

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 32635

Field Office No. 1

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** _____

If applicable, list Place of Use Overlap File Nos. 7113

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** _____
- Name of Former WUC _____ Name of New WUC _____

4. a. **Point of diversion computer ID No(s).** 6 **for point(s) being changed.**

- b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	9523	NO	29	11S	17E	2866	1036	Shawnee	SW SE NE
ENT		NO	29	11S	17E	2780	1126	Shawnee	SW SE NE

- c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm	_____ gpm	_____ af	_____ af

- d. **Name of Drainage Basin** Kansas River **Is this correctly shown in WRIS?** Yes No

- e. **Formation Name & No.** _____ **Special Use Area** _____

5. **Distances from the previous/original p/d:** _____ ' N / S _____ ' E / W

6. WATER RIGHT ACTION TRAIL COMMENTS

05/26/17 Change Application Received (date accepted for priority)

05/31/17 Change Approved
Notice and Proof by 12/31/17

--/------ Completion Requirement Removed (Change No. C____)

7. METER ACTION TRAIL COMMENTS

05/31/17 DWR Meter Required by 12/31/2017

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created 5/31/17 by LHH/TFO

Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 7113

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL ACRES	
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
NO CHG																			

Names and Address:

1. _____ _____	Person ID # _____	2. _____ _____	Person ID # _____	3. _____ _____	Person ID # _____
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GENERAL INSTRUCTIONS

1. Give to Applicant:
 - a. Original application/approval
 - b. Original receipt (one for each application)
 - c. Information packet containing:
 - Notice and Proof form
 - Water Meter Specifications
 - Acceptable Meter list
 - Water level measurement tube specifications
 - Check Valve specifications
 - Pink Sheet - K.S.A. 82a-728 letter
 - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
 2. Send to headquarters:
 - a. Good, microfilmable copy of application and/or approval and this check sheet
 - b. Original check and copy of receipt
 - c. Test hole log
 - d. GMD recommendation, if any
 - e. Map or aerial photograph, if any
 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

 1. Insert notice and proof date.
 2. Type or print applicant's/owner's name on line.
 3. Complete notary statement.
 4. Date stamp received and approved.
 5. Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES
- _____
- _____
- _____
- _____
- _____
- _____

AD ASTRA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

June 1, 2017

FUTAMURA USA INC
6000 SE 2ND ST
TECUMSEH KS 66542

Re: Water Right, File Nos. 7,113 & 32,365

Dear Sir or Madam:

Enclosed are the orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of these orders requires the installation of a water flow meter on the point of diversion authorized under the above referenced file numbers by December 31, 2017 or before the first use of water. Please note that all meters must be installed and maintained in accordance with the Chief Engineer's specifications for water flow meters found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

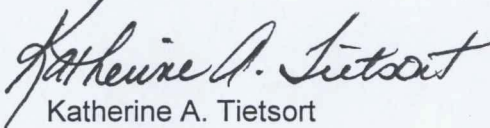
<http://agriculture.ks.gov/meters>

Because these orders modify the original certificates issued under your water right files, they should be recorded with the Register of Deeds as other instruments affecting real estate.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,


Katherine A. Tietsort
Water Commissioner

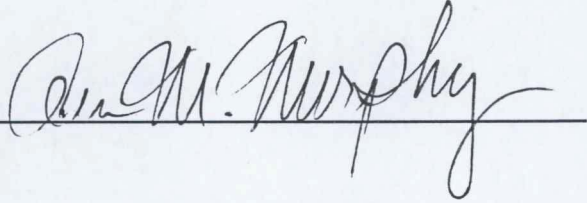
KAT:lh
Enclosures

CERTIFICATE OF SERVICE

On this 1st day of June, 2017, I hereby certify that the attached **APPROVALS OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File Nos. 7,113 and 32,635, dated May 31, 2017 was mailed postage prepaid, first class, US mail to the following:

FUTAMURA USA INC
6000 SE 2ND ST
TECUMSEH KS 66542

Staff

A handwritten signature in black ink, appearing to read "Dan M. Murphy", is written over a horizontal line. The signature is cursive and extends to the right of the line.

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



RECEIVED
 STATE OF KANSAS
 2:55 pm
 MAY 26 2017

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Topeka Field Office
 Fee Schedule is on the third page of this application form. DIVISION OF WATER RESOURCES

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 32635

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: FUTAMURA USA
6000 SE 2ND STREET, TECUMSEH, KANSAS 66542
 Phone Number: (785)276 3401 Email address: stephen.moore@futamuragroup.com
 Name and address of Water Use Correspondent: _____

Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: FUTAMURA USA
 ADDRESS: 6000 SE 2ND STREET, TECUMSEH, KANSAS 66542
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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	
N	O	T		S	U	B	J	E	C	T		O	F		T	H	I	S	
				C	H	A		N	G	E									

4. 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: NO CHANGE
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

WELL #2 ONLY

5. Presently authorized point of diversion:

One in the SW Quarter of the SE Quarter of the NE Quarter of Section 29, Township 11 South, Range 17 (E/W), in SHAWNEE County, Kansas, 2866 feet North 1036 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the SW Quarter of the SE Quarter of the NE Quarter of Section 29, Township 11 South, Range 17 (E/W), in SHAWNEE County, Kansas, 2780 feet North 1126 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 7133 _____

6. Presently authorized point of diversion:

~~One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)~~

~~This point will not be changed This point will be changed as follows:~~

~~**Proposed point of diversion: (Complete only if change is requested)**~~

~~One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____~~

~~This point is: Additional Well Geo Center List other water rights that will use this point _____~~

7. Why do you need a new point of diversion? _____

CASING COLLAPSED

8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?
09/01/2017

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

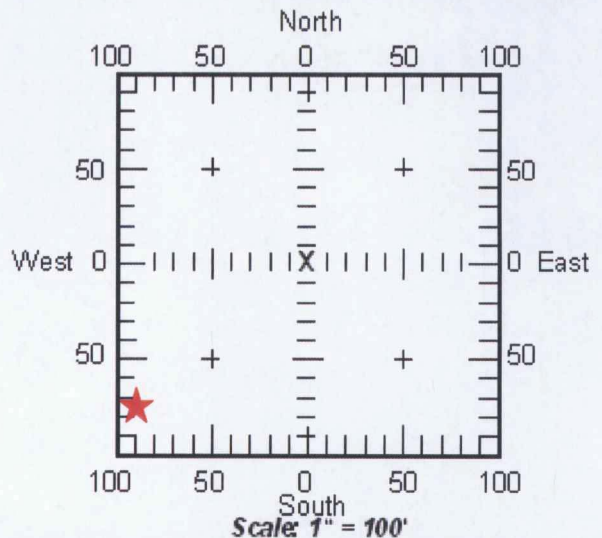
PLUGGING IT

(b) When will this be done? 09/01/2017

11. Groundwater Management District recommendation attached? Yes No Not Applicable

12. Assisted by Stephen Moore

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



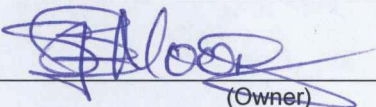
13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at LAWRENCE, Kansas, this 25 day of May, 2017.


 _____ (Owner)	_____ (Spouse)
<u>STEPHEN EDWARD MOORE</u> _____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
 County of Douglas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25 day of May, 2017.

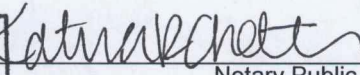
My Commission Expires 9/13/19

NOTARY PUBLIC
STATE OF KANSAS



KATRINA R. CHATMAN

My Appt. Exp. 9/13/19



 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 32,635.

1. A change application was received on May 26, 2017 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2017**, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Katherine A. Tietsoert
Duly Authorized Designee of the Chief Engineer
(Print Name): Katherine A. Tietsoert
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: May 31, 2017

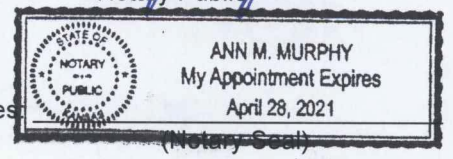
State of Kansas)

County of Shawnee) SS

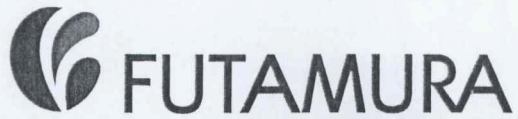
Acknowledged before me on 5/31/17

by Ann Murphy

Signature: Ann Murphy
Notary Public



My commission expires _____



6000 SE 2nd Street, Tecumseh KS 66542

Telephone: 785 276 3460

Kansas Department of Agriculture
Division of Water Resources - Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

Ref: Application for Change to Point of Diversion of Futamura #2 Well

Dear Sir/Madam

Please find enclosed our application for change to Point of Diversion for our #2 Well, all other Wells currently referenced as #1 Well, #3 Well & #4 Well, remain unchanged, location information relating to groundwater rights within a 2 mile radius of our wells and cheque to cover payment.

With regards to domestic water rights, to the best of our knowledge there are no domestic wells within a 0.5 mile radius of our proposed site

I trust this meets with your approval. If you require any further information please do not hesitate to contact me

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Moore", with a long horizontal flourish extending to the right.

Stephen Moore

VMA & Power Manager

Futamura USA

Office +1 785-276-3401 | Mobile +1 785-224-3684

stephen.moore@futamuragroup.com | www.futamuragroup.com |