie F Moody Living Trust, 16555 SW Hunter Rd. Augusta, Kansas 67010, Kevin & Angelia G Coombes et. Al., 20250 SW Hunter Rd. Douglass, Kansas 67039, and Kenneth A & Deborah DeHoff Trust, 18524 SW Hunter Rd. Douglass, Kansas 67039, received in this office on March 8, 2016, for approval of a change in the location of the place of use and point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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	
3	29S	4E									.5	1.0	17.0	29.5					48.0
4	29S	4E									6.0			14.5	22.0	32.5	40.0	36.0	151.0
9	29S	4E	9.5	17.5			1.0												28.0
10	29S	4E					6.5	6.5											13.0

a total of 240.0 acres in Township 29 South, Range 4 East, Butler County, Kansas,

and the location of the authorized points of diversion shall be:

one (1) pumpsite located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 3, more particularly described as being near a point 695 feet North and 2,731 feet West of the Southeast corner of said section, at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s) and a quantity not to exceed 16 acre-feet of water per calendar year.

one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 9, more particularly described as being near a point 4,490 feet North and 1,624 feet West of the Southeast corner of said section, at a diversion rate not in excess of 915 gallons per minute (2.04 c.f.s) and a quantity not to exceed 73 acre-feet of water per calendar year.

one (1) pumpsite located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW¼ NE¼ NW¼) of Section 10, more particularly described as being near a point 4,388 feet North and 3,867 feet West of the Southeast corner of said section, at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s) and a quantity not to exceed 17 acre-feet of water per calendar year.

all in Township 29 South, Range 4 East, Butler County, Kansas.

CERTIFICATE OF SERVICE

On this 20 day of July, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 26,435, dated July 19, 2016 was mailed postage prepaid, first class, US mail to the following:

MCCLURE BROTHERS FARMS LLC
C/O JOHN MCCLURE
22548 SW ADAMS RD
DOUGLASS KS 67039

With photocopies to:

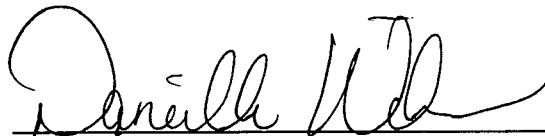
THE HOWARD TRUST
DEBORAH K DEHOFF
18524 SW HUNTER RD
DOUGLASS KS 67039-8405

MARJORIE F MOODY LIVING TRUST
16555 SW HUNTER RD
AUGUSTA KS 67010-8434

KEVIN & ANGELIA G COOMBES ET AL
20250 SW HUNTER RD
DOUGLASS KS 67039-8725

KENNETH A & DEBORAH DEHOFF TRUST
18524 SW HUNTER RD
DOUGLASS KS 67039-8405

Stafford Field Office



Division of Water Resources

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

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



State of Kansas

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

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

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

**WATER RESOURCES
RECEIVED**

MAR 08 2016

11:20
KS DEPT OF AGRICULTURE

File No. 26435

2. Name of applicant: John McClure

Address: 5175 SW 157th Ter

City, State and Zip: Douglass KS 67039-8661

Phone Number: (316)644-4385

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: McClure Brothers Farms LLC

Address: 22548 SW Adams Rd

City, State and Zip: Douglass KS 67039

Phone Number: (316) 644-4385

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The change in place of use will cover unauthorized acres. The change in point of diversion will move quantity to the main diversion point to help address overpumping.

The change(s) will completed by upon approval of the change

(Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use RR Source G County BU By AW Date 3/8/16
Code C-2 Fee \$ 400 TR # _____ Receipt Date 3/8/16 Check # 0993

16033151

APPLICATION COMPLETE

6/24/16
Reviewer AM

4. The presently authorized place of use is:

Owner of Land — NAME: McClure Brothers Farms LLC

ADDRESS: 22548 SW Adams Rd, Douglass KS 67039

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		
4	29S	4E																		80
9	29S	4E	22	17.5																39.5

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

Owner of Land — NAME: James & Linda C Krablin

ADDRESS: 10501 E Quail Creek Cir, Derby KS 67037-8355

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		
9	29S	4E	5	10.5																15.5

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: McClure Brothers Farms LLC

ADDRESS: 22548 SW Adams Rd, Douglass KS 67039

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		
4	29S	4E								6				14.5				40	36	96.5
9	29S	4E	9.5	17.5																27

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

Owner of Land — NAME: Kevin & Angelia G Coombes et al

ADDRESS: 20250 SW Hunter Rd, Douglass KS 67039-8725

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		
9	29S	4E					1													1

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 26435
MAKE ADDITIONAL COPIES AS NECESSARY

4. *Continued:* The presently authorized place of use is:
Owner of Land ---- NAME: Kenneth A & Deborah DeHoff Trust
ADDRESS: 18524 SW Hunter Rd, Douglass KS 67039-8405

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		
3	29S	4E																		41.5

Owner of Land ---- NAME: The Howard Trust
ADDRESS: Deoborah DeHoff, 18524 SW Hunter Rd, Douglass KS 67039-8405

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		
3	29S	4E								34	1	18.5	35			18.63	0.34			107.47
10	29S	4E					7	15												22
																		Grand Total		305.97

5. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:
Owner of Land ---- NAME: The Howard Trust
ADDRESS: Deoborah DeHoff, 18524 SW Hunter Rd, Douglass KS 67039-8405

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		
3	29S	4E								0.5	1	17	29.5							48
10	29S	4E					6.5	6.5												13

Owner of Land ---- NAME: Marjorie F Moody Living Trust
ADDRESS: 16555 SW Hunter Rd, Augusta KS 67010-8434

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		
4	29S	4E														22	32.5			54.5
																		Grand Total		240

RECEIVED
WATER RESOURCES RECEIVED
MAR 08 2016
SCANNED
KS DEPT OF AGRICULTURE

Acceptable for
Unacc 2/4/2016
Stafford Field Office
Division of Water Resources
File No. 26435

6. The presently authorized point(s) of diversion are three (3) surface diversions
(Provide description and number of points)
7. The proposed point(s) of diversion are three (3) surface diversions
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 3, Township 29 South, Range 4 E, in Butler County, Kansas, 695 feet North 2,731 feet West of Southeast corner of section.
 Authorized Rate 805 gpm Authorized Quantity 30 AF
 (DWR use only: Computer ID No. 1 GPS 695 feet North 2,731 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 3, Township 29 South, Range 4 E, in Butler County, Kansas, no change feet North no change feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 16 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NE Quarter of Section 9, Township 29 South, Range 4 E, in Butler County, Kansas, 4,490 feet North 1,624 feet West of Southeast corner of section.
 Authorized Rate 915 gpm Authorized Quantity 49 AF
 (DWR use only: Computer ID No. 1 GPS 4,490 feet North 1,624 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 NW Quarter of the NE Quarter of Section 9, Township 29 South, Range 4 E, in Butler County, Kansas, no change feet North no change feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 73 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

10. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NW Quarter of Section 10, Township 29 South, Range 4 E, in Butler County, Kansas, 4,388 feet North 3,867 feet West of Southeast corner of section.
 Authorized Rate 805 gpm Authorized Quantity 27 AF
 (DWR use only: Computer ID No. 1 GPS 4,388 feet North 3,867 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 SW Quarter of the NE Quarter of the NW Quarter of Section 10, Township 29 South, Range 4 E, in Butler County, Kansas, no change feet North no change feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 17 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Base acres will not be increased by more than 10 acres.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

N/A

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.

no waivers are anticipated at this time

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 20 2018
KANSAS WATER RESOURCES DIVISION
MAN OF DAM

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.

x Dated at Dougllass, Kansas, this 25 day of February, 2016

x Kevin S Coombes (Owner) Angelina M. Coombes (Spouse)

x Kevin S Coombes (Please Print) Angelina G. Coombes (Please Print)

____ (Owner) _____ (Spouse)

____ (Please Print) _____ (Please Print)

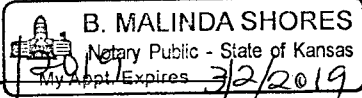
____ (Owner) _____ (Spouse)

____ (Please Print) _____ (Please Print)

State of Kansas }
County of Butler } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of February, 2016

My Commission Expires 3/2/2019



B. MALINDA SHORES
Notary Public - State of Kansas
My Appt. Expires 3/2/2019

B. Malinda Shores
Notary Public
Bmalinda Shores

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

RECEIVED
FEB 29 2016

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

SCANNED MAR 08 2016

Stafford Field Office
DIVISION OF WATER RESOURCES

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.

X Dated at Life Care Center of Andover, Kansas, this 25th day of February, 2016.

X Margorie J. Moody
(Owner)

none
(Spouse)

X MARTORIE F. MOODY
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

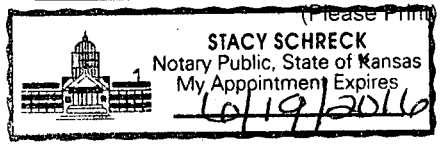
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)



State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of February, 2016.

My Commission Expires 6/19/2016

Stacy Schreck
Notary Public

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

RECEIVED

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

FEB 29 2016

Stafford Field Office
DIVISION OF WATER RESOURCES

MAR 08 2016
SCANNED

KS DEPT OF AGRICULTURE

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

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Dated at Wichita, Kansas, this 22 day of Feb, 2016.

<u>Deborah K. DeHoff, Trustee</u> (Owner)	_____	(Spouse)
<u>The Howard Trust by Deborah K DeHoff, Trustee</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Sedgwick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of February, 2016.

Debrah Stancoff
Notary Public

My Commission Expires 5/9/2019

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:

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

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED
MAR 08 2016
SCANNED
KS DEPT OF AGRICULTURE

RECEIVED
FEB 24 2016
State Field Office
Division of Water Resources
Acceptable for

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.

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Dated at Wichita, Kansas, this 22 day of Feb, 2016

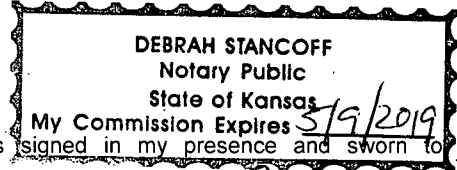
Kenneth A. Dehoff Justice
(Owner)
KENNETH A. DEHOFF TRUSTEE
(Please Print)

Deborah K Dehoff Justice
(Spouse)
Deborah K. Dehoff Trustee
(Please Print)

(Owner)
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of Sedgwick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of February, 2016

Debrah Stancoff
Notary Public

My Commission Expires 5/9/2019

FEE SCHEDULE

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- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

WATER RESOURCES RECEIVED

RECEIVED

Unacceptable for Priority

SCANNED MAR 08 2016

KS DEPT OF AGRICULTURE

Stafford Field Office
Division of Water Resources

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Dated at 3-4-16, Kansas, this 4 day of MARCH, 20 16.

McClure Bros Farms LLC by John McClure
(Owner) (Spouse)

McClure Bros Farms LLC by John McClure
(Please Print) (Please Print)

~~(Owner)~~
~~(Please Print)~~
~~(Owner)~~
~~(Please Print)~~

~~(Spouse)~~
~~(Please Print)~~
~~(Spouse)~~
~~(Please Print)~~

State of Kansas }
County of Butler } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of March, 20 16.

SHIRLEY M. RHODES
Notary Public - State of Kansas
My Appt. Expires 2/18/19

Shirley M. Rhodes
Notary Public

My Commission Expires _____

FEE SCHEDULE

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

WATER RESOURCES
RECEIVED

MAR 08 2016

SCANNED

KS DEPT OF AGRICULTURE

McColloch, Austin

From: Lanterman, Jeff
Sent: Friday, June 24, 2016 10:31 AM
To: McColloch, Austin
Cc: Conant, Cameron
Subject: RE: Change Application 26,435

I checked with Elizabeth who told me that she did a lot of work on ownership when she filled this out. So I am pretty confident it is correct. Wouldn't hurt to check her work though. Pretty important in this case.

From: Lanterman, Jeff
Sent: Friday, June 24, 2016 10:09 AM
To: McColloch, Austin <Austin.McColloch@KDA.KS.GOV>
Cc: Conant, Cameron <Cameron.Conant@KDA.KS.GOV>
Subject: RE: Change Application 26,435

Austin;

I concur with the base acre calculation in your memorandum. I did the original FIR on this file and it appears that the ownership has gotten a TON more complicated, so I would do some checking just to ensure that we have everyone's signature on the application that we need, because it looks like we are affecting ownership interests shifting quantities around.

I want strong flowmeter requirements on each point of diversion. We already required flow meters here with a meter order but I want to reiterate the requirements and add in the option for the flowmeters to be sealed to the pipe by DWR because we have had some problems with Mr. McClure overpumping the pivot which now has gotten much larger. There is an enforcement matrix up in Manhattan on this right now. Or should be...

Approve it. Kind of cleaning this water right up a bit.

Thanks

Jeff

From: McColloch, Austin
Sent: Wednesday, May 4, 2016 9:44 AM
To: Lanterman, Jeff <Jeff.Lanterman@KDA.KS.GOV>
Subject: Change Application 26,435

Good Morning,

I would like your recommendation on this change application for McClure Brothers Farms, File No. 26,435.

Austin J. McColloch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Ph: (785) 564-6643
Austin.McColloch@kda.ks.gov
www.agriculture.ks.gov

McColloch, Austin

From: Fitch, Elizabeth
Sent: Tuesday, March 22, 2016 2:10 PM
To: McColloch, Austin
Subject: RE: Base Acres - 26435

The base/perfection acres for File No. 26435 are 230.

Elizabeth K Fitch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
elizabeth.fitch@kda.ks.gov
agriculture.ks.gov

From: McColloch, Austin
Sent: Thursday, March 17, 2016 8:51 AM
To: Fitch, Elizabeth
Subject: Base Acres - 26435

Hi Elizabeth,
Richelle asked me to check the base acres on File No. 26,435 for confirmation on no increase of consumptive use.

Thanks,

Austin J. McColloch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Ph: (785) 564-6643
Austin.McColloch@kda.ks.gov
www.agriculture.ks.gov

OVERLAPS:

Section 3, T 29, R 4E, ID 2 (Internal PUSE_ID = 54505)

OWNER: KENNETH A & DEBORAH DEHOFF TRUST

Address:

** 18524 SW HUNTER RD

** DOUGLASS KS 67039

Total acres authorized = 41.50 Acres ✓

NE	NW	SW	SE												
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
.00	.00	.00	.00	.00	.00	.00	.00	.00	1.00	24.00	16.50	.00	.00	.00	.00

COMMENT:

OVERLAPS:

Section 9, T 29, R 4E, ID 2 (Internal PUSE_ID = 67342)

OWNER: JAMES & LINDA C KRABLIN

Address:

** 10501 E QUAIL CREEK CIR

** DERBY KS 67037

Total acres authorized = 15.50 Acres ✓

NE	NW	SW	SE												
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
5.00	10.50	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00

COMMENT:

OVERLAPS:

805 gpm	30 AF	→	805 gpm	16 AF
	20.7 Add			10.93
.28			.15	
915 gpm	49 AF	→	915 gpm	73 AF
	33.7 Add			50.4
.47			.69	
805 gpm	27 AF	→	805 gpm	17 AF
	18.6 Add			11.67
.25			.16	

List of Upstream and downstream ½ mile Landowners from Point of Diversion File 26,435

1. JONES, JOHN R, JR; TOD
6606 SW 210TH ST
DOUGLASS, KS 67039-8276
2. KRABLIN, JAMES & KRABLIN, LINDA C
10501 QUAIL CREEK RD
Derby, KS 67037-8355
3. SCHAUF, MICHAEL D & JOANN M
18604 SW ARAPAHO RD
DOUGLASS, KS 67039-8139
- X COOMBES, KEVIN & ANGELIA G; ETAL
20250 SW HUNTER RD
DOUGLASS, KS 67039-8725
- X MCCLURE BROTHERS FARMS LLC
22548 SW ADAMS RD
DOUGLASS, KS 67039-8277
- X HOWARD TRUST, DEOBORAH DEHOFF
18524 SW Hunter Rd.
DOUGLASS, KS 67039-8405
7. CARR, JAMES RANDALL & PATRICIA GAYLE; REV TRUST
19450 SW HUNTER RD
DOUGLASS, KS 67039-8773
8. WOODY, JOHN M
317 S FOREST ST
DOUGLASS, KS 67039-9800
9. BOWMAN, JOHN P; LIV TRUST
18300 SW HWY 77
DOUGLASS, KS 67039-8643
10. JONES FAMILY REV TRUST
420 E 2ND ST
DOUGLASS, KS 67039-9604

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Greg Foley, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 26.435

PRIORITY DATE April 7, 1976

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 Department 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 natural flows of the Little Walnut River to be diverted at three (3) pumpsites:

one (1) pumpsite located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 695 feet North and 2,731 feet West of the Southeast corner of said section, at a diversion rate not in excess of 305 gallons per minute (1.79 c.f.s.) and a quantity not to exceed 30 acre-feet of water per calendar year.

one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 4,490 feet North and 1,624 feet West of the Southeast corner of said section, at a diversion rate not in excess of 915 gallons per minute (2.04 c.f.s.) and a quantity not to exceed 49 acre-feet of water per calendar year.

one (1) pumpsite located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, more particularly described as being near a point 4,388 feet North and 3,867 feet West of the Southeast corner of said section, at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.) and a quantity not to exceed 27 acre-feet of water per calendar year.

all in Township 29 South, Range 4 East, Butler County, Kansas.

46,435
**CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE
 (LAND ONLY)**

THIS AGREEMENT, Made and entered into this 2 day of NOV, 2006, by and between
LLOYD HOWARD and VERA HOWARD, hereinafter referred to as "Seller", whether
 one or more, and RUSSELL D YOUNG and JAMES KRABLIN, hereinafter referred to as
 "Buyer", whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed the following described real property situated in BUTLER CO KS County, Kansas, to-wit: BEG 20W SE/C N/2 NE/4 N200
W810 TO CTR LN, RIV NWLY ALG CTR LN TO W LN N/2 NE/4S TO SW/C E 2620 TO POB LESS ROW OF 9-24-4
that tract west of Hwy 77 in Sec 9-29-4 the Property"

2. The Buyer hereby agrees to purchase, and to pay to the Seller, as consideration for the conveyance to Buyer of the above described real property, the sum of (\$ ~~57,500.00~~ 63,500.00) fifty seven thousand five hundred
Sixty three thousand five hundred dollars Dollars in manner following, to-wit: CASH

3. **TITLE EVIDENCE:** The Seller shall cause to be furnished to Buyer, at Seller's option, either an abstract or a title insurance company's commitment to issue, after closing, a title insurance policy in an amount equal to the full purchase price naming Buyer as the insured. Except for assumptions or owner-carry transactions, the commitment shall show marketable title vested in Seller, subject to any of the following exceptions which may apply: Easements; encroachments which would be disclosed by survey; rights-of-way of record; trees, plantings and fences; restrictions and protective covenants of record, provided no forfeiture provisions are contained therein; unmaturing special assessments; zoning laws, ordinances and regulations; rights of tenants in possession; the liens, if any, described therein; and those exceptions which are standard to American Land Title Association's Form B or as specified herein and in an assumption, the mortgage securing the loan which the Buyer is assuming. A copy of the title commitment will be furnished to lender, listing broker, and selling broker as promptly as possible. The Seller and Buyer shall each pay one-half the cost of the title insurance. In the event a Builder/Seller is entitled to a discount, the Builder/Seller shall receive the full discount. Buyer shall pay for any title coverage for the benefit of Buyer's lender. Seller shall have reasonable time, not to exceed 30 days from the scheduled closing date, to cure any title defect other than the exceptions listed above. Should the Seller be unable to furnish marketable title subject to the foregoing exceptions, and should this Contract be terminated for that reason, then the earnest money shall be refunded promptly to the Buyer, the Seller shall reimburse to the Buyer the cost of Buyer's accrued loan costs, attorneys' fees for examining title, and title insurance cancellation fees, and all parties shall be released from any further obligation. Title Evidence to be ordered from: KANSAS SECURED TITLE

Buyer requests title company to: leave title binder open
 issue final policy on land

4. Mineral rights will: pass with the land to the Buyer
 remain with the Seller

Handwritten notes:
 1/2 to Buyer
 1/2 to seller
 RDY
 11-2-06

5. Crops planted at the time of sale will: pass with the land to the Buyer
 remain with the Seller
 other (please describe)

This contract is for use by SUSAN WORRELL. Use by any other party is illegal and voids the contract. **Instant Forms**

WATER RESOURCES RECEIVED

APR 28 2016

SCANNED

6. Water rights will:



- pass with the land to the Buyer
- remain with the Seller
- other (please describe) IRRIGATION RIGHTS FROM RIVER REMAIN W SELLER

7. There is no leasehold interest or tenant's rights in the subject property, nor any oil or gas leases of record, except as follows: PROPERTY IS LEASED FOR OIL AND GAS. NO PRESENT PRODUCTION

8. Land currently zoned as AGRICULTURAL

9. **SURVEY:** Buyer will acquire will not acquire a survey on the property being purchased, regardless of lender's survey requirements.

10. **DEED AND DOCUMENTS FOR CLOSING:** In the event a title or abstract company prepares a Deed, Affidavit of No Liens, or other necessary documents to complete this transaction, the charge for same, in addition to the cost of closing the transaction, shall be shared equally between the Buyer and Seller, but if lender prohibits Buyer from doing so, Seller shall pay such costs.

11. **EARNEST MONEY:** The Buyer does hereby deposit with KST-BUTLER (Company Name), earnest money in the form of CHECK and in the amount of \$ 1,000.00, as security that the terms and conditions of this Contract shall be fulfilled by the Buyer. Earnest money shall be deposited within five business days after Contract is accepted by all parties. The earnest money shall be applied to the purchase price at closing. Pursuant to K.S.A. 58-3061, the broker can only disburse earnest money 1) pursuant to written authorization of Buyer and Seller; 2) pursuant to a court order; or 3) when a transaction is closed according to the agreement of the parties. Notwithstanding any other terms of this Contract providing for forfeiture or refund of the earnest money deposit, the parties understand that applicable Kansas real estate laws prohibit the escrow agent from distributing the earnest money, once deposited, without the consent of all parties to this agreement. Buyer and Seller agree that failure by either to respond in writing to a certified letter from Broker within seven (7) days of receipt thereof or failure to make written demand for return or forfeiture of an earnest money deposit within thirty (30) days of notice of cancellation of this agreement shall constitute consent to distribution of the earnest money as suggested in any such certified letter or as demanded by the other party hereto. If a dispute arises over disposition of funds or documents deposited with the escrow agent or the listing broker, Seller and Buyer agree that any attorney's fees, court costs and/or other legal expenses incurred by the escrow agent and any broker in connection with such dispute shall be reimbursed from the earnest money or other funds deposited with the escrow agent or listing broker. In addition to forfeiture of earnest money to Seller or return of earnest money to Buyer, Buyer and Seller shall both have the option of enforcing specific performance of this Contract or any other remedy allowed by law or equity.

12. **PRORATION OF TAXES AND RESERVES:** All ad valorem taxes, the current annual installment of special assessments, rentals, homeowner's association dues, and interest, if any, shall be adjusted and prorated as of closing date, unless otherwise agreed. General taxes shall be prorated for the calendar year on the basis of taxes for the previous year unless the previous year's assessed valuation was based on a lesser improved property, in which case taxes shall be determined from the assessed valuation and the officially-established mill levy prevailing at closing. Special assessments shall be prorated on the basis of the amount (for the calendar year) ascertainable at the time of closing by the closing agent. **BUYER IS RESPONSIBLE FOR VERIFYING THE AMOUNT OF TAXES AND SPECIAL ASSESSMENTS.**

13. **INTERIM MAINTENANCE:** Seller agrees to deliver possession of the Property in a like or better condition than it is now, reasonable wear and tear excepted.

14. **CLOSING AND POSSESSION:** The parties agree that time is of the essence and the parties agree to close on or before 28 NOV 2006. Seller agrees to give possession as follows: UPON CLOSING

This contract is for use by SUSAN WORRELL. Use by any other party is illegal and voids the contract.

WATER RESOURCES RECEIVED
APR 28 2016
SCANNED
KS DEPT OF AGRICULTURE

15. AGENCY DISCLOSURE:

Listing Broker/Licensee is functioning as an: Agent of the Seller Designated Seller's Agent* Transaction Broker

Selling Broker/Licensee is functioning as: Agent of the Seller Agent of the Buyer Transaction Broker
 Designated Seller's Agent* Designated Buyer's Agent*

*Supervising Broker acts as a Transaction Broker

Seller and Buyer acknowledge receipt of the Real Estate Brokerage Relationships brochure.

16. REPRESENTATIONS AND RECOMMENDATIONS: It is hereby agreed and acknowledged by the parties hereto that unless otherwise stated in paragraph 19 (Additional Terms and Conditions), neither the listing nor selling brokers, or their agents, employees, or associates have made, on their own behalf, any representations or warranties, expressed or implied, with respect to the Property. Any information furnished to either party through the Multiple Listing Service or in any property condition report should be independently verified by that party before that party relies on such information. Any representations made herein have been made by the listing/selling brokers based on information supplied by sources believed to be reliable, and brokers and their associates have not assumed any responsibility, directly or indirectly, with respect to any representation or warranties which have been made. Since the selling/listing brokers are acting as brokers only, they shall, under no circumstances, be held liable to either the Seller or Buyer for performance or lack of performance of any terms or conditions of this Contract. Buyer and Seller agree that broker and broker's agents do not have any expertise in evaluating the environmental condition of the property described in paragraph 1, and that broker and broker's agents have made no representation concerning environmental condition except as may be noted in paragraph 19 (Additional Terms and Conditions). Buyer or Seller may retain an environmental inspection firm to inspect the property. **Again, it is emphasized that if any party believes representations have been made, they must set forth specifically and in writing in paragraph 19 (Additional Terms and Conditions) if they are to be effective or enforceable.**

17. BROKERAGE FEES: The party handling the closing is hereby authorized and directed to collect and disburse the brokerage fees at closing.

18. LIENS: Seller represents and warrants that there are no unpaid (whether recorded or not) chattel mortgages, conditional sales contracts, financing statements, or security agreements affecting any fixture, portion of the Property or item of personal property covered by this Contract. Any existing liens which the Seller is required to remove under this Contract may be paid and discharged from the sale proceeds at the closing.

20. AGREEMENT APPROVAL: This Contract constitutes the entire agreement between the parties and supersedes any previously executed contracts, representations, verbal or written. Neither this Contract, nor any interest herein, shall be transferred or assigned by Buyer without the prior written consent of Seller.

Buyer and Seller hereby acknowledge receipt of separate expense itemizations estimating approximate costs to be incurred. Buyer and Seller also acknowledge that they have read the entire Contract and that by signing page four (4) of this four (4) page Contract, they agree to all terms contained herein.

19. ADDITIONAL TERMS AND CONDITIONS:

**ONE HALF OF MINERAL RIGHTS PASS TO THE BUYERS.
BUYERS WOULD LIKE TO CLOSE AS SOON AS TITLE WORK CAN BE COMPLETED.**



WATER RESOURCES
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APR 28 2016

SCANNED

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE.

Buyer Russell D Young
Print Name RUSSELL D YOUNG

Social Security # _____

Date 11-2-06 Time 1:19

Buyer James Krablin
Print Name JAMES KRABLIN

Social Security # _____

Date 11-2-06 Time _____

Seller Lloyd Howard
Print Name LLOYD HOWARD

Social Security # 510-28-7126

Date 10-3-06 Time _____

Seller Vera Howard
Print Name VERA HOWARD

Social Security # 515-20-0475

Date 10-3-00 Time _____

FOR OFFICE USE ONLY

Agent SUSAN WORRELL

E-mail SBWORRELL@SBCGLOBAL.NET

Firm SUNDGREN REALTY

Phone 775-2213 Fax _____

Agent SUSAN WORRELL

E-mail _____

Firm _____

Phone _____ Fax _____

Rev. 10/99

Page 4 of 4

Form #2528

This contract is for use by SUSAN WORRELL. Use by any other party is illegal.

WATER RESOURCES RECEIVED



APR 28 2016

SCANNED

KS DEPT OF AGRICULTURE

Report Date:Thursday, March 17 2016
WATER RIGHT INFORMATION REPORT FOR : 26435 00
RIGHT TYPE: Appropriation
SOURCE: Surface Water USE: IRR
CURRENT STATUS: Certificate Issued
PRIORITY DATE: 07-APR-76
CURRENT COMPLETE BY DATE: 31-DEC-78
COMPLETION ACKNOWLEDGED DATE: 03-AUG-79
CURRENT PERFECT BY DATE: 31-DEC-00
YEAR PERFECTED:
CERTIFICATE ISSUED DATE: 27-JAN-03
:~::~:

APPLICANT(S):

> LLOYD & VERA L HOWARD (OFF LIMITS) 18475 SW US HIGHWAY 77 DOUGLASS KS 67039
> PERSON ID (Old Address Code): 8103
> CORRESPONDENT SEQUENCE NUMBER: 1
>-----

WATER USE CORRESPONDENT(S):

> MCCLURE BROTHERS FARMS LLC 22548 SW ADAMS RD DOUGLASS KS 67039
> PERSON ID (Old Address Code): 30759
> CORRESPONDENT SEQUENCE NUMBER: 1
>-----

ACTION TRAIL:

07-APR-76 Pending Initial Review
28-APR-77 Approved Pending Completion N+P BY 31-DEC-78 PERF BY 31-DEC-82
03-AUG-79 Completed Pending Inspection
08-SEP-80 F & O P/D
08-MAY-91 Land Owner Chg-Lloyd Howard
20-AUG-02 Inspected Pending Perfection
06-SEP-02 Proposed Certificate
26-NOV-02 Suspended For Draft Certificate
27-JAN-03 Proposed Certificate - Extended Time To Perfect PERF BY 31-DEC-00
27-JAN-03 Certificate Issued
27-JAN-03 Record Yr 2000:See Jacket
24-MAR-08 Water Right Violation-Notice Of Non-Compliance Issued
15-MAR-12 Compliance Check/Not In Comp
16-JUL-12 Water Right Violation-Notice Of Non-Compliance Issued
21-OCT-15 Name Chg - Kenneth & Deborah K Dehoff Trust
21-OCT-15 Landowner Add - James & Linda C Krablin
08-MAR-16 C1 Change App Pd Pu Filed

CONSERVATION CONTRACT ACTION TRAIL:

CONSERVATION PLAN ACTION TRAIL:

SPECIAL CONDITIONS:

QUANTITIES BY POINT OF DIVERSION:

> Section 9, T 29, R 4E ID 1 IRR AUTHORIZED 49.000 AF ADDITIONAL 33.700 AF
> Section 3, T 29, R 4E ID 1 IRR AUTHORIZED 30.000 AF ADDITIONAL 20.700 AF
> Section 10, T 29, R 4E ID 1 IRR AUTHORIZED 27.000 AF ADDITIONAL 18.600 AF
Report Date:Thursday, March 17 2016 106 73

RATES BY POINT OF DIVERSION:

> Section 9, T 29, R 4E ID 1 IRR AUTHORIZED 915.000 gpm ADDITIONAL 579.200 gpm
> Section 3, T 29, R 4E ID 1 IRR AUTHORIZED 805.000 gpm ADDITIONAL 510.400 gpm
> Section 10, T 29, R 4E ID 1 IRR AUTHORIZED 805.000 gpm ADDITIONAL 510.400 gpm

LIMITATIONS:

> Combined Rate & Quantity 1600GPM COM/W 73AF/YR WHEN PUMPED SIMULTANEOUSLY

List of Upstream and downstream 1/2 mile Landowners from Point of Diversion File 26,435

1. JONES, JOHN R, JR; TOD Ⓟ CALLED WITH QUESTIONS - NO OBJECTION TO CMC
6606 SW 210TH ST
DOUGLASS, KS 67039-8276
2. KRABLIN, JAMES & KRABLIN, LINDA C
10501 QUAIL CREEK RD
Derby, KS 67037-8355
3. SCHAUF, MICHAEL D & JOANN M
18604 SW ARAPAHO RD
DOUGLASS, KS 67039-8139
- ✕ COOMBES, KEVIN & ANGELIA G; ETAL
20250 SW HUNTER RD
DOUGLASS, KS 67039-8725
- ✕ MCCLURE BROTHERS FARMS LLC
22548 SW ADAMS RD
DOUGLASS, KS 67039-8277
- ✕ HOWARD TRUST, DEBORAH DEHOFF
18524 SW Hunter Rd.
DOUGLASS, KS 67039-8405
7. CARR, JAMES RANDALL & PATRICIA GAYLE; REV TRUST
19450 SW HUNTER RD
DOUGLASS, KS 67039-8773
8. WOODY, JOHN M Ⓟ CALLED INQUIRED ABOUT PROJECT.
317 S FOREST ST WANTED TO GET A PERMIT FOR HIS PROPERTY -
DOUGLASS, KS 67039-9800 SENT HIM A LETTER AND APPLICATION CR.
9. BOWMAN, JOHN P; LIV TRUST
18300 SW HWY 77
DOUGLASS, KS 67039-8643
10. JONES FAMILY REV TRUST
420 E 2ND ST
DOUGLASS, KS 67039-9604

Ⓟ LI/DWA RECEIVED CALLS FROM NEARBY LOTTERS

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 26435
MAKE ADDITIONAL COPIES AS NECESSARY

4. *Continued:* The presently authorized place of use is:

Owner of Land --- NAME: Kenneth A & Deborah DeHoff Trust

ADDRESS: 18524 SW Hunter Rd, Douglass KS 67039-8405

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	
3	29S	4E									1	24	16.5						41.5

Owner of Land --- NAME: The Howard Trust

ADDRESS: Deoborah DeHoff, 18524 SW Hunter Rd, Douglass KS 67039-8405

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	
3	29S	4E									34	1	18.5	35			18.63	0.34	107.47
10	29S	4E					7	15											22
																Grand Total	305.97		

5. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: The Howard Trust

ADDRESS: Deoborah DeHoff, 18524 SW Hunter Rd, Douglass KS 67039-8405

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	
3	29S	4E									0.5	1	17	29.5					48
10	29S	4E					6.5	6.5											13

Owner of Land --- NAME: Marjorie F Moody Living Trust

ADDRESS: 16555 SW Hunter Rd, Augusta KS 67010-8434

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	
4	29S	4E													22	32.5			54.5
																Grand Total	240		

AH HAROLD

WATER RESOURCES
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MAR 08 2016

SCANNED

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 7, 2016

MCCLURE BROTHERS FARMS LLC
ATTN JOHN MCCLURE
22548 SW ADAMS RD
DOUGLASS KS 67039

RE: Water Right
File No. 26,435

Dear Ms. McClure:

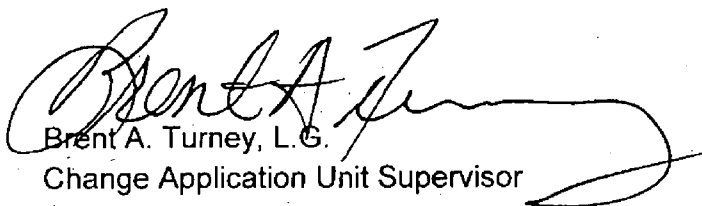
Reference is made to the application for approval of the Chief Engineer to change the authorized point of diversion and place of use under the referenced file number which was received in this office on March 8, 2016. Upon review of your application, we find that additional information is needed.

Records in this office indicate that James & Linda C Krablin are also owners of the referenced water right. Because the application must be signed by all landowners and spouses you will find enclosed blank signature pages accompanied by a copy of the application. Please have all owners and their spouses sign the signature pages in the presence of a notary and return them to this office.

Please return the signature pages to this office at your earliest convenience so we may proceed with processing the application.

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 I may help you more efficiently.

Sincerely,



Brent A. Turney, L.G.
Change Application Unit Supervisor

BAT:am

Enclosures

pc: Stafford Field Office

SCANNED

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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) 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.**



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

JOHN MCCLURE
5175 SW 157TH TER
DOUGLASS KS 67039

March 9, 2016

RE: File No. 29435

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
 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.

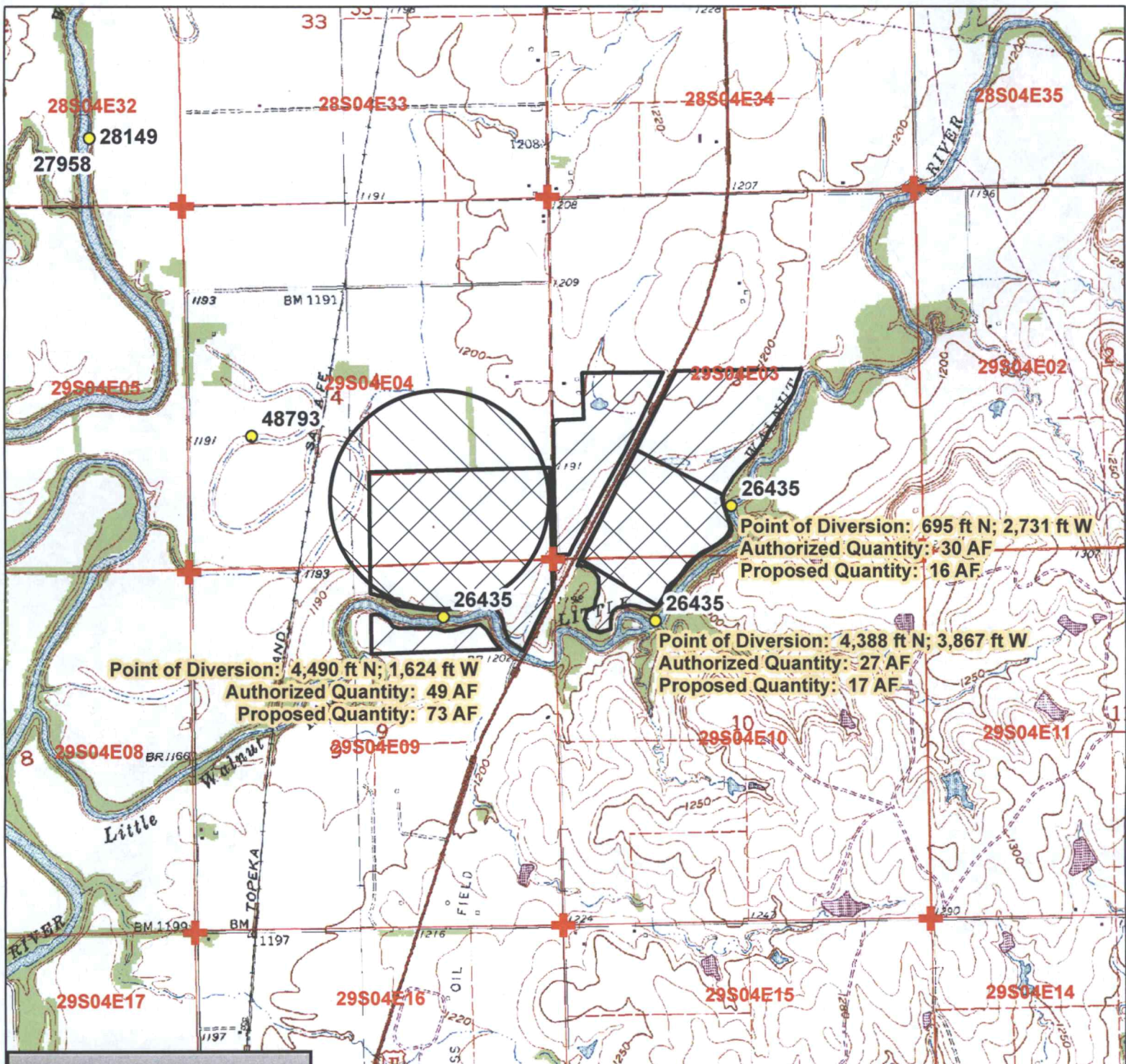
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD

SCANNED



Point of Diversion: 4,490 ft N; 1,624 ft W
 Authorized Quantity: 49 AF
 Proposed Quantity: 73 AF

Point of Diversion: 695 ft N; 2,731 ft W
 Authorized Quantity: 30 AF
 Proposed Quantity: 16 AF

Point of Diversion: 4,388 ft N; 3,867 ft W
 Authorized Quantity: 27 AF
 Proposed Quantity: 17 AF

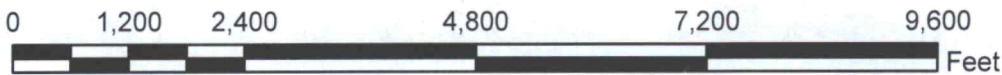
Legend

- Water Appropriations
- + Section Corner
- Section Line

Place of Use

- Proposed
- Authorized

N



Water Right, File No. 26435

Change in Point of Diversion and Place of Use Application Map
 3, 4, 9 & 10-29S-4E
 Butler County

SCANNED

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MAR 08 2016
 KS DEPT OF AGRICULTURE
 1/7/16 EKF-SFFO

See Additional Map for Upstream and Downstream Owners



File No. 26435

2015 Aerial image from Google Earth Pro. Yellow line is extent of center pivot system

Legend

KS DEPT OF AGRICULTURE
MAR 08 2015
WATER RESOURCES
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Google earth



1000 ft



File No. 26435

2015 Aerial image from Google Earth Pro. Yellow line is extent of center pivot system. Zoomed in to SW portion of pivot system.

Legend



MS DEPT OF AGRICULTURE
MAR 08 2015
WATER RESOURCES
RECEIVED

Google earth



200 ft



SCANNED

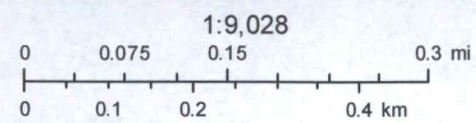
KS DEPT OF AGRICULTURE

February 25, 2016

MAR 09 2016

WATER RESOURCES RECEIVED COUNTY

- COUNTY ASPHALT
- COUNTY GRAVEL
- KANSAS TURNPIKE
- Extent of Pivot PAPER*
- PRIVATE
- STATE HWY
- TOWNSHIP
- US HWY
- Municipal Boundary



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,

Butler County GIS/Mapping

The information contained on this map is to locate, identify and inventory real property for taxing purposes, and not to be utilized in place of a survey for boundary determinations.