

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U UMW WORKSHEET

Document Signature LPL

1. File Number: 16715	2. Status Change Date: 5/23/2019	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 11/19/2018
8a. Applicant(s) New to system <input type="checkbox"/> FAIRLEIGH CORPORATION 7400 S FALCON RD PO BOX 560 SCOTT CITY KS 67871		8c. Landowner(s) New to system <input type="checkbox"/> 8C PID 37717 KOEHN TRUST - Name Chg 8CC PID 27932 SCHMIDT 8CCC PID NEW <u>66727</u> GBCM FARMS LLC		
8b. Landowner(s) New to system <input type="checkbox"/> FAIRLEIGH CORPORATION 7400 S FALCON RD PO BOX 560 SCOTT CITY KS 67871		8d. WUC New to system <input type="checkbox"/> 8a		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: STK & IRR KAR 5-5-9 due to wells				
Date Prepared: 4/15/2019 By: li Date Entered: 5/28/2019 By: UM				
10/31/2000				

File No. 16715 11. County: SC Basin: WHITEWOMAN CREEK Stream: NA Formation Code: 211 Special Use: NO

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
MOD			5392	NC W2 SW SE	2	20	34W	6	652	2318	STK USE	300	46.11 MGY	300	46.11	NONE
CHK			20097	SW NE SE	12	20	34W	5	1520	1246	IRR USE	330	140 AF	330	0	NONE
CHK			53613	NE SW SW	2	20	34W	5	1144	4022	IRR USE	495	250AF	495	0 AF	NONE

14. Limitation: 1235 af/yr at _____ gpm (_____ cfs) when combined with file number(s) **SC 107 SC 108 & 8881**

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

16. Place of Use																		Total	Owner	Chg?	Overlap Files							
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
								NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
ENT			51795	25	19	34W	1	FEEDLOT (SE)																	8a	NO	SC 83 6168 4261	
																												18859 28305 43366 44997
ENT			36708	30	19	33W	3	FEEDLOT (W2 E2) & (W2)																	8a	NO	SC 83 6168 4261	
																												18859 28305 43366 44997
CHK			17790	35	19	34W																4	20	24	8CCC	YES	SC 107 SC108 & 8881	
CHK			4993	2	20	34W	1	LT 1 39.1 8	LT 2 24.0	30.0	40.0	LT 3 38.0	LT 4 4.0	4.0	29.0					30.0	38.0	5.00	1.00	282.18	8CC	NO	SC107 SC108 & 8881	
CHK			2208	12	20	34W	1	40	40	40	40	40	40	40	40					40	40	40	40	480	8C	NO	SC107 SC108 & 8881	
DEL			53367	36	19	34W	1									10.0	8.0	30.0	40.0					88.0	8CC	YES	SC107 SC108 & 8881	
DEL			20018	1	20	34W	2					LT 3 12.0	LT 4 29.0	20.0	20.0									81.0	8CC	YES	SC107 SC108 & 8881	

Comments: **This right will be divided on day 2 of processing.**

meter req #3

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 6, 2019

FROM: Leslie Ireland

RE: Vested Right,
File Nos. SC 107 & SC 108
Water Right,
File Nos. 4,261; 8,881 & 16,715

Greg Glunz, CEO of Fairleigh Feed Yard., filed applications under File Nos. 4,261 and 16,715 to change the use made of water from irrigation to stockwatering and the place of use to their feed yard. The change for File No. 16,715 is a partial change and will be divided after the change. The irrigated place of use is currently authorized by File Nos. 4,261; 16,715, SC 107 SC 108 & 8,881. The three owners of the irrigated place of use requests to reduce the irrigated acres for File Nos. SC 107, SC108 and 8,881. The request for File No. 8,881 includes a reduction in the points of diversion, quantity and modification of the additional limitation. All of the requests and changes were received on November 19, 2018. The applicants were assisted by Frank Mercurio, Rural Resources Consulting LLC.

The applications appear to comply with K.A.R. 5-5-2(a), *Complete change application*. The three owners are Gary G. and Sandra S. Schmidt, GBCM Farms LLC owned by Gary Schmidt and the Margaret Koehn Trust, Gerald E Koehn POA. The application included an easement agreement for access to the wells, pipeline and detailed place of use. The rights would not be considered to be abandoned per Part(e) of K.S.A. 82a-718, *Abandonment of water rights: notices, hearing; review of action*, and are in compliance with K.S.A. 82a-732, *Annual water use report required; penalty for violations*. Notice as required by K.S.A. 82a-1906, did not require any notification as there are no well owners within one-half (½) mile of the wells authorized under these rights other than the owners of the referenced rights.

The proposed stockwatering place of use is the Fairleigh Feed Yard located Southwest of Scott City and currently authorized under File Nos. SC 083; 6,168; 18,859; 28,305; 43,366; 44,997 & 44,998, with the most junior rights, File Nos. 43,366; 44,997 & 44,998 limited to 328.5 mgy (1,008.13 acre-feet) when combined with File Nos. SC 083; 6,168; 18,859; 28,305. The proposed place of use was clarified on February 22, 2019, to be the West Half of the East Half (E½ W½) and the West Half (W½) of Section 30, and in the Southeast Quarter (SE¼) of Section 25, all in Township 19, Range 33 West, Scott County approximately 2.5 mile to the Northeast of the wells.

The irrigation rights being modified, File Nos. SC 107; SC 108; 4,261; 8,881 & 16,715 currently authorize 955.15 acres with a total combined limited 1,549 acre-feet. The irrigated acres are located in Sections 34 & 35 in Township 19, and Sections 1, 2 & 12 in Township 20, all in Range 34 West, Scott County.

File No. 4,261, is authorized 141 acre-feet (AF) at a maximum of 383 gallons per minute (gpm) from one well located in the SE¼ SW¼ SE¼ of Section 2, approximately 175 feet North and 1,450 feet West of the Southeast corner of Section 2, located in Township 20, Range 34 West, Scott County. The point of diversion is also authorized by File No. 8,881. The requested change in use made of water is from irrigation to stockwatering use per K.A.R. 5-5-9; *Changes in the use made of water from irrigation to another type of beneficial use of water*. The consumptive use percentage for Scott County is 81.8%. The 141 AF has been requested to be reduced to 115.3 AF (37.57 million gallons) per year to be authorized for stockwatering use. The owners have requested to reduce the quantity and points of diversion under File No. 8,881, resulting in only File No. 4,261 to authorize 115.3 AF to be diverted at 383 gpm from the well listed above and referenced as being located in the SE¼ SW¼ SE¼ of 2-20-34W Scott County.

File No. 16,715, is authorized a limited 1,549 AF when combined with File Nos. SC 107; SC 108; 4,261 & 8,881 from three (3) points of diversion all with assigned quantities and rates to irrigate 955.18 acres. This right developed an additional 80 acre-feet for irrigation use and increased the irrigation ratio to 1.62 acre-foot per acre. The owners propose to change the use made of water then divide this right with the D1 portion to be authorized for stockwatering use. The well changing to stockwatering use, is ID 6, located near the center of the West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) in Section 2, approximately 652 ft North and 2,318 feet West of the Southeast corner, in Township 20 South, Range 34 West, Scott County. This well is authorized 173 AF that has been requested to be reduced to 141.5 AF (46.11 mgy) at 300 gpm for the stockwatering use. As evaluated by K.A.R. 5-5-9, due to the quantity assigned per well and could be divided then changed resulting in 81.8% of the authorized or 141.5 AF for the proposed use. The two(2) remaining wells will authorize a limited 1,235 acre-feet with File Nos. SC 107, SC 108 and 8,881 for their certified irrigation use, but with a reduced place of use. It appears the requested change complies with the change in use made of water regulations.

The removal of the quantity for irrigation under File Nos. 4,261 & 16,715 and the reduction quantity under File No. 8,881, resulting in a limited 1,235 acre-feet remaining under File Nos. SC 107, SC 108 and 8,881 for irrigation.

File No.	Authorized AF	Additional AF	Limitation
SC 108	320	320	
SC 107	640	640	
8881	1,235	275	1,235 AF with SC 107 & SC 108
16715-D2	1,235	0	1,235 AF with SC 107, SC 108 & 8,881

The place of use to be reduced as allowed per K.A.R. 5-5-11(b)(2)(B)(ii) a total of 789.3 acres can be retained for irrigate on use as determined:

$$1,235 \text{ AF} \times 0.85 \div 1.33 \text{ NIR at } 80\% \text{ for Scott County} = 789.3 \text{ acres}$$

When the reduced 789.3 acres are irrigated with the limited 1,235 acre-feet it results in an irrigation ration of 1.56 acre-foot per acre. K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, allows 1.7 acre-foot per acre for Scott County. The owners have requested to modify File No. 8,881 to a limited 1,235 acre-feet with the irrigation portion of File No. 16,715 (D2), which will also be limited to 1,235 acre-feet. The place of use will remove 88 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 19 South and 81 acres in the Northwest Quarter (NW $\frac{1}{4}$) of Section 1, Township 20, both in Range 34 West, Scott County taking the currently authorized 955.18 acres to 786.18 acres. It appears the changes and reductions comply with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The reduction in the authorized quantity and place of use, should assure the change to a more consumptive use will not result in an increase in the historical consumptive use and the proposal complies with K.A.R. 5-5-3, *Consumptive use*.

Under the stockwatering portion of File Nos. 4,261 and 16,715 (future 16,715-D1) will provide a combined total of 256.8 AF, or 83.68 mgy to be added to the existing stockwatering currently authorized in the West Half (W $\frac{1}{2}$) and West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 30, Township 19 South, Range 33 West, and in the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, in Township 19 South, Range 34 West, both in Scott County.

The applications were submitted with the Kansas Department of Health and Environment permit justification for 80,000 head of beef cattle with a weight greater than 700 pounds. per K.A.R. 5-3-22; *Maximum reasonable quantity of water for livestock and poultry*, this number of beef cattle in an open lot facility could consume a maximum of 1,344.2 AF or 438.0 mg of water per year. The feedlot is presently authorized a limited 328.5 File Nos. SC 083; 6,168; 18,859; 28,305; 43,366; 44,997 & 44,998, with limitations to 328.5 mgy (1,008.13 acre-feet) on File Nos. 43,366; 44,997 & 44,998; with File No. 28,633, limited to 222.2 mgy with File No. SC 83. The quantity will increase by 83.62 mgy (256.7 AF). The limitation on the quantity under File Nos. 43,366, can be removed providing 16.11 mgy and the limitations under File Nos. 44,997 & 44,998 to 438 mgy with the senior rights. The limitation will be modified to read that the quantity authorized for stockwatering use under File Nos. SC 083; 4,261; 6,168; 16,715-D1; 18,859; 28,305; 43,366; 44,997 & 44,998, limited to 438.0 mgy (1,344.2 acre-feet).

Stockwatering rights

File No.	Authorized mgy	Additional mgy	Limitation
SC 083	222.23	222.23	
4261	37.57	37.57	
6168 ID 1	38.78	38.78	
6168 ID 6	49.85	49.85	
18859	18.57	18.57	
16715-D1	46.11	46.11	
28305 ID 9	120	0	
28305 ID 15	149	0	222.2 mgy with SC 083
43366	16.11	16.11	438 MGY COM/W SC 083; 4261; 6168; 16,715-D1 18859 & 28305
44997	27.196	8.75	438 MGY COM/W SC 83, 4261; 6168, 16715-D1 18859; 28305 & 43366
44998	28.633	0	438 MGY COM/W SC 83, 4261; 6168, 16715-D1, 18859, 28305, 43366 & 44997

A findings and order to remove the additional limitation on File No. 43,366, will be completed, and orders for File Nos. 44,997 & 44,998, to modify the existing limitations due to the rights that are being added and the increased feedlot capacity.

There will be no change in the locations of the authorized points of diversion, but updates will be completed under File No. SC 108 & 8,881 that overlap, GPS data from 2011 of 71 feet update for the well ID 1 in Section 11. File No. 8,881 also has updates under ID 3 Section 11 to add the feet distances of 4,411' N and 806' W. This will update the quarter description from (NC NE¼ NE¼) to being in the (SW¼ NE¼ NE¼). The most junior stockwatering rights were recently certified and have only the limitation updates. It appears the updates comply with part a of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

The applications and reductions were submitted to the Northwest Kansas Groundwater Management District No. 1. In a letter received on March 25, 2019, Kyle Spencer, District Manager, stated that the applications for change and reduction requests were recommended for approval by the Board and on May 2, 2019, to allow the waiver of K.A.R. 5-21-7, for the requested changes from irrigation to stockwatering use, or stockwatering and irrigation use.

Mike Meyer, Water Commissioner of the Garden City Field Office reviewed the proposed changes and indicated in his e-mail dated May 6, 2019, he has no objection to the approvals and accompanying findings and orders.

Water meters will be required and a check valves if any chemical or foreign substance is injected into the water through the diversion works. A water level measurement tube is not applicable to these change approvals, as the construction of a new well has not been authorized.

Based on the above discussion, that the changes in conjunction with the reduction of the irrigated place of use are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved with the reduction requests.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 29, 2019

COPY

FAIRLEIGH CORPORATION
GREG GLUNZ CEO
PO BOX 560
SCOTT CITY KS 67871

RE: Water Right, File Nos. 4,261 & 16,715

Dear Mr. Glunz:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change, under File Nos. 4,261 and 16,715. A copy of the change in place of use and use made of water for File Nos. 4,261 and 16,715 has been sent to the owners of the irrigated place of use. They have also been sent the orders in the matter of the modifications to File Nos. SC 107; SC 108 & 8,881.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval documents please contact Leslie Ireland, Environmental Scientist, at 785-564-6633. Should you have questions regarding the meter requirement please contact Michael Meyer, Water Commissioner, at the Garden City Field Office at 620-276-2901. 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, P.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1
Gary G & Sandra S Schmidt, GBCM Farms LLC
Margaret Koehn Trust, Sharon Roemer Trustee

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT, FILE NO. 16,715**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gary G. Schmidt on behalf of GBCM Farms LLC, and Gary G. & Saundra S. Schmidt, all at 9670 S Eagle Road, Scott City, Kansas 67871, along with Gerald E. Koehn, POA for the Margaret Koehn Trust, 1609 Court Street, Scott City, Kansas 67871 and Greg Glunz, CEO, for the Fairleigh Corporation, 7400 S. Falcon Road, PO Box 560, Scott City, Kansas 67871, received in this office on November 19, 2018, for approval of a change in the use made of water and place of use, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the total authorized quantity of water to 531.5 acre-feet (173.19 million gallons) per calendar year in accordance with the Application for Approval to Change the Place of Use and Use Made of Water received in this office on November 19, 2018.

This order effectively modifies the additional limitation on the quantity of water to not exceed 1,235 acre-feet when combined with Vested Right, File Nos. SC 107 & SC 108, and Water Right, File No. 8,881 for irrigation use at the place of use described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion change to stockwatering use shall authorize a maximum quantity not to exceed 46.11 million gallons (141.5 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 300 gallons per minute (0.67 c.f.s.) from the following point of diversion:

one (1) well located near the center of the West Half of the Southwest Quarter of the Southeast Quarter ($W\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 652 feet North and 2,318 feet West of the Southeast corner of said section, in Township 20 South, Range 34 West, Scott County, Kansas, and

the authorized place of use for stockwatering shall be:

a feedlot located in the West Half ($W\frac{1}{2}$) and the West Half of the East Half ($W\frac{1}{2}$ E $\frac{1}{2}$) Section 30, Township 19 South, Range 33 West, and

the Southeast Quarter (SE $\frac{1}{4}$) of the of Section 25, Township 19 South, Range 34 West,

all in Scott County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

The portion retained for irrigation use shall be authorized from the following points of diversion:

one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 1,144 feet North and 4,022 feet West of the Southeast corner of said section, at a diversion rate not in excess of 495 gallons per minute (1.10 c.f.s) and a quantity not to exceed 250 acre-feet of water per calendar year, and

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,520 feet North and 1,246 feet West of the Southeast corner of said section, at a diversion rate not in excess of 330 gallons per minute (0.74 c.f.s) and a quantity not to exceed 140 acre-feet of water per calendar year,

both in Township 20 South, Range 34 West, Scott County, Kansas,

at the place of use authorized for irrigation use described as:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
35	19S	34W															4.00	20.00	24.00
2	20S	34W	LOT 1 39.18	LOT 2 24.00	30.00	40.00	LOT 3 38.00	LOT 4 4.00	4.00	29.00					30.00	38.00	5.00	1.00	282.18
12	20S	34W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00					40.00	40.00	40.00	40.00	480.00

a total of 24.00 acres in Section 35, Township 19 South, and
a total of 762.18 acres in Sections 2 & 12, Township 20 South,

all in Range 34 West, Scott County, Kansas,

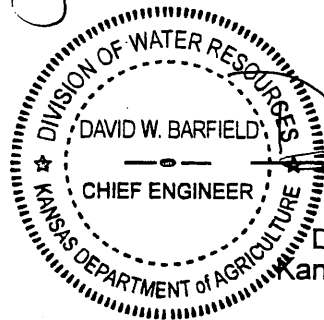
located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,715, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 31, 2000.

Ordered this 23rd day of May, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 23rd day of May 2019, by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for a hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 29th day of May, 2019, I hereby certify that the attached Approval of Application for Change in Use Made of Water and Place of Use under Water Right, File No. 16,715, dated May 23rd, 2019 was mailed postage prepaid, first class, US mail to the following:


FAIRLEIGH CORPORATION
GREG GLUNZ CEO
PO BOX 560
SCOTT CITY KS 67871

With copies to:

GARY G & SAUNDRA S SCHMIDT
GBCM FARMS LLC
9670 S EAGLE RD
SCOTT CITY KS 67871

Garden City Field Office
Groundwater Management District No.1

MARGARET KOEHN TRUST
SHARON ROEMER TRUSTEE
1609 COURT ST
SCOTT CITY KS 67871


Division of Water Resources

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **16715**

FO: **4**

GMD: **1**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR TO STK	5/2/2019	158	GMD 1	Well Spacing	CHG Exceeds Distance.....
Rule Number	Date Granted	Date Denied	Justification:	The Board of GMD 1 recommends a waiver of K.A.R 5-21-7 and approval of the application.	
K.A.R. 5-21-7	5/23/2019				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared **5/2/2019** By **LI**

Date Entered **5/28/2019** By **UM**

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION

K.A.R. 5-21-7

Change in the use made of water
from irrigation use to any other type of use

Date: 5/23/2019

Re: Water Right, File No. 16,715

1. That K.A.R. 5-21-7 states in part: "A change in the use made of water from irrigation use to any type of beneficial use shall not be approved if any of the following conditions is met: (a) The application for change does not meet the requirements of K.A.R. 5-5-9. (b) The rate of diversion applied for exceeds the rate of diversion as determined by a test of the normal operating rate of diversion conducted within 1,095 days before the date the application for change was filed. (c) The maximum annual quantity of water applied for is in excess of any of the following: (1) The maximum annual quantity of water determined for a vested right; (2) the maximum annual quantity of water certified; or (3) the average annual quantity of water actually used in the preceding 10 calendar years, excluding those years in which the water right was enrolled in the water right conservation program, the conservation reserve program, or any other multiyear water conservation program approved by the chief engineer."
2. That in the application for approval to change the place of use and use made of water, Water Right, File No. 16,715, received in the office of the Chief Engineer on November 19, 2018, the water right owner requests a waiver of K.A.R. 5-21-7 and the application of K.A.R. 5-5-9 and K.A.R. 5-5-10 because Western Kansas Groundwater Management District No. 1 will be revoking the referenced regulation in the near future in favor of K.A.R. 5-5-9.
3. That in a letter dated May 2, 2019, Western Kansas Groundwater Management District No. 1 Board of Directors recommended a waiver of K.A.R. 5-21-7.
4. That the application to change the place of use and use made of water pursuant to Water Right, File No. 16,715, should be approved with a waiver of K.A.R. 5-21-7.
5. That a waiver of K.A.R. 5-21-7 will neither prejudicially nor unreasonably affect the public interest and will not impair an existing water right.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.

Chief Engineer

Division of Water Resources
Kansas Department of Agriculture

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

NOV 19 2018

12:30

File No. 16,715

KS Dept Of Agriculture

2. Name of applicant: Fairleigh Corporation

Address: PO Box 560

City, State and Zip: Scott City, KS 67871

Phone Number: (620) 872-1111

E-mail address: pnowak@fairleigh.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Fairleigh Corporation will become the owner of this water right upon approval of this change application.

Name of water use correspondent: Fairleigh Corporation

Address: PO Box 560

City, State and Zip: Scott City, KS 67871

Phone Number: (620) 872-1111

E-mail address: pnowak@fairleigh.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): We wish to acquire additional water rights to provide a secure and sufficient supply of water for our cattle feeding facility.

The change(s) (was) (will be) completed upon approval of this application

(Date)

For Office Use Only:

F.O. 4 GMD 1 Meets K.A.R. 5-5-1 (YES / NO) Use 122 Source (G)S County SC By DAW Date 11/19/18
Code C-2 Fee \$ TR # Receipt Date 11/19/18 Check # 77085

APPLICATION COMPLETE
5/2/19
Reviewer

Assisted by:

SCANNED

11/21/2018
uw

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to stockwatering and irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The authorized quantity will be reduced in accordance with the provisions of K.A.R. 5-5-9.
Overlapping irrigated acres associated with the current irrigation place of use will be reduced in accordance with the provisions of K.A.R. 5-5-11(b)(2)(B)(ii) and 5-5-12. Please refer to the enclosed calculations and supporting documentation for more detailed information.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 531.5 acre-feet (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

Please refer to the enclosed maps, calculations and supporting documentation for more detailed information.

Received
NOV 19 2018

KS Dept Of Agriculture

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 known to be needed for approval of this application.~~ A WAIVER OF 5-21-7* IS
NEEDED AS UPDATED RULE HAS NOT BEEN ADOPTED YET *

4. The presently authorized place of use is:

Owner of Land — NAME: GBCM Farms, L.L.C.

ADDRESS: Attn: Gary Schmidt, 9670 S Eagle Rd, Scott City, KS 67871

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	
35	19S	34W	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.00	20.00	24.00
36	19S	34W	-	-	-	-	-	-	-	-	10.00	8.00	30.00	40.00	-	-	-	-	88.00
1	20S	34W	-	-	-	-	12.00	29.00	20.00	20.00	-	-	-	-	-	-	-	-	81.00

List any other water rights that cover this place of use. File Nos. SC107, SC108, 4,261 and 8,881.

Owner of Land — NAME: Gary G. and Sandra S. Schmidt

ADDRESS: 9670 S Eagle Rd, Scott City, KS 67871

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	
2	20S	34W	39.18	24.00	30.00	40.00	38.00	4.00	4.00	29.00	-	-	-	-	30.00	38.00	5.00	1.00	282.18

List any other water rights that cover this place of use. File Nos. SC107, SC108, 4,261 and 8,881.

(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: Fairleigh Corporation

ADDRESS: PO Box 560, Scott City, KS 67871

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	
25	19S	34W	SOUTHWEST QUARTER (SE¼) *												X	X	X	X	Feedlot
30	19S	33W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Feedlot
			WEST HALF (W½) AND THE WEST HALF OF THE EAST HALF (WE½) *																

List any other water rights that cover this place of use. SC83, 6,168, 18,859, 28,305, 43,366, 44,997, 44,998 & 4,261.

Owner of Land — NAME: GBCM Farms, L.L.C.

ADDRESS: Attn: Gary Schmidt, 9670 S Eagle Rd, Scott City, KS 67871

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	
35	19S	34W	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.00	20.00	24.00
Water Resources Received																			
NOV 19 2018																			

List any other water rights that cover this place of use. File Nos. SC107, SC108 and 8,881.

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* PER UPDATED MAPS RECEIVED 2/22/19 / LIT/OWN 2/28/19 -
SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Margaret Koehn Trust

ADDRESS: Attn: Sharon Roemer, 1609 Court Street, Scott City, KS 67871

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	
12	20S	34W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	480.00

List any other water rights that cover this place of use. File Nos. SC107, SC108, 4,261 and 8,881.

Owner of Land — NAME: _____

ADDRESS: _____

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	

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

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

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

Owner of Land — NAME: Gary G. and Sandra S. Schmidt

ADDRESS: 9670 S Eagle Rd, Scott City, KS 67871

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	
2	20S	34W	39.18	24.00	30.00	40.00	38.00	4.00	4.00	29.00	--	--	--	--	30.00	38.00	5.00	1.00	282.18
			41	42			43	44											

List any other water rights that cover this place of use. File Nos. SC107, SC108 and 8,881.

Owner of Land — NAME: Margaret Koehn Trust

ADDRESS: Attn: Sharon Roemer, 1609 Court Street, Scott City, KS 67871

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	
12	20S	34W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	480.00

Water Resources
Received
NOV 19 2018

List any other water rights that cover this place of use. File Nos. SC107, SC108 and 8,881.

6. The presently authorized point(s) of diversion (is) (are) three wells, pumps and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) three wells, pump sand appurtenances
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** *IRRIGATION*

One in the NE Quarter of the SW Quarter of the SW Quarter of the SW Quarter of Section 2, Township 20 South, Range 34W (E/W), in Scott County, Kansas, 1144 feet North 4022 feet West of Southeast corner of section.

Authorized Rate 495 gpm Authorized Quantity 250.0 acre-feet
 (DWR use only: Computer ID No. 5 Sec 2 GPS _____ feet North _____ feet West)

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

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

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

Proposed Rate _____ Proposed Quantity _____

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

9. **Presently authorized point of diversion:**

One in the NC W2 Quarter of the SW Quarter of the SE Quarter of Section 2, Township 20 South, Range 34W (E/W), in Scott County, Kansas, 652 feet North 2318 feet West of Southeast corner of section.

Authorized Rate 300 gpm Authorized Quantity 173.0 acre-feet
 (DWR use only: Computer ID No. 6 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 NC W2 Quarter of the SW Quarter of the SE Quarter of Section 2, Township 20 South, Range 34W (E/W), in Scott County, Kansas, 652 feet North 2318 feet West of Southeast corner of section.

Proposed Rate 300 gpm Proposed Quantity 141.5 ac.-ft. STK * 46.11 MG4

This point is: Additional Well Geo Center List other water rights that will use this point NONE

10. **Presently authorized point of diversion:** *IRRIGATION*

One in the SW Quarter of the NE Quarter of the SE Quarter of Section 12, Township 20 South, Range 34W (E/W), in Scott County, Kansas, 1520 feet North 1246 feet West of Southeast corner of section.

Authorized Rate 330 gpm Authorized Quantity 140 acre-feet
 (DWR use only: Computer ID No. 5 Sec 12 GPS _____ feet North _____ feet West)

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

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

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

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point NONE

1. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 Not applicable.

Water Resources
 Received
 NOV 19 2018
 KS Dept Of Agriculture

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 Scott City, Kansas, this 8th day of November, 2018.

Mary S. Schmidt
(Owner)

GARY B. SCHMIDT
(Please Print)

Merald E. Koehn POA
(Owner)

Margaret Koehn Trust
(Please Print)

Mary S. Schmidt
(Owner)

GBCM LLC
(Please Print)

Saundra S. Schmidt
(Spouse)

Saundra S. Schmidt
(Please Print)

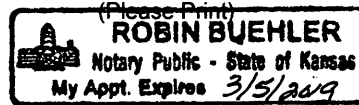
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Scott } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of November, 2018.

Robin Buehler
Notary Public

My Commission Expires 3/5/2019

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:

- (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.**

Water Resources
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NOV 19 2018

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 Scott City, Kansas, this 8th day of November, 20 18.

[Signature] CEO
(Owner)

Fairleigh Corporation dba Fairleigh Feed Yard
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

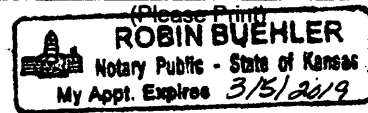
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Scott } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of November, 20 18.

My Commission Expires 3/5/2019

[Signature]
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

Make check payable to Kansas Department of Agriculture.

Water Resources
Received
NOV 19 2018

KS Dept Of Agriculture
SCANNED

Rural Resources Consulting, LLC

PROJECT: FAIRLEIGH FEED YARD

LOCATION: SECTION 25 T19S R34W & SECTION 30 T19S R33W, SCOTT COUNTY, KANSAS

BY: FCM
DATE: 10/25/2018

CHECKED BY: CAM
DATE: 11/3/2018

**CONSUMPTIVE USE CALCULATION PERTAINING TO FILE NO. 16,715 (ID 6)
FOR CHANGE OF USE FROM IRRIGATION TO STOCKWATER**

File No. 16,715 (ID 6): Authorized Quantity = 173 AF AF = acre-feet
Authorized Rate = 300 GPM GPM = gallons per minute

Proposed change in use made of water: Convert entire quantity to stockwatering (STK) use.
No change in the point of diversion is proposed.
This point of diversion is located 652 ft. north and 2318 ft. west of the southeast corner of Sec. 2 T20S R34W.

Apply consumptive use factor from "Consumptive Use Percentages in Kansas, by County" as contained in K.A.R. 5-5-9(a)(1):

→ For Scott County, the factor = 81.8%

→ ^{SC} Consumptive Use = (173 AF) x (81.8%)
= (173 AF) x (0.818) = 141.5 AF

Check reasonable use for stockwatering quantity (K.A.R. 5-3-22):

Permitted facility capacity = 80,000 head of beef cattle (average annual capacity)

→ Maximum Reasonable Use = (80,000 head) x (15 gallons/head/day) x (365 days/year) = 438.00 MGY
= 1,344.2 AF

Facility Stockwater Summary:

File No. (P/D ID)	Quantity (AF)
SC83 (3)	43.00
SC83 (14)	639.00
6,168 (1)	152.98
6,168 (6)	119.01
18,859 (3)	56.99
28,305 (9)	0.00
28,305 (15)	0.00
43,366 (13)	0.00
44,997 (16)	0.00
44,998 (17)	0.00
Total	1,010.98
Limitation	1,008.00
4,261(2)	115.30
16,715(6)	141.50
Total	1,264.80

Water Resources Received

NOV 19 2018

KS Dept Of Agriculture

* File Nos. 28,305, 43,366, 44,997 & 44,998 do not provide any additional quantity and are subject to a limitation of 328.5 MGY = 1,008 AF in combination with the other STK rights.

Current Total STK Quantity
Actual limitation
Proposed Additional STK Quantity
Proposed Additional STK Quantity
Total STK Quantity

→ The requested stockwatering quantity is less than the maximum reasonable quantity. No additional limitations are required for the additional STK quantity provided by File Nos. 4,261 and 16,715.

SCANNED

PROJECT: FAIRLEIGH FEED YARD

LOCATION: SECTION 25 T19S R34W & SECTION 30 T19S R33W, SCOTT COUNTY, KANSAS

BY: FCM
DATE: 10/17/2018

CHECKED BY: CAM
DATE: 11/3/2018

**DETERMINATION OF MAXIMUM ACRES FOR IRRIGATION PLACE OF USE
RESULTING FROM CHANGE OF USE FROM IRRIGATION TO STOCKWATER**

Water Right File Nos. SC107, SC108, 4,261, 8,881 and 16,715 are completely overlapped and have a common place of use. File Nos. SC107, SC108, 4,261, and 8,881 are currently subject to an overall limitation of 1,469 acre-feet (AF) per year. The group of File Nos. SC107, SC108, 4,261, 8,881 and 16,715 are subject to another overall limitation of 1,549 AF per year. Change applications have been filed for File Nos. 4,261 and 16,715 (ID 6) to change the use from irrigation to stockwater. This and associated filings have resulted in a reduction of the overall limitations pertaining to irrigation use, which is summarized below.

Irrigation limitation for File Nos. SC107, SC108, 4,261, 8,881 and 16,715:	1,549 AF
Reduction due to removal of File No. 4,261 from irrigation use:	-141 AF
Reduction due to removal of File No. 16,715 (ID 6) from irrigation use:	<u>-173 AF</u>
Resulting limitation after changes in use =	1,235 AF

The procedures specified in K.A.R. 5-5-11(b)(2)(B)(ii) are used to determine the maximum irrigated acres that may be retained. The following calculation is based on the total quantity proposed for irrigation use that results from the change applications pertaining to File Nos. 4,261 and 16,715:

$$\begin{aligned}
 \text{K.A.R. 5-5-11(b)(2)(B)(ii): Acres} &= (\text{Authorized Quantity}) \times (0.85) / (80\% \text{ Chance NIR}^*) \\
 &= (1235.0 \text{ AF}) \times (0.85) / (1.33 \text{ ft.}) \\
 &= 789.3 \text{ acres}
 \end{aligned}$$

* From K.A.R. 5-5-12 as listed for Scott County

Water Resources
Received
NOV 19 2018

The current place of use is:

<u>SEC-TWP-RGE</u>	<u>ACRES</u>
12-20S-34W	480.00
2-20S-34W	282.18
1-20S-34W	81.00
35-19S-34W	24.00
36-19S-34W	88.00
Total =	<u>955.18</u>
	-81.00
	<u>-88.00</u>
	786.18

KS Dept Of Agriculture

Remove 1-20S-34W from place of use
Remove 36-19S-34W from place of use

The proposed place of use of 786.18 acres is less than the maximum allowable area of 789.3 acres.

- Reduce the place of use to 786.18 acres.
- Retain the current remaining descriptions and locations of the remaining place of use.

SCANNED

<u>County</u>	<u>50% Chance Rainfall</u>	<u>80% Chance Rainfall</u>
McPherson	10.8" = 0.90'	13.1" = 1.09'
Meade	14.3" = 1.19'	16.1" = 1.34'
Miami	5.0" = 0.42'	9.0" = 0.75'
Mitchell	10.8" = 0.90'	13.3" = 1.11'
Montgomery	8.1" = 0.68'	10.9" = 0.91'
Morris	8.5" = 0.71'	11.4" = 0.95'
Morton	15.4" = 1.28'	17.1" = 1.43'
Nemaha	7.8" = 0.65'	10.9" = 0.91'
Neosho	7.1" = 0.59'	10.2" = 0.85'
Ness	13.3" = 1.11'	15.3" = 1.28'
Norton	12.3" = 1.03'	14.4" = 1.20'
Osage	7.0" = 0.58'	9.9" = 0.83'
Osborne	11.7" = 0.98'	13.8" = 1.15'
Ottawa	10.5" = 0.88'	12.9" = 1.08'
Pawnee	12.7" = 1.06'	14.9" = 1.24'
Phillips	11.7" = 0.98'	14.0" = 1.17'
Pottawatomie	8.1" = 0.68'	11.1" = 0.93'
Pratt	12.6" = 1.05'	14.6" = 1.22'
Rawlins	13.2" = 1.10'	15.1" = 1.26'
Reno	11.4" = 0.95'	13.8" = 1.15'
Republic	10.0" = 0.83'	12.6" = 1.05'
Rice	11.5" = 0.96'	13.8" = 1.15'
Riley	8.5" = 0.71'	11.4" = 0.95'
Rooks	12.0" = 1.00'	14.3" = 1.19'
Rush	12.6" = 1.05'	14.8" = 1.23'
Russell	11.3" = 0.94'	14.1" = 1.18'
Saline	10.8" = 0.90'	13.1" = 1.09'
Scott	14.0" = 1.17'	15.9" = 1.33'
Sedgwick	10.7" = 0.89'	13.1" = 1.09'
Seward	14.5" = 1.21'	16.4" = 1.37'
Shawnee	7.4" = 0.62'	10.2" = 0.85'
Sheridan	12.9" = 1.08'	15.0" = 1.25'
Sherman	14.1" = 1.18'	15.7" = 1.31'
Smith	11.4" = 0.95'	13.6" = 1.13'
Stafford	12.3" = 1.03'	14.5" = 1.21'
Stanton	15.6" = 1.30'	17.2" = 1.43'
Stevens	14.8" = 1.23'	16.8" = 1.40'
Sumner	10.3" = 0.86'	13.2" = 1.10'
Thomas	13.5" = 1.13'	15.4" = 1.28'
Trego	12.9" = 1.08'	15.0" = 1.25'
Wabaunsee	7.8" = 0.65'	10.7" = 0.89'
Wallace	14.3" = 1.19'	16.1" = 1.34'
Washington	9.2" = 0.77'	12.0" = 1.00'
Wichita	14.4" = 1.20'	16.3" = 1.36'

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NOV 19 2018

LAND OWNERSHIP SUMMARY

LEGAL DESCRIPTION		OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE	P/D* LOCATED ON PROPERTY
FRACTION	SEC-TWP-RGE						
OWNERSHIP OF CURRENT PLACE OF USE							
NW 1/4	1-20S-34W	GBCM Farms, L.L.C.	Attn: Gary Schmidt 9670 S Eagle Rd	Scott City	KS	67871	
All	2-20S-34W	Gary G & Sandra S Schmidt	9670 S Eagle Rd	Scott City	KS	67871	SC107(1), 4,261(2), 8,881(2), 8,881(3), 16,715(5) & 16,715(6)
N 1/2 & SE 1/4	12-20S-34W	Margaret Koehn Trust	Attn: Sharon Roemer 1609 Court St	Scott City	KS	67871	SC108(1), 8,881(4) & 16,715(5)
S 1/2	35-19S-34W	GBCM Farms, L.L.C.	Attn: Gary Schmidt 9670 S Eagle Rd	Scott City	KS	67871	
SW 1/4	36-19S-34W	GBCM Farms, L.L.C.	Attn: Gary Schmidt 9670 S Eagle Rd	Scott City	KS	67871	
OWNERSHIP OF OVERLAPPING POINTS OF DIVERSION LOCATED OUTSIDE OF CURRENT PLACE OF USE							
SW 1/4	1-20S-34W	Margaret Koehn Trust	Attn: Sharon Roemer 1609 Court St	Scott City	KS	67871	8,881(1)
N 1/2	11-20S-34W	Margaret Koehn Trust	Attn: Sharon Roemer 1609 Court St	Scott City	KS	67871	SC108(1), 8,881(1) & 8,881(3)

*P/D = point of diversion (well)

Source of ownership information: Scott County Kansas Public Parcel Search: <http://www.scott.kansasgis.com/>

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 NOV 19 2018

Compiled by: F. Mercurio
10/16/2018

LAND OWNERSHIP SUMMARY OF PROPOSED STOCKWATER (STK) PLACE OF USE

LEGAL DESCRIPTION		OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE
FRACTION	SEC-TWP-RGE					
All	25-19S-34W	Fairleigh Corporation	PO Box 560	Scott City	KS	67871
All	30-19S-33W	Fairleigh Corporation	PO Box 560	Scott City	KS	67871

Source of ownership information: Scott County Kansas Public Parcel Search: <http://www.scott.kansasgis.com/>

Compiled by: F. Mercurio
10/16/2018

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NOV 19 2018

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Kansas Department of Health & Environment

Division of Environment
Bureau of Water



Topeka, Kansas 66612-1367
Telephone: (785) 296-6432

Kansas Permit No.: **A-UASC-C001**
Federal Permit No.: **KS0038059**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES
AND AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq. and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee: **Fairleigh Feed Yard, Inc.**
Permittee's Address: **P.O. Box 560
Scott City, KS 67871**
Facility Name: **Fairleigh Feed Yard**
Facility Location: **All of Section 25, Township 19S, Range 34W
All of Section 30, Township 19S, Range 33W
Scott County, Kansas**
River Basin: **Upper Arkansas River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective July 31, 2018, supersedes the previously issued water pollution control permit A-UASC-C001, and expires July 30, 2023.

Facility Summary

The existing facility consists of approximately 458.5 acres of open lot pens, associated feedlot areas, and extraneous drainage area for an increased maximum capacity of 80,000 head (80,000 animal units) of cattle weighing greater than 700 pounds. The facility is separated into six drainage areas, each served by an existing earthen retention structure (RS) along with one pump-to retention structure for additional wastewater storage.

Secretary, Kansas Department of Health and Environment
Water Resources

July 31, 2018
Date

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NOV 19 2018

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Kansas Business Center

Sponsored by Secretary of State Kris Kobach and Governor Jeff Colyer

Business Entity Search

Date: 11/16/2018

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name

GBCM FARMS, L.L.C.

Business Entity ID Number

4784096

Current Mailing Address: GARY SCHMIDT - GARY SCHMIDT 9670 S EAGLE RD, SCOTT CITY, KS 67871

Business Entity Type: KANSAS LTD LIABILITY COMPANY

Date of Formation in Kansas: 01/14/2014

State of Organization: KS

Current Status: ACTIVE AND IN GOOD STANDING

Resident Agent and Registered Office

Resident Agent: GARY SCHMIDT

Registered Office: 9670 S EAGLE RD, SCOTT CITY, KS 67871

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 12/2017

Next Annual Report Due: 04/15/2019

Forfeiture Date: 07/15/2019

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GENERAL POWER OF ATTORNEY

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NOV 19 2018

KNOW ALL MEN BY THESE PRESENTS:

That I, **Margaret Koehn**, a resident of Scott County, Kansas, have made, constituted and appointed, and by these presents do make, constitute and appoint **Gerald Koehn and Sharon Roemer, jointly and severably**, my true and lawful attorney, hereby revoking all prior powers of attorney to act in, manage, and conduct all my estate and all my affairs, in the respects hereafter mentioned, and for that purpose for me and in my name, place and stead, and for my use and benefit, and as my act and deed, to do and execute, or to concur with persons jointly interested with myself therein in things, that it to say:

1. To buy, receive, lease, accept, or otherwise acquire; to sell, convey, mortgage, hypothecate, pledge, quit claim or otherwise encumber or dispose of; or to contract or agree for the acquisition, disposal, or encumbrance of; any property whatsoever or any custody, possession, interest, or right therein, upon such terms, considerations and conditions as my said attorney shall think proper; of all of my property, real, personal and mixed.

2. To take, hold, possess, invest, lease, or let or otherwise manage any or all of my property or any interest therein; to eject, remove, or relieve tenants or other persons from, and recover possessions of, such property by all lawful means, and to maintain, protect, preserve, insure, remove, store, transport, repair, build on, raze, rebuild, alter, modify, or improve the same or any part thereof;

3. To make, do and transact all and every kind of business of what nature or kind whatsoever, including the receipt, recover, collections, payment, compromise, settlement, and adjustment of all accounts, legacies, bequests, interests, dividends, annuities, demands, debts, taxes, and obligations, or any rebate, refund or discount thereon, which may now or hereafter be due, owing, or payable by me or to me;

4. To make, endorse, accept, receive, sign, seal, execute, acknowledge, and deliver deeds, assignments, agreements, certificates, mortgages, hypothecations, checks, notes, vouchers, receipts, and such other instruments in writing of whatever kind and nature as may be necessary, convenient, or proper in the promises;

5. To deposit and withdraw for the purpose hereof, in either my said attorney's name or my name or jointly in all our names, in or from any banking institution, and funds, negotiable paper, or moneys which may come into my said attorney's hands as such attorney or which I now or hereafter may have on deposit or be entitled to;

6. To contract loans and to borrow any sums of money in my name and upon such term as my said attorney shall see fit, and to pledge or give as security therefor any or all of my said property;

7. To institute, prosecute, defend, compromise, arbitrate and dispose of legal, equitable, or administrative hearings, actions, suits, attachments, arrests, distresses or otherwise engage in litigation in connection with the premises;

8. To act as my attorney or proxy in respect to any stocks, shares, bonds or other investments, rights or interests, I may now or hereafter hold;

9. THIS POWER OF ATTORNEY SHALL NOT BE EFFECTED BY SUBSEQUENT DISABILITY OR INCAPACITY OF THE PRINCIPAL PURSUANT TO K.S.A. 58-610.

10. To execute and deliver vouchers in my behalf for any and all allowances and reimbursements properly payable to me by the United States.

11. To execute, acknowledge, present, prosecute, any claim or demand whatsoever on or against the government of the United States, of any sovereign state or authority, or of any political subdivision or instrumentality thereof;

12. To receive, endorse, and collect checks payable to the order of the undersigned drawn on the Treasurer or other fiscal officer or depository of the United States, or any sovereign state or authority, of any political subdivision or instrumentality thereof;

13. To prepare, execute, and file income and other tax returns, and other governmental reports, applications, requests and documents;

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act, deed, matter, and thing whatsoever in and about my estate, property, and affairs as fully and effectually to all intents and purposes as I might or could do in my own proper person if personally present, and herein specially enumerated powers being in aid and exemplification of the full, complete and general power granted herein and not in limitation or definition thereof; and hereby ratifying all that my said attorney, **Gerald Koehn and Sharon Roemer, jointly or severably**, shall lawfully do or cause to be done by virtue of these presents.

The terms "estate", "affairs" and "property", as herein include and shall include at all times and places and under all conditions, real, personal and mixed property of every kind and description whatsoever and wheresoever situated, and all buildings, structures, improvements, fixtures, vehicles, appliances, accessories, furnishings, equipment, choices in action, equities, priorities, permits, rations, quotes, rights of way, mineral and oil rights, water rights, easements, licenses, future interest, reversions, remainders, and all other kinds of property or property rights whatsoever, and every interest, title, equity, tenement, hereditament, appurtenance, right, claim, demand, or action therein and thereunto appertaining, and whether said property or property rights be tangible or intangible, jointly or severally owned, or now or hereafter acquired.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of December, 2014.

Margaret Koehn
Margaret Koehn

STATE OF KANSAS)
) ss:
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 9 day of December, 2014, before me, the undersigned, a notary public in and for the County and State aforesaid, came Margaret Koehn, to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Jennifer L. Ludowese
Notary Public
Commission expires: 12/16/17

SEAL



Turney, Brent [KDA]

FILE NOS. 4261 & 16715-

From: Frank Mercurio <Frank@syracusedairy.com>
Sent: Friday, February 22, 2019 12:57 PM
To: Turney, Brent [KDA]; Ireland, Leslie [KDA]
Subject: STK Place of Use Maps for File Nos. 4,261 and 16,715
Attachments: 4261_Place_of_Use_-_Aerial_Map_Revised.pdf; 4261
_Place_of_Use_-_Topo_Map_Revised.pdf; 16715
Change-_All_PDs_-_Aerial_Place_of_Use-Revised.pdf; 16715
Change-_All_PDs_-_Topo_Place_of_Use-Revised.pdf; 16715
DIVISION-_PLACE_OF_USE2_-_AERIAL-Revised.pdf; 16715_DIVISION_PLACE_OF_USE2
_-_TOPO-Revised.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I have attached maps that exclude the E ½ of the E ½ of Section 30 T19S R33W from the STK place of use as it relates to the change application for File No. 4,261 and the change and division applications pertaining to File No. 16,715. This will make the STK place of use in these applications match the current STK place of use for all other STK rights associated with Fairleigh Feed Yard.

I hope that this information is beneficial to your review process. Please contact me if you have any questions about the attached maps.

Thanks,

Frank

Frank Mercurio, P.E.
Rural Resources Consulting, LLC
751 SE CR 36
Syracuse, KS 67878

Cell: (785) 820-6093

Water Resources
Received

FEB 22 2019

KS Dept Of Agriculture

CONTRACT FOR WATER PURCHASE

THIS CONTRACT made and entered into this 16th day of July, 2018, by and between, GARY G. SCHMIDT and SANDRA S. SCHMIDT, Husband and Wife, hereinafter referred to as "SELLER" and FAIRLEIGH CORPORATION, a Kansas Corporation, dba FAIRLEIGH FEED YARD, hereinafter referred to as "BUYER," in consideration of the mutual premises and the covenants herein contained do hereby contract, covenant and agree as follows, to wit:

WITNESSETH: That the Seller hereby covenants, stipulates and agrees that if the Buyer shall make the payments and perform the covenants hereinafter mentioned on their part to be made and performed, the Seller shall cause to be conveyed to the Buyer, in fee simple, clear of all encumbrances whatever, by General Warranty Deed showing good and merchantable title to all of the following described water, water rights, appropriation rights, use of water including but not limited to all certified water rights in File No. 16715 and 4261 with the Kansas Department of Agriculture, Division of Water Resources, associated with real property situated in Scott County, Kansas, to wit:

The South East Quarter (SE/4) of Section Two (2), Township Twenty (20), Range Thirty-four (34) West of the 6" P.M.

1. Purchase Price. Buyer covenants, stipulates and agrees to pay as purchase price for the above mentioned interest shall be the sum of \$200,000.00 said sum to be paid in the manner following:

a. The sum of \$2,500.00 shall be paid as earnest money upon the execution of this contract to Scott County Abstract & Title Co., Inc., escrow agent, to be held by said agent and applied as provided herein.

b. The balance of the purchase price in the sum of \$197,500.00- shall be paid in cash or certified funds on the closing date of this contract as hereinafter provided.

2. Real Estate Taxes. Seller shall pay all real estate taxes for all years. This contract is for the purchase of the water, water rights, use of water, and appropriation rights arising from the use of water upon the subject real estate. Seller shall pay all real estate taxes from and after closing. Buyer shall pay for any increase in valuation of real estate where the water is to be used, if there is any increase attributed to this contract.

3. Well Testing. The parties agree that Buyer may, at its option, hire appropriate persons to test the two (2) irrigation wells presently located on

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NOV 19 2018

KS Dept Of Agriculture

the subject real estate. It shall be at Buyers discretion to continue this contract if such wells are not capable of producing sufficient water to use the same under the certified water right and to deliver and produce sufficient water to the level of the certified water right. If, at the discretion of Buyer, it is determined by test that the wells are insufficient in capacity to deliver the acre feet at the presently authorized rate and total amount, Buyer may declare this contract void and at an end and receive a refund of its earnest money. Buyer shall choose the person or persons to test the wells and be responsible for the payment for the cost thereof.

4. Risk of Loss. It is agreed by the parties that Seller shall maintain insurance on the property herein to be sold and conveyed until the date of closing hereof, and that all risk of loss shall remain Seller's until closing.

5. Deed. Upon the execution of this agreement, Seller shall execute a General Warranty Deed in favor of Buyer for the interest to be purchased herein, and said deed shall be delivered to the closing agent hereinafter named to be delivered to Buyer at closing.

6. Title Insurance. Since the interest to be sold is appurtenant to real estate, Seller shall pay for and furnish to Buyer a title insurance commitment to the real estate showing Seller to have merchantable title under the Kansas Marketable Title Act and the Seller shall pay the expense of said title policy. In the event of requirements under said commitment, Seller shall have a reasonable time to satisfy said requirements. In the event that Seller is unable to cure said requirements within a reasonable time, all the funds previously paid under the terms hereof by Buyer shall be returned to Buyer and this contract shall become null and void. Buyer shall pay the cost of their own mortgage title policy, if required. Upon delivery of the title commitment to Buyer, Buyer shall have (14) fourteen days within which to object to any exceptions thereto or the same shall be waived and the parties shall proceed immediately to closing if all other conditions of this contract have been met. Any liens which may be paid from the proceeds of this contract shall not render title unmarketable.

7. Possession. Possession of the property, under this contract, shall be granted to Buyer upon closing.

8. Condition of Premises. Seller shall deliver the subject interest and all fixtures and appurtenances thereto, in the same condition as of the date of this contract, reasonable and ordinary wear and tear excepted.

9. Remedies. All parties hereto shall have all remedies provided at law or in equity.

10. Closing. Scott County Abstract & Title Co., Inc. is designated to prepare the closing documents and file all appropriate 1099s. If Buyer

Water Resources

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NOV 19 2018

KS Dept Of Agriculture

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performs all covenants set forth herein, Seller hereby authorizes escrow to deliver to Buyer the General Warranty Deed and apply the \$2,500.00 earnest money to the purchase price herein. In the event of default by either party, upon seven (7) days' notice given to the other party hereto, the designated agent may act upon the request of the other unless an objection is received by said counsel to the request of the parties hereto. Each party hereto hereby releases and disclaims any claims against the closing agent in the discharge of their escrow and closing duties herein which are done in good faith pursuant to the instructions set forth herein. Each party shall pay their own counsel's fees and expenses.

11. Owner's Affidavit. Seller shall provide to Buyer upon execution hereof, a Seller's Lien Affidavit which is attached hereto and marked Exhibit "A." Such lien affidavit may be relied upon by any financial institution or closing agent herein.

12. No Warranty. The parties hereto agree that Seller will transfer the subject property, where is, and as is, without warranty of any kind, except as to title as expressly set forth above. Buyer has, prior to execution of this agreement, made or has had the opportunity to make a thorough inspection and examination of the property. No warranty is made by Sellers in any regard regarding the water right, the right to transfer the same subject to governmental approval, appropriation or use right and or any other moving or nonmoving element of the property. Buyers expressly waive Sellers from any and all claims regarding the intended use of the subject property or the condition of the same, as of the signing of this contract.

13. Closing. Closing shall occur as soon as possible but not later than ten (10) days following regulatory approval of the change in use and place of use of the water rights.

14. Inspection Contingency. During the period commencing on the date of this agreement and ending sixty (60) days thereafter (the "review period"), upon reasonable prior notice to Seller, Buyer, or Buyer's agents, may inspect the property for any environmental concerns or any other defects in the property which are material to the intended use of the subject property, at mutually convenient times and conduct investigations of the property. If such inspections or investigations reveal any fact or condition unacceptable to Buyer, Buyer may terminate this agreement by written notice to Seller during the review period, in which event the earnest money will be returned to Buyer, and neither party shall have any further rights, duties or obligations hereunder, except for those provisions which specifically survive, termination. In the event Buyer does not give such written notification to Seller by the last day of the review period, Buyer shall be deemed to have waived the right to terminate this agreement pursuant to this section. Buyer shall pay and be solely liable for all costs incurred for inspections.

NOV 19 2018

15. Regulatory Application(s) and Approval. The parties agree that the present use of the water rights under file No. 16715 and 4261 is agricultural use and that the parties shall make a joint application to the appropriate governmental authority to change the place of use to property designated by Buyer and to change the authorized use of the water or water rights from agricultural irrigation to feedlot stock watering on a commercial feedlot as defined by the rules and regulations of the Division of Water Resources of the State of Kansas. Each party hereto specifically agrees that this contract is contingent upon the Division of Water Resources, or any other authorized governmental agency, approving and making a final order for the change in place and kind of use of the water right in an authorized amount of not less than a total of 256 acre feet per year at an authorized rate from the described wells at a rate of not less than 500 gallons per minute. The approved points of diversion will be determined and stated on Exhibit "B" hereto and the priority date of the water rights are set as to file no. 16715 with a priority date of 9/15/69 and file no. 4261 with a priority date of 9/20/55 as stated and reflected in File No. 16715 and 4261 with the Division of Water Resources. In the event that the regulatory approval as specifically required (256 acre feet per year at an authorized rate from the described wells at a rate of not less than 500 gallons per minute) is not made within 150 days of the date of application for the intended changes as set forth in this contract, Buyer may declare the contract void, and receive a refund of its earnest money. Each party hereto shall exercise due diligence in compliance with all regulatory procedures and requests to utilize good faith efforts to successfully acquire the regulatory approval of the changes in the place of use and kind of use made of the water rights.

16. Easement. As part of the closing of this transaction, Sellers shall

East Half (E/2) of Section Two (2), Township Twenty (20), Range Thirty-Four (34) West of the 6th P.M., Scott County, Kansas,

for the purposes of maintaining the wells, pipe line and utilities to be constructed and to use so much of the surface as is reasonably necessary to carry on such operations including the construction of any water shed, structures or other facilities to utilize the wells, provide for appropriate utilities or any replacements thereof. The cost of providing any utilities to the wells for use by the Buyer shall be at Buyer's expense. The cost for maintenance of any wells, water lines, pumps, utilities or other improvements made by Buyer, shall be at Buyer's expense. The cost of the easement is included in the purchase price herein.

17. Water Line Easement from GBCM Farms, LLC. This contract is expressly conditioned upon the Buyer receiving an appropriate permanent license or easement, from GBCM, LLC., for the construction of a water line from the western to the eastern border of

Water Resources
Received

NOV 19 2018

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KS Dept Of Agriculture

The North West Quarter (NW/4) of Section One (1), Township, Twenty (20), Range Thirty-Four (34) West of the 6th P.M. and

The South West Quarter (NW/4) of Section Thirty-Three (36), Township, Nineteen (19), Range Thirty-Four (34) West of the 6th P.M.,

for the construction of an appropriate water line from Sellers property to Buyers. The cost of the water line easement or license shall be the sole expense of Buyer.

18. Water Line Easement from Scott County, Kansas. This contract is expressly conditioned upon the Buyer receiving an appropriate permanent license or easement, from Scott County, Kansas, for the construction of a water line within the boundary of public roads for the construction of an appropriate water line from the east border of:

The South East Quarter (SE/4) Thirty-Six (36), Township Nineteen (19), Range Thirty-Four (34) West of the 6th P.M., and

The South West Quarter (SW/4) of Section Thirty-One (31), Township Nineteen (19), Range Thirty-Three (33) West of the 6th P.M.,

to Buyers property. The cost of the water line easement or license shall be the sole expense of Buyer.

19. Permission or permit to Cross the Tallgrass Energy Gas Line: This contract is expressly conditioned upon the Buyer receiving all appropriate permanent permission or permit to Cross the Tallgrass Energy Pipeline Easement, from Tallgrass, for construction of an appropriate water line across

The South East Quarter (SE/4) of Section Thirty-Six (36), Township Nineteen (19), Range Thirty-four (34) West of the 6th P.M.

The cost of the permanent permission or permit to cross said pipeline shall be the sole expense of Buyer.

THIS CONTRACT contains the entire agreement between the parties and no statement, promises or other inducements made by either party or agent of either party that is not contained in this written contract shall be valid or binding, and this contract may not be enlarged, modified, or altered except in writing and endorsed hereon. This contract shall be governed by the laws of the State of Kansas. It is mutually agreed that all covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

Water Resources
Received

NOV 19 2018

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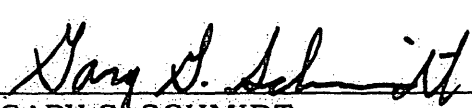
KS Dept Of Agriculture


IN WITNESS WHEREOF, the parties' hereto have set their hands on the day and year first above written.

FAIRLEIGH CORPORATION dba
FAIRLEIGH FEED YARD

By: _____


JOHN D. FAIRLEIGH, President
Buyer


GARY G. SCHMIDT
Seller


SAUNDRA S. SCHMIDT
Seller

Water Resources
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NOV 19 2018

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EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that, GARY G. SCHMIDT and SAUNDRA S. SCHMIDT, Husband and Wife, herein referred to as Grantor, without further consideration other than that provided for in the Contract for Water Purchase dated July 16, 2018, between Grantor and Grantee, receipt of which is hereby acknowledged, does hereby grant to FAIRLEIGH CORPORATION, a Kansas Corporation, herein referred to as Grantee, a perpetual easement and ingress and egress over, under and through the following described real estate, in Scott County, Kansas:

A strip of land forty foot wide in the East Half (E/2) of Section Two (2), Township Twenty (20) South Range Thirty-Four (34) West of the 6th P.M., in the general area of the route lines shown on Exhibit "A" attached hereto and made a part hereof for the sole purpose of construction, maintenance, repairing and operating one (1) underground waterline, not to exceed eight inches (8") in diameter, for the transportation of water.

THIS EASEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

This Easement prohibits and does not grant any right to Grantee or its successors or assigns to construct or install any above ground or surface appurtenances, structures, facilities, taps, valves or otherwise.

1. There are no more than one (1) waterline authorized by this easement.
2. The waterline shall not exceed eight inches (8") in diameter.
3. The waterline shall be buried to a depth of at least forty-eight inches (48").
4. All waterlines shall be constructed and installed subject to all applicable rules and regulations of the appropriate governmental authorities including but not limited to Kansas Ground Water Management and Grantee shall indemnify and hold harmless the Grantor from any and all damages or penalties assessed by reason of said waterlines.
5. All waterlines shall comply with all local, state, and federal environmental laws. Grantee shall indemnify and hold harmless the Grantor from any and all environmental damages caused by the pipeline or its operation. Grantee shall pay the costs of the pipeline or its operation. Grantee shall pay the costs of the pipeline or its operation.

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environmental remediation.

6. Damage to the surface occasioned by the installation, maintenance, repair or in removing said waterlines, shall be paid by Grantee to Grantor within 60 days after the damage is done. Said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one to be appointed by the Grantor, one to be appointed by the Grantee; and the third to be chosen by the two so appointed. The written award of such three persons shall be final and conclusive.
7. Should any alterations of the land surface contours be caused by the waterlines or their operation, Grantee, or its assigns, shall restore all surface contours to their former condition as nearly as is practical.
8. Grantee shall at the time of any excavation, drilling or grading is made, cause the top soil be placed separately from the subsoil and replaced into its original position relative to the subsoil, so that the ground will be restored to its original condition as nearly as possible upon completion.
9. Any waterline ditch for installation or for maintenance and repairs across the premises shall be backfilled, and so leveled so as to restore the surface to its original condition and topography.
10. Grantee shall indemnify, and hold harmless, Grantor, its successors and assigns from and against any damage or loss to Grantor's property or livestock or injury, liability, loss or damage to any person, company entity or property resulting from, arising out of or caused by the construction, operation, maintenance, or presence of said waterlines within the easement.
11. Grantee or its assigns further agree to pay for any and all litigation expenses incurred by Grantor, concerning litigation instituted by third parties, for the enforcement of the easement conditions and terms.
12. Grantee shall not have the right to assign this easement to any party without the prior written consent of Grantor or its assigns.
13. Grantee shall properly maintain the waterlines and repair and correct all damages, sinkholes, changes in land surface contours, leaks or hazards within 30 days of discovery.
14. Grantee is required to acquire and pay the cost of an "as built" survey of the waterline location and construction within six (6) months of the signing of this agreement. The parties are agreeing to delay of the survey until the water resources are received.

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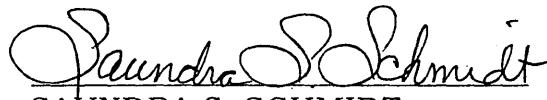
KS Dept Of Agriculture

completion of the survey to facilitate the immediate installation of the waterlines. Grantee shall provide Grantor a copy of said survey and upon approval Grantee shall at their cost file said survey with the Scott County Register of Deeds with reference to the already filed Easement Agreement.


- 15. THIS EASEMENT constitutes the entire agreement between the parties and there are no representations, warranties, conditions or agreements, other than those expressly set forth. The terms of this Easement shall supersede and replace the terms and conditions of any previous agreements entered into between the parties. The terms of this Easement shall extend to and become binding upon the heirs, executors, administrators an assigns of the respective parties hereto.

IN WITNESS WHEREOF this Easement is executed this 16th day of November, 2018.


GARY G. SCHMIDT
Grantor


SAUNDRA S. SCHMIDT
Grantor

FAIRLEIGH CORPORATION

By: 
GREG GLUNZ, CEO
Grantee

STATE OF KANSAS) SS
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 16th day of November, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came, Gary G. Schmidt and Saundra S. Schmidt, husband and wife, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

Water Resources
Received

SCANNED

NOV 19 2018

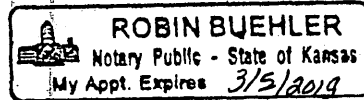
KS Dept Of Agriculture

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

Robin Buehler

Notary Public

My Commission Expires: 3/5/2019



STATE OF KANSAS) SS
COUNTY OF SCOTT)

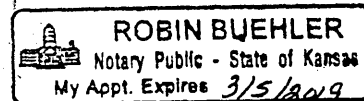
BE IT REMEMBERED, That on this 16th day of November, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Greg Glunz, CEO of Fairleigh Corporation, existing under and by virtue of the laws of Kansas, who is personally known to me to be such CEO, and who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

Robin Buehler

Notary Public

My Commission Expires: 3/5/2019



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EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that, GBCM FARMS, LLC, a Kansas Limited Liability Company, herein referred to as Grantor, without further consideration other than that provided for in the Contract for Water Purchase dated July 16, 2018, between GARY G. SCHMIDT and SAUNDRA S. SCHMIDT and Grantee, receipt of which is hereby acknowledged, does hereby grant to FAIRLEIGH CORPORATION, a Kansas Corporation, herein referred to as Grantee, a perpetual easement and ingress and egress over, under and through the following described real estate, in Scott County, Kansas:

A strip of land forty foot wide in the Northwest Quarter (NW/4) of Section One (1), Township Twenty (20), Range Thirty-Four West of the 6th P.M. and the Southwest Quarter (SW/4) of Section Thirty-Six (36), Township Nineteen (19), Range Thirty-Four (34) West of the 6th P.M., in the general area of the route lines shown on Exhibit "A" attached hereto and made a part hereof for the sole purpose of construction, maintenance, repairing and operating one (1) underground waterline, not to exceed eight inches (8") in diameter, for the transportation of water.

THIS EASEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

This Easement prohibits and does not grant any right to Grantee or its successors or assigns to construct or install any above ground or surface appurtenances, structures, facilities, taps, valves or otherwise.

1. There are no more than one (1) waterline authorized by this easement.
2. The waterline shall not exceed eight inches (8") in diameter.
3. The waterline shall be buried to a depth of at least forty-eight inches (48").
4. All waterlines shall be constructed and installed subject to all applicable rules and regulations of the appropriate governmental authorities including but not limited to Kansas Ground Water Management and Grantee shall indemnify and hold harmless the Resources Grantor from any and all damages or penalties assessed by reason of received said waterlines.

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NOV 19 2018

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5. All waterlines shall comply with all local, state, and federal environmental laws. Grantee shall indemnify and hold harmless the Grantor from any and all environmental damages caused by the pipeline or its operation. Grantee shall pay the costs of all environmental remediation.
6. Damage to the surface occasioned by the installation, maintenance, repair or in removing said waterlines, shall be paid by Grantee to Grantor within 60 days after the damage is done. Said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one to be appointed by the Grantor, one to be appointed by the Grantee; and the third to be chosen by the two so appointed. The written award of such three persons shall be final and conclusive.
7. Should any alterations of the land surface contours be caused by the waterlines or their operation, Grantee, or its assigns, shall restore all surface contours to their former condition as nearly as is practical.
8. Grantee shall at the time of any excavation, drilling or grading is made, cause the top soil be placed separately from the subsoil and replaced into its original position relative to the subsoil, so that the ground will be restored to its original condition as nearly as possible upon completion.
9. Any waterline ditch for installation or for maintenance and repairs across the premises shall be backfilled, and so leveled so as to restore the surface to its original condition and topography.
10. Grantee shall indemnify, and hold harmless, Grantor, its successors and assigns from and against any damage or loss to Grantor's property or livestock or injury, liability, loss or damage to any person, company entity or property resulting from, arising out of or caused by the construction, operation, maintenance, or presence of said waterlines within the easement.
11. Grantee or its assigns further agree to pay for any and all litigation expenses incurred by Grantor, concerning litigation instituted by third parties, for the enforcement of the easement conditions and terms,
12. Grantee shall not have the right to assign this easement to any party without the prior written consent of Grantor or its assigns.
13. Grantee shall properly maintain the waterlines and repair and correct all damages, sinkholes, changes in land surface contours,

Water Resources
Received

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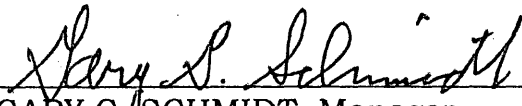
leaks or hazards within 30 days of discovery.

14. Grantee is required to acquire and pay the cost of an "as built" survey of the waterline location and construction within six (6) months of the signing of this agreement. The parties are agreeing to delay completion of the survey to facilitate the immediate installation of the waterlines. Grantee shall provide Grantor a copy of said survey and upon approval Grantee shall at their cost file said survey with the Scott County Register of Deeds with reference to the already filed Easement Agreement.


15. THIS EASEMENT constitutes the entire agreement between the parties and there are no representations, warranties, conditions or agreements, other than those expressly set forth. The terms of this Easement shall supersede and replace the terms and conditions of any previous agreements entered into between the parties. The terms of this Easement shall extend to and become binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

IN WITNESS WHEREOF this Easement is executed this 16th day of November, 2018.

GBCM FARMS, LLC


GARY G. SCHMIDT, Manager
Grantor

FAIRLEIGH CORPORATION

By: 
GREG GLUNZ, CEO
Grantee

Water Resources
Received

NOV 19 2018

KS Dept Of Agriculture

STATE OF KANSAS) SS
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 16th day of November, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came, Gary G. Schmidt, Manager of GBCM FARMS, LLC., existing

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under and by virtue of the laws of Kansas, who is personally known to me to be such Manger, who personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

Robin Buehler

Notary Public

My Commission Expires: 3/5/2019



STATE OF KANSAS) SS
COUNTY OF SCOTT)

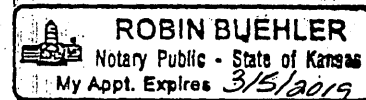
BE IT REMEMBERED, That on this 16th day of November, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Greg Glunz, CEO of Fairleigh Corporation, existing under and by virtue of the laws of Kansas, who is personally known to me to be such CEO, and who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

Robin Buehler

Notary Public

My Commission Expires: 3/5/2019



Water Resources
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NOV 19 2018

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 16715 00

PD

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 16715 00 IRR

CUGS & STR USC

Water Right and Points of Diversion Within 1.25 miles of point defined as:

652 Feet North and 2318 Feet West of the Southeast Corner of Section 2 T 20S R 34W

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 4261 00	IRR	NK	G*	990	--	SE	SW	SE	175	1450	2	20	34W	2		141.00	141.00	AF
A_ 5304 00	IRR	NK	G	4761	NC	W2	NW	SW	-----	-----	11	20	34W	2		29.00	29.00	AF
A_ 5493 00	IRR	NK	G	6134	--	NE	SE	SW	765	3160	3	20	34W	7		100.00	100.00	AF
A_ 6616 00	IRR	NK	G	6134	--	NE	SE	SW	765	3160	3	20	34W	7		100.00	100.00	AF
A_ 8881 00	IRR	NK	G	3313	--	NE	SW	SW	-----	-----	1	20	34W	1		1469.00	563.09	AF
Same				990	--	SE	SW	SE	175	1450	2	20	34W	2				
Same				1353	--	NC	N2	S2	-----	-----	2	20	34W	3				
Same				3362	--	NC	SE	NE	3350	300	11	20	34W	1				
Same				2125	--	NC	NE	NE	-----	-----	11	20	34W	3				
Same				4991	--	SW	SE	NW	-----	-----	12	20	34W	4				
A_ 16715 00	IRR	NK	G*	1774	--	NE	SW	SW	1144	4022	2	20	34W	5		250.00	80.00	AF
Same				0	NC	W2	SW	SE	652	2318	2	20	34W	6		173.00	.00	AF
A_ 16937 00	IRR	NK	G	5823	--	NE	SE	SW	710	2870	3	20	34W	6		373.00	373.00	AF
Same				6134	--	NE	SE	SW	765	3160	3	20	34W	7				
A_ 25319 00	IRR	NK	G	5679	--	SE	NW	SW	1570	4090	12	20	34W	6		195.00	.00	AF
P_20170295 00	IND	GY	G	5679	--	SE	NW	SW	1570	4090	12	20	34W	6		.92	.92	AF
P_20180300 00	IND	GY	G	4242	--	NW	NW	SW	2500	5240	12	20	34W	7		.92	.92	AF
P_20190001 00	IND	GY	G	4242	--	NW	NW	SW	2500	5240	12	20	34W	7		.92	.92	AF
VSC 107 00	IRR	AA	G	853	--	SW	NW	SE	1450	2620	2	20	34W	1		320.00	320.00	AF
VSC 108 00	IRR	AA	G	3362	--	NC	SE	NE	3350	300	11	20	34W	1		640.00	640.00	AF
Same				5693	NC	W2	SW	NE	3400	2600	12	20	34W	1				
VSC 109 00	IRR	AA	G	4067	--	NW	CR	SW	-----	-----	12	20	34W	2		320.00	320.00	AF

APP

APP

APP

APP

APP

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	2.76	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1386.09	.00
Total Vested Amount (AF) =	1280.00	.00
TOTAL AMOUNT (AF) =	2668.85	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:
 652 Feet North and 2318 Feet West of the Southeast Corner of Section 2 T 20S R 34W

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 4261 00	IRR	NK	G
> GARY G & SAUNDRA S SCHMIDT			

>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

>-----
A__ 5304 00 IRR NK G
> MINNIX FARMS 5.0 LLC
>
> 8101 W ROAD 40
> SCOTT CITY KS 67871

>-----
A__ 5493 00 IRR NK G
> LARRY PICKETT
>
> 1411 CHURCH ST
> SCOTT CITY KS 67871

>-----
A__ 6616 00 IRR NK G
> LARRY PICKETT
>
> 1411 CHURCH ST
> SCOTT CITY KS 67871

>-----
A__ 8881 00 IRR NK G
> GARY G & SAUNDRA S SCHMIDT
>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

>-----
> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

>-----
A__ 16715 00 IRR NK G
> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

>-----
> GARY G & SAUNDRA S SCHMIDT
>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

>-----
A__ 16937 00 IRR NK G
> LARRY PICKETT
>
> 1411 CHURCH ST
> SCOTT CITY KS 67871

>-----
A__ 25319 00 IRR NK G
> MINNIX FARMS 5.0 LLC

>
> 8101 W ROAD 40
> SCOTT CITY KS 67871

P_20170295 00 IND GY G
> WW DRILLING LLC
>
> 233 S 4TH PO BOX 307
> WAKEENY KS 67672

P_20180300 00 IND GY G
> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

P_20190001 00 IND GY G
> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

VSC 107 00 IRR AA G
> GARY G & SAUNDRA S SCHMIDT
>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

VSC 108 00 IRR AA G
> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

VSC 109 00 IRR AA G
> MINNIX FARMS 5.0 LLC
>
> 8101 W ROAD 40
> SCOTT CITY KS 67871

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 16715 00 IRR

Water Right and Points of Diversion Within 1.25 miles of point defined as:

1520 Feet North and 1246 Feet West of the Southeast Corner of Section 12 T 20S R 34W

REMAINS

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 843 00	IRR	NK	G	2261	--	--	--	--	4895	50	13	20	34W	1		360.00	360.00	AF
A_ 6168 00	STK	NK	G	1520	--	NW	SW	SW	1023	5100	7	20	33W	1		152.98	152.98	AF
Same				4382	--	SW	SW	SE	590	2223	7	20	33W	6		119.01	119.01	AF

CRUST? -> 1/2 mile from well by APPLICANT SITE

A	7914 00 IRR NK G	2261	-- -- -- --	4895	50	13	20	34W	1	61.00	61.00	AF	<i>cust</i>
A	8881 00 IRR NK G	5721	-- NE SW SW	-----	-----	1	20	34W	1	1469.00	563.09	AF	
Same		4699	-- NC SE NE	3350	300	11	20	34W	1				
Same		5704	-- NC NE NE	-----	-----	11	20	34W	3				
Same		2840	-- SW SE NW	-----	-----	12	20	34W	4				
A	10402 00 IRR NK G	6592	-- NW SW SW	1043	5246	8	20	33W	3	180.00	180.00	AF	
A	12728 00 IRR NK G	4208	NC N2 NE NW	4340	3200	18	20	33W	2	295.00	295.00	AF	
A	13115 00 IRR NK G	2116	-- NE NE NW	5163	2716	13	20	34W	2	240.00	240.00	AF	<i>Denwisch</i>
Same		2465	-- CN NE NW	5130	3175	13	20	34W	3				
A	16715 00 IRR NK G*	0	-- SW NE SE	1520	1246	12	20	34W	5	140.00	.00	AF	
A	22468 00 IRR NK G	2852	-- SE NE NE	4210	50	13	20	34W	4	329.00	71.00	AF	
A	25319 00 IRR NK G	2845	-- SE NW SW	1570	4090	12	20	34W	6	195.00	.00	AF	
A	33416 05 STK NK G	5303	-- NE NE NW	5230	2660	7	20	33W	4	2.70	2.70	AF	
A	35642 05 STK NK G	5913	-- NE NW NE	5245	1870	7	20	33W	3	4.60	4.60	AF	
P	20170295 00 IND GY G	2845	-- SE NW SW	1570	4090	12	20	34W	6	.92	.92	AF	
P	20180300 00 IND GY G	4113	-- NW NW SW	2500	5240	12	20	34W	7	.92	.92	AF	
P	20190001 00 IND GY G	4113	-- NW NW SW	2500	5240	12	20	34W	7	.92	.92	AF	
VSC	92 00 IRR AA G	6505	-- -- CW SW	-----	-----	8	20	33W	2	610.00	610.00	AF	
VSC	104 00 IRR AA G	5147	-- NW NW NE	4100	2220	18	20	33W	1	152.00	152.00	AF	
VSC	108 00 IRR AA G	4699	-- NC SE NE	3350	300	11	20	34W	1	640.00	640.00	AF	
Same		2317	NC W2 SW NE	3400	2600	12	20	34W	1				
VSC	109 00 IRR AA G	4229	-- NW CR SW	-----	-----	12	20	34W	2	320.00	320.00	AF	<i>Popul</i>

Total Net Quantities Authorized:			Direct	Storage
Total Requested Amount (AF) =			.00	.00
Total Permitted Amount (AF) =		2.76	.00	
Total Inspected Amount (AF) =		.00	.00	
Total Pro_Cert Amount (AF) =		.00	.00	
Total Certified Amount (AF) =	2049.39		.00	
Total Vested Amount (AF) =	1722.00		.00	
TOTAL AMOUNT (AF) =	3774.15		.00	

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:
 1520 Feet North and 1246 Feet West of the Southeast Corner of Section 12 T 20S R 34W
 Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

File Number Use ST SR
 A 843 00 IRR NK G
 > BRIAN & MYLES VULGAMORE
 > CRIST FARM
 > 1550 W ROAD 70
 > SCOTT CITY KS 67871

A 6168 00 STK NK G
 > FAIRLEIGH CORPORATION
 > 7400 S FALCON RD
 > PO BOX 560

> SCOTT CITY KS 67871

>-----

A__ 25319 00 IRR NK G
> MINNIX FARMS 5.0 LLC
>
> 8101 W ROAD 40
> SCOTT CITY KS 67871

>-----

A__ 33416 05 STK NK G
> TUMBLEWEED RANCH INC
>
> 5560 W RD 50
> SCOTT CITY KS 67871

>-----

A__ 35642 05 STK NK G
> TUMBLEWEED RANCH INC
>
> 5560 W RD 50
> SCOTT CITY KS 67871

>-----

P_20170295 00 IND GY G
> WW DRILLING LLC
>
> 233 S 4TH PO BOX 307
> WAKEENY KS 67672

>-----

P_20180300 00 IND GY G
> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

>-----

P_20190001 00 IND GY G
> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

>-----

VSC 92 00 IRR AA G
> K-2 FARMS REVOCABLE TRUST
> KRISTI SCHMITT TRUSTEE
> 804 PARK AVENUE
> SCOTT CITY KS 67871

>-----

VSC 104 00 IRR AA G
> HAROLD E & LOUISE WILLIAMS
>
> 11801 S GRANT RD
> SCOTT CITY KS 67871

>-----

VSC 108 00 IRR AA G
> MARGARET KOEHN

> SCOTT CITY KS 67871

A__ 7914 00 IRR NK G

> BRIAN & MYLES VULGAMORE
> CRIST FARM
> 1550 W ROAD 70
> SCOTT CITY KS 67871

A__ 8881 00 IRR NK G

> GARY G & SAUNDRA S SCHMIDT
>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

> MARGARET KOEHN

> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

A__ 10402 00 IRR NK G

> K-2 FARMS REVOCABLE TRUST
> KRISTI SCHMITT TRUSTEE
> 804 PARK AVENUE
> SCOTT CITY KS 67871

A__ 12728 00 IRR NK G

> HAROLD E & LOUISE WILLIAMS
>
> 11801 S GRANT RD
> SCOTT CITY KS 67871

A__ 13115 00 IRR NK G

> KELLY J & LISA S CRIST
>
> 1315 ELIZABETH
> SCOTT CITY KS 67871

A__ 16715 00 IRR NK G

> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

> GARY G & SAUNDRA S SCHMIDT

>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

A__ 22468 00 IRR NK G

> BRIAN & MYLES VULGAMORE
> CRIST FARM
> 1550 W ROAD 70

> SHARON ROEMER
 > 1609 COURT ST
 > SCOTT CITY KS 67871

 VSC 109 00 IRR AA G
 > MINNIX FARMS 5.0 LLC
 >
 > 8101 W ROAD 40
 > SCOTT CITY KS 67871

 AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 16715 00 IRR

Water Right and Points of Diversion Within 1.25 miles of point defined as:
 1144 Feet North and 4022 Feet West of the Southeast Corner of Section 2 T 20S R 34W
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 4204 00	IRR	NK	G		6452	--	NW	SW	SW	860	5215	3	20	34W	1		100.00	100.00	AF
A__ 4261 00	IRR	NK	G*		2749	--	SE	SW	SE	175	1450	2	20	34W	2		141.00	141.00	AF
A__ 5304 00	IRR	NK	G		4563	NC	W2	NW	SW	-----	-----	11	20	34W	2		29.00	29.00	AF
A__ 5493 00	IRR	NK	G		6452	--	NW	SW	SW	860	5215	3	20	34W	1		100.00	100.00	AF
Same					5867	NC	N2	SW	SW	860	4620	3	20	34W	2				
Same					5670	NC	E2	SW	SW	450	4390	3	20	34W	3				
Same					4945	NC	N2	S2	SW	860	3690	3	20	34W	4				
Same					4448	--	NE	SE	SW	765	3160	3	20	34W	7				
A__ 6616 00	IRR	NK	G		6452	--	NW	SW	SW	860	5215	3	20	34W	1		100.00	100.00	AF
Same					5867	NC	N2	SW	SW	860	4620	3	20	34W	2				
Same					5670	NC	E2	SW	SW	450	4390	3	20	34W	3				
Same					4945	NC	N2	S2	SW	860	3690	3	20	34W	4				
Same					4448	--	NE	SE	SW	765	3160	3	20	34W	7				
A__ 8881 00	IRR	NK	G		5003	--	NE	SW	SW	-----	-----	1	20	34W	1		1469.00	563.09	AF
Same					2749	--	SE	SW	SE	175	1450	2	20	34W	2				
Same					1585	--	NC	N2	S2	-----	-----	2	20	34W	3				
Same					4920	--	NC	SE	NE	3350	300	11	20	34W	1				
Same					3826	--	NC	NE	NE	-----	-----	11	20	34W	3				
A__ 16715 00	IRR	NK	G*		0	--	NE	SW	SW	1144	4022	2	20	34W	5		250.00	80.00	AF
Same					1774	NC	W2	SW	SE	652	2318	2	20	34W	6		173.00	.00	AF
A__ 16937 00	IRR	NK	G		6452	--	NW	SW	SW	860	5215	3	20	34W	1		373.00	373.00	AF
Same					5867	NC	N2	SW	SW	860	4620	3	20	34W	2				
Same					5670	NC	E2	SW	SW	450	4390	3	20	34W	3				
Same					4945	NC	N2	S2	SW	860	3690	3	20	34W	4				
Same					4144	--	NE	SE	SW	710	2870	3	20	34W	6				
Same					4448	--	NE	SE	SW	765	3160	3	20	34W	7				
P__20180300 00	IND	GY	G		5734	--	NW	NW	SW	2500	5240	12	20	34W	7		.92	.92	AF
P__20190001 00	IND	GY	G		5734	--	NW	NW	SW	2500	5240	12	20	34W	7		.92	.92	AF
VSC 107 00	IRR	AA	G		1435	--	SW	NW	SE	1450	2620	2	20	34W	1		320.00	320.00	AF
VSC 108 00	IRR	AA	G		4920	--	NC	SE	NE	3350	300	11	20	34W	1		640.00	640.00	AF
VSC 109 00	IRR	AA	G		5568	--	NW	CR	SW	-----	-----	12	20	34W	2		320.00	320.00	AF

APPLICANT

APPLICANT

APPLICANT

=====
 Total Net Quantities Authorized: Direct Storage

Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	1.84	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1486.09	.00
Total Vested Amount (AF) =	1280.00	.00
TOTAL AMOUNT (AF) =	2767.93	.00

An * after the source of supply indicates a pending application for change under the file number.

An ** after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

1144 Feet North and 4022 Feet West of the Southeast Corner of Section 2 T 20S R 34W

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 4204 00 IRR NK G

> LARRY PICKETT

>

> 1411 CHURCH ST

> SCOTT CITY KS 67871

>-----

A__ 4261 00 IRR NK G

> GARY G & SAUNDRA S SCHMIDT

>

> 9670 S EAGLE RD

> SCOTT CITY KS 67871

>-----

A__ 5304 00 IRR NK G

> MINNIX FARMS 5.0 LLC

>

> 8101 W ROAD 40

> SCOTT CITY KS 67871

>-----

A__ 5493 00 IRR NK G

> LARRY PICKETT

>

> 1411 CHURCH ST

> SCOTT CITY KS 67871

>-----

A__ 6616 00 IRR NK G

> LARRY PICKETT

>

> 1411 CHURCH ST

> SCOTT CITY KS 67871

>-----

A__ 8881 00 IRR NK G

> GARY G & SAUNDRA S SCHMIDT

>

> 9670 S EAGLE RD

> SCOTT CITY KS 67871

>-----
> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

>-----
A__ 16715 00 IRR NK G

> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

>-----
> GARY G & SAUNDRA S SCHMIDT

>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

>-----
A__ 16937 00 IRR NK G

> LARRY PICKETT
>
> 1411 CHURCH ST
> SCOTT CITY KS 67871

>-----
P_20180300 00 IND GY G

> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

>-----
P_20190001 00 IND GY G

> GABEL LEASE SERVICE INC
>
> PO BOX 405
> NESS CITY KS 67560

>-----
VSC 107 00 IRR AA G

> GARY G & SAUNDRA S SCHMIDT
>
> 9670 S EAGLE RD
> SCOTT CITY KS 67871

>-----
VSC 108 00 IRR AA G

> MARGARET KOEHN
> SHARON ROEMER
> 1609 COURT ST
> SCOTT CITY KS 67871

>-----
VSC 109 00 IRR AA G

> MINNIX FARMS 5.0 LLC
>
> 8101 W ROAD 40

> SCOTT CITY KS 67871

>-----

=====

#####

March 4, 2019

ADDRESS LIST DATED
MARCH 4, 2019

RE: Water Right, File Nos. 4,261 & 16,715

Dear Sir or Madam:

July 1, 2016.

The owners of the referenced water rights have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications propose a change in place of use and the use made of water from irrigation to irrigation or irrigation and stockwatering use as allowed by K.A.R. 5-5-9 & K.A.R. 5-5-10. The proposal is to change all of the authorized quantity under File No. 4,261 to stockwatering use, authorizing 37.57 million gallons per year (175 acre-feet), from the point of diversion located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, in Township 28 South, Range 34 West, Scott County, Kansas. The owners propose only a partial change in the use made of water under File No. 16,715, to stockwatering use, proposing a this use to authorize 46.11 million gallons per year (141.5 acre-feet) from the point of diversion located near the center of the West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, in Township 28 South, Range 34 West, Scott County, Kansas. The quantity remaining for irrigation use under File No. 16,715, is 250 acre-feet from the point of diversion located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, and 140 acre-feet in Section 12, both in Township 28 South, Range 34 West, Scott County, Kansas.

The quantity diverted for stockwatering use is proposed to be authorized at the existing feedlot located in Section 30, Township 19 South, Range 33 West, and Section 25, Township 19 South, Range 34 West, both in Scott County, Kansas. The 955.18 acres that are partially authorized for irrigation use by the referenced file will be reduced to 786.18 acres authorized under File Nos. SC 107; SC 108; 8,881 & 16,715.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 3

FILE COPY

ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED MARCH 4, 2019
Water Right, File Nos. 4261 & 14,502

File No. 843 owner
WILFORD D & LOUISE CRIST
210 EAST PARKLANE
SCOTT CITY KS 67871

File No. 843 WUC
BRIAN & MYLES VULGAMORE
CRIST FARM
1550 W ROAD 70
SCOTT CITY KS 67871

File No. 13115 owner
DENNIS CRIST
14000 S FALCON RD
HOLCOMB KS 67851

File No. 13115 WUC
KELLY J & LISA S CRIST
1315 ELIZABETH
SCOTT CITY KS 67871

File No. 25319 owner & WUC well is between wells
MINNIX FARMS 5.0 LLC
8101 W ROAD 40
SCOTT CITY KS 67871-5087

FILE COPY



RuralResourcesConsulting
LLC

November 8, 2018

Water Resources
Received

NOV 19 2018

KS Dept Of Agriculture

David Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: Applications Relating to File Nos. 4,261, 16,715, 8,881, SC107 and SC108, Scott County

Dear Mr. Barfield:

Fairleigh Corporation, owner of Fairleigh Feed Yard, has entered into an agreement with Gary G. and Sandra S. Schmidt to purchase water rights associated with File Nos. 4,261 and 16,715. The purpose of this acquisition is to secure additional sources of water supply for Fairleigh Feed Yard. This quantity will support the recent expansion of the facility and will provide additional capacity to compensate for a failure of one or more wells that currently supply water to cattle at the feed yard.

Both water rights are currently authorized for irrigation use. Fairleigh Corporation proposes to change the use made of water from irrigation to stockwater. The water will be conveyed by underground pipeline to the feed yard, which will be the place of use. Maps are included with the applications that show the route of the pipeline. No change in point of diversion is proposed.

After researching the details of the water rights, we identified several complexities that make the proposed changes rather complicated. The issues that complicate the proposed changes are:

- File Nos. 4,261, 16,715, 8,881, SC107 and SC108 share a common place of use. That is, the place of use associated with these water rights is completely overlapped.

SCANNED

- The current place of use is owned by three different entities.
- File No. 8,881 includes six points of diversion subject to one overall rate and quantity. One of these points of diversion is co-located at the point of diversion associated with File No. 4,261.
- File No. 16,715 includes three points of diversion that are assigned specific rates and quantities. Fairleigh Corporation proposes to acquire just one of these points of diversion and change the use to stockwater.
- File Nos. 4,261, 16,715, 8,881, SC107 and SC108 are subject to an overall quantity limitation. Changing the use of File Nos. 4,261 and 16,715 to stockwater implies that the overall limitation must be adjusted to account for reduced irrigation quantity. This adjustment impacts all five water rights.
- A reduction in the acres authorized for irrigation will result from any significant reduction of the total quantity authorized for irrigation. The acreage reduction must be distributed in a way that is acceptable to all owners of the place of use.

We have developed a package of applications that includes changes, reductions, and a division of the subject water rights. The purpose of these applications is to accomplish the original goal of changing the use of File Nos. 4,261 and 16,715 from irrigation to stockwater. These applications are enclosed for your review and approval and are submitted on behalf of the applicant, Fairleigh Corporation. The remainder of this letter summarizes the content of each application. Please note that no changes in rate are proposed in any of these applications.

File No. 4,261

A change application is submitted for File No. 4,261 to change the use made of water from irrigation to stockwater. The consumptive use factor for Scott County that is referenced in K.A.R. 5-5-9(a)(1) was used to determine the quantity available for stockwater use. The application also proposes to change the place of use from the current overlapped place of use to Fairleigh Feed Yard, which is located in the SE ¼ Section 25 T19S R34W and Section 30 T19S R33W.

A copy of the cover page of the Kansas Department of Health and Environment permit for the feed yard is enclosed to document the current capacity of 80,000 head of beef cattle. Fairleigh Feed Yard is supplied by seven water rights covering ten stockwater wells. Information contained in the WRIS reports for these water rights indicates that they are subject to an overall quantity limitation of 328.5 million gallons per year, or 1,008 acre-feet (AF) per year. The maximum reasonable use for 80,000 head of beef cattle is 1,344.2 AF per year based on a consumption rate of 15 gallons per head per day. The difference between 1,344.2 AF and 1,008 AF is 336.2 AF. The change applications associated with File Nos. 4,261 and 16,715 propose to supply 115.3 AF and 141.5 AF, respectively, for stockwater. The sum of these additional quantities, 256.8 AF, and the current limitation of 1,008 AF is 1,264.8 AF. This is less than the maximum reasonable quantity of 1,344.2 AF. We therefore request that no limitations be placed on stockwater use from File Nos. 4,261 and 16,715. A quantity of 1,264.8 AF will supply 14.1 gallons per head per day at a capacity of 80,000 head. We believe this will be sufficient for this operation. We also request that the current overall limitation of 1,008 AF be reconsidered since the total of the authorized quantities of all stockwater rights far

Water Resources
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NOV 19 2018

KS Dept Of Agriculture
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exceeds this limitation. If possible, we request that the limitation be authorized for increase in the event of a subsequent expansion.

A copy of the purchase agreement is included with the change application to document the intent to convey the interest in this water right to Fairleigh Corporation.

File No. 16,715

File No. 16,715 includes three points of diversion. A specific rate and quantity are assigned to each point of diversion. Fairleigh Feed Yard proposes to purchase the portion of the water right associated with the point of diversion located 652 feet north and 2318 feet west of the southeast corner of Section 2 T20S R34W. This point of diversion is ID 6 in the WRIS report. To accomplish this, we propose that a change application be processed first. This application would change the use made of water from this point of diversion (ID 6) from irrigation to stockwater. The consumptive use determination is based on K.A.R. 5-5-9(a)(1). The place of use would be changed from the current overlapped place of use to Fairleigh Feed Yard, which is located in the SE ¼ Section 25 T19S R34W and Section 30 T19S R33W. A copy of the purchase agreement is included with the change application to document the intent to convey the interest in this portion of the water right to Fairleigh Corporation. As was indicated in the previous summary pertaining to File No. 4,261, we request that no further limitations be placed on stockwater use from this point of diversion.

No changes are proposed for the use, rate, quantity or location of the remaining two points of diversion. The place of use will be reduced based upon adjustment of the overall annual quantity limitation that applies to File Nos. SC107, SC108, 4,261, 8,881 and 16,715. The basis for this adjustment is described in the following summary pertaining to File No. 8,881. The formula outlined in K.A.R. 5-5-11(b)(2)(B)(ii) was used to determine the maximum irrigated acres. An annual quantity of 1,235 AF and the 80% chance rainfall NIR value of 1.33 feet for Scott County were used in the calculation. The result was a maximum irrigated area of 789.3 acres. We propose to reduce the current irrigated place of use by deleting 81.00 acres associated with Section 1 T20S R34W and 88.00 acres associated with Section 36 T19S R34W from the current place of use consisting of 955.18 acres. This leaves 786.18 acres, which is less than the limitation of 789.3 acres. No new acres are proposed in this reduction of the place of use.

Upon approval of this change application, we request that the enclosed application to divide a water right be processed. This application proposes to establish File No. 16,715 – D1 for the point of diversion purchased by Fairleigh Corporation. The only use would be stockwater, the quantity would be that approved through the change application, and the place of use would be Fairleigh Feed Yard, which is located in the SE ¼ Section 25 T19S R34W and Section 30 T19S R33W. This division will establish Fairleigh Corporation as the sole owner of this water right and will eliminate any interest in the other portion of File No. 16,715.

The division application also proposes to establish File No. 16,715 – D2. This water right will include the two remaining points of diversion. No change in rate, quantity, use or location is proposed. The place of use will be the previously-described reduced place of use consisting of 786.18 acres.

Water Resources
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NOV 19 2018

KS Dept Of Agriculture

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File No. 8,881

File No. 8,881 is not part of the water right purchase agreement but does cause many of the complexities involved in this project. This water right covers six points of diversion, two of which are co-located on senior points of diversion. One of these is File No. 4,261. All points of diversion are subject to a single overall authorized quantity of 1,469 AF. File No. 8,881 is also subject to an annual limitation of 1,469 AF in combination with File Nos. SC107, SC108 and 4,261. This essentially limits File No. 8,881 to 368 AF if the other water rights are used to their total authorized quantities. When File No. 16,715 is added to this group, another annual limitation of 1,549 AF is imposed. The change in use associated with File Nos. 4,261 and 16,715 reduces the irrigation quantities associated with this group. This indicates the need to adjust the previously stated limitations. Elimination of the 141 AF quantity associated with File No. 4,261 reduces the 1,469 AF limitation to 1,328 AF. Elimination of 141 AF associated with File No. 4,261 and 173 AF associated with File No. 16,715 (ID 6)/16,715 – D1 reduces the 1,549 AF limitation to 1,235 AF. These changes result in a discrepancy between the limitations. This implies that the limitations must be reduced to 1,235 AF as they relate to File Nos. SC107, SC108, 8,881 and 16,715 – D2.

We propose to address these issues through a request to reduce a portion of an existing water right. The following reductions are requested:

1. Reduce the limitation on the maximum annual quantity of water to 1,235 AF when combined with File Nos. SC107, SC108 and 16,715 – D2. We understand that this request will also impact the authorized quantity associated with File No. 8,881.
2. Reduce the place of use to 786.18 acres as was previously described in the summary of the change application for File No. 16,715.
3. Reduce the number of authorized points of diversion from six to five by deleting the point of diversion that is co-located at the point of diversion associated with File No. 4,261. This will preclude a situation where both irrigation and stockwater use are authorized for a single point of diversion. It will also allow Fairleigh Corporation to maintain complete ownership and control of File No. 4,261.

File No. SC107

A request to reduce a portion of an existing water right is submitted for the sole purpose of reducing the irrigation place of use associated with this water right to correspond with that established for File Nos. SC108, 8,881 and 16,715 – D2.

File No. SC108

A request to reduce a portion of an existing water right is submitted for the sole purpose of reducing the irrigation place of use associated with this water right to correspond with that established for File Nos. SC107, 8,881 and 16,715 – D2.

Water Resources
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NOV 19 2018

KS Dept Of Agriculture

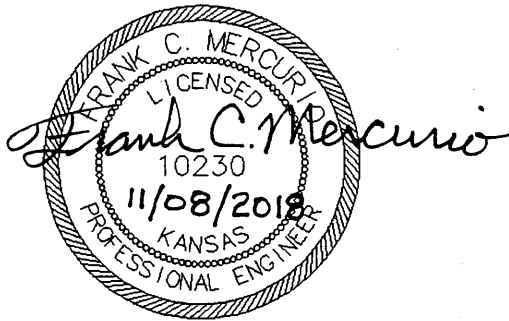
SCANNED

Land Ownership

Land ownership of the place of use was verified by researching the Scott County Kansas Public Parcel Search website. A summary of ownership of the current and proposed places of use is included with each application. Documentation indicating ownership of the stockwater place of use by Fairleigh Corporation is included where applicable. At this point in time, the owners of the irrigated place of use have decided to delay any further division of this place of use.

Please contact me if you have any questions concerning this application. Thank you for your consideration of this matter.

Respectfully,



Frank C. Mercurio, P.E.

Enclosures

Water Resources
Received

NOV 19 2018

KS Dept Of Agriculture

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Kansas Business Center

Sponsored by Secretary of State Kris Kobach and Governor Jeff Colyer

Business Entity Search

Date: 10/04/2018

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name	Business Entity ID Number
FAIRLEIGH CORPORATION	0176735
Current Mailing Address: PO BOX 560 207 E BELLEVUE, SCOTT CITY, KS 67871	
Business Entity Type: KANSAS FOR PROFIT CORPORATION	
Date of Formation in Kansas: 11/30/1970	
State of Organization: KS	
Current Status: ACTIVE AND IN GOOD STANDING	

Resident Agent and Registered Office

Resident Agent: JOHN D. FAIRLEIGH
Registered Office: 207 E Bellevue, SCOTT CITY, KS 67871

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 11
The Last Annual Report on File: 11/2017
Next Annual Report Due: 03/15/2019
Forfeiture Date: 06/15/2019

SCANNED

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, May 6, 2019 7:32 AM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for Change UMW PU File Nos. 4261 & 16715 Fairleigh with FOs & Division

Approve
thanks

Mike

From: Ireland, Leslie [KDA]
Sent: Friday, May 3, 2019 9:09 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for Change UMW PU File Nos. 4261 & 16715 Fairleigh with FOs & Division

Mike,

Attached is the revised memo for the consideration of the needed waiver.

Please let me know if you'd approve the applications with the reductions, division & modification of the stockwatering limitations.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

May 2, 2019

Leslie Ireland
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS. 66502

RE: Recommendation Addendum: Water Right File Nos. 4261, 16715-D2 proposed as 16715-D1

Dear Ms. Ireland,

As a supplement to the Western Kansas Groundwater Management District No. 1's recommendation dated March 21, 2019, the District waives K.A.R. 5-21-7 regarding the Use Made of Water change applications for the above referenced file numbers. The recommendation remains contingent upon no objectionable responses from the notification letters sent to nearby well owners.

Sincerely,

Kyle Spencer
District Manager

WATER RESOURCES
RECEIVED

MAY 02 2019

KS DEPT. OF AGRICULTURE



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

March 21, 2019

Leslie Ireland
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS. 66502

RE: Water Right, File Nos. 4261, (16715) SC 107, SC 108 and 8881

Dear Ms. Ireland,

At the March 20, 2019 Western Kansas Groundwater Management District No. 1's board meeting, the Board reviewed the above referenced applications and recommends approval for all, contingent upon no objectionable responses from the notification letters sent to neighboring well owners.

Sincerely,

Kyle Spencer
District Manager

WATER RESOURCES
RECEIVED

MAR 25 2019

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 11, 2019

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67861

FILE COPY

Re: Applications for Change,
Water Right, File Nos. 4,261 & 16,715
Reduction Requests,
Vested Right, File Nos. SC 107 & SC 108; Water Right, File No. 8,881
Application to Divide a Water Right, File No. 16,715

Dear Mr. Spencer:

In response to your letter dated March 11, 2019, requesting a 30 day extension to review the referenced applications, the Chief Engineer has extended, the initial time in which to submit recommendations.

As requested any further action will be delayed until April 19, 2019.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosures

pc: Garden City Field Office
Frank Mercurio, P.E. Rural Resources Consulting LLC

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 5, 2019

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67861

Re: Applications for Change,
Water Right, File Nos. 4,261 & 16,715
Reduction Requests,
Vested Right, File Nos. SC 107 & SC 108; Water Right, File No. 8,881
Application to Divide a Water Right, File No. 16,715

Dear Mr. Spencer:

We are enclosing a copy of each of the applications referred to above which appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office
Frank Mercurio, P.E. Rural Resources Consulting LLC

SCANNED

Turney, Brent [KDA]

FILE NOS. 4261 & 16715-

From: Frank Mercurio <Frank@syracusedairy.com>
Sent: Friday, February 22, 2019 12:57 PM
To: Turney, Brent [KDA]; Ireland, Leslie [KDA]
Subject: STK Place of Use Maps for File Nos. 4,261 and 16,715
Attachments: 4261_Place_of_Use_-_Aerial_Map_Revised.pdf; 4261
_Place_of_Use_-_Topo_Map_Revised.pdf; 16715
Change-_All_PDs_-_Aerial_Place_of_Use-Revised.pdf; 16715
Change-_All_PDs_-_Topo_Place_of_Use-Revised.pdf; 16715
DIVISION-_PLACE_OF_USE2_-_AERIAL-Revised.pdf; 16715_DIVISION_PLACE_OF_USE2
_-_TOPO-Revised.pdf

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I have attached maps that exclude the E ½ of the E ½ of Section 30 T19S R33W from the STK place of use as it relates to the change application for File No. 4,261 and the change and division applications pertaining to File No. 16,715. This will make the STK place of use in these applications match the current STK place of use for all other STK rights associated with Fairleigh Feed Yard.

I hope that this information is beneficial to your review process. Please contact me if you have any questions about the attached maps.

Thanks,

Frank

Frank Mercurio, P.E.
Rural Resources Consulting, LLC
751 SE CR 36
Syracuse, KS 67878

Cell: (785) 820-6093

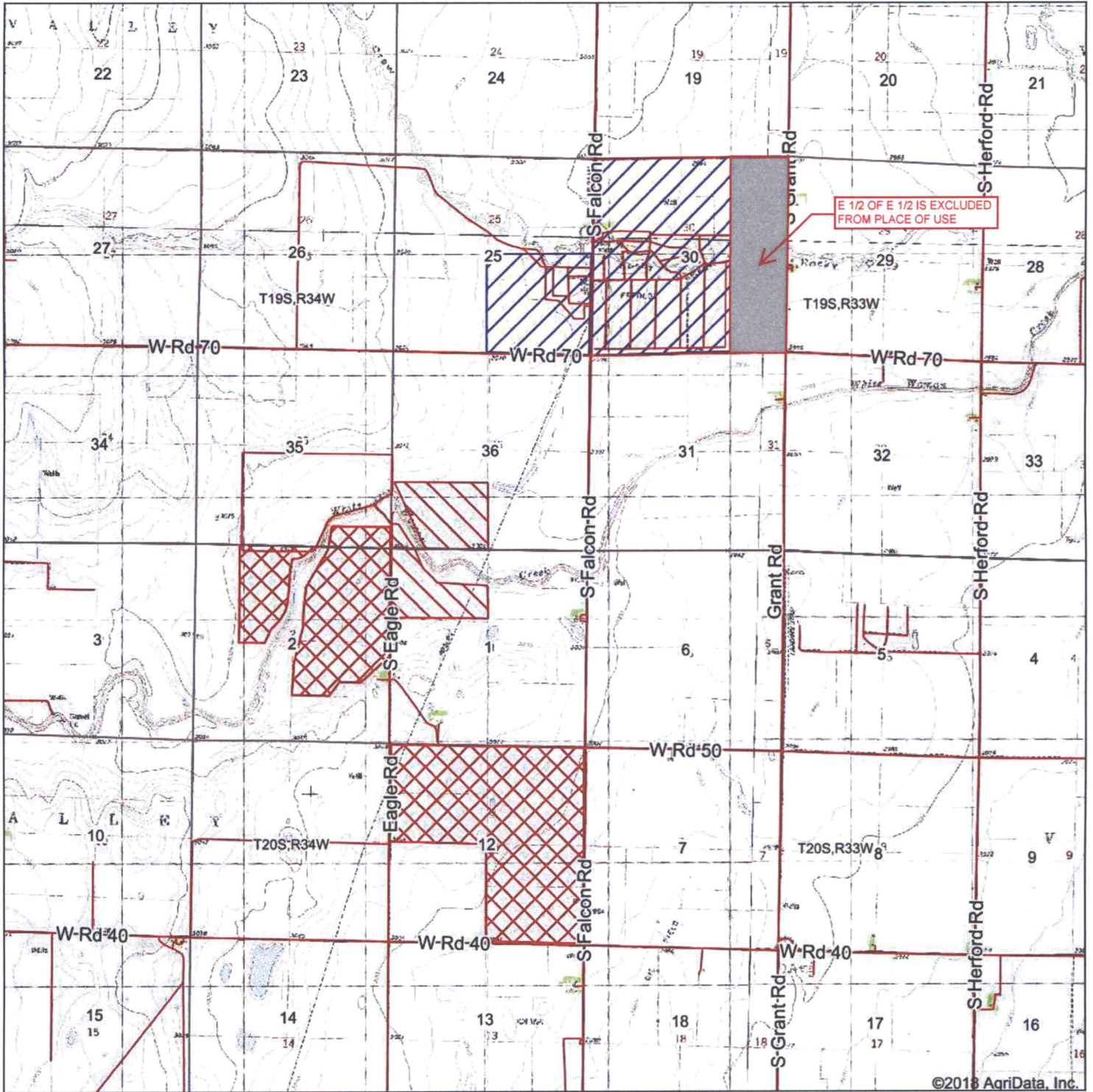
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USGS Topographic Map of Place of Use

FILE No. 16715



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Map Center: 38° 21' 6.92, -101° 1' 13.88
Map Scale: 1:48000

0ft 4173ft 8346ft

Current Place of Use (IRR)
Current Place of Use (STK)
Proposed Place of Use (IRR)
Proposed Place of Use (STK)



Point of Diversion (STK)
Point of Diversion (IRR)
Point of Diversion (Neighbor)



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File No. 16,715 Change Application
Scott County, Kansas

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Aerial Map of Place of Use



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Map Center: 38° 21' 7.23, -101° 1' 13.05
 Map Scale: 1:48000

0ft 4173ft 8346ft

- Current Place of Use (IRR)
- Current Place of Use (STK)
- Proposed Place of Use (IRR)
- Proposed Place of Use (STK)

- Point of Diversion (STK)
- Point of Diversion (IRR)
- Point of Diversion (Neighbor)

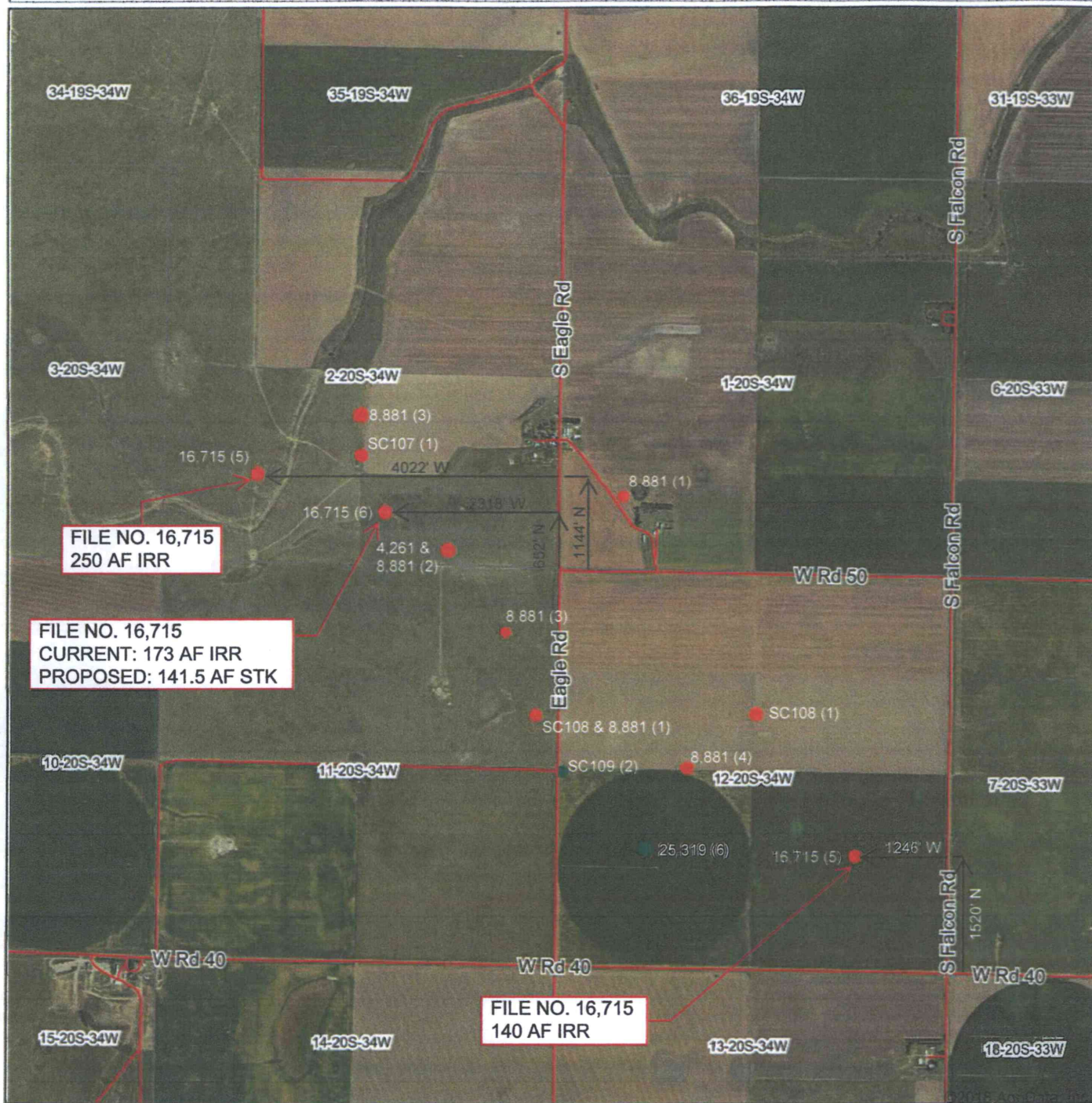
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**File No. 16,715 Change Application
 Scott County, Kansas**

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Well Location Map



FILE NO. 16,715
250 AF IRR

FILE NO. 16,715
CURRENT: 173 AF IRR
PROPOSED: 141.5 AF STK

FILE NO. 16,715
140 AF IRR

Map Center: 38° 20' 15.42, -101° 2' 5.46
Map Scale: 1: 24000



- Point of Diversion (STK) ●
- Point of Diversion (IRR) ●
- Point of Diversion (Neighbor) ●

File No. 16,715 Change Application Scott County, Kansas



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Aerial Map of Place of Use



Map Center: 38° 21' 6.02, -101° 0' 58.82
Map Scale: 1:48000

0ft 4173ft 8346ft

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Current Place of Use (IRR)

Current Place of Use (STK)

Proposed Place of Use (IRR)

Proposed Place of Use (STK)



Point of Diversion (STK)

Point of Diversion (IRR)

Point of Diversion (Neighbor)



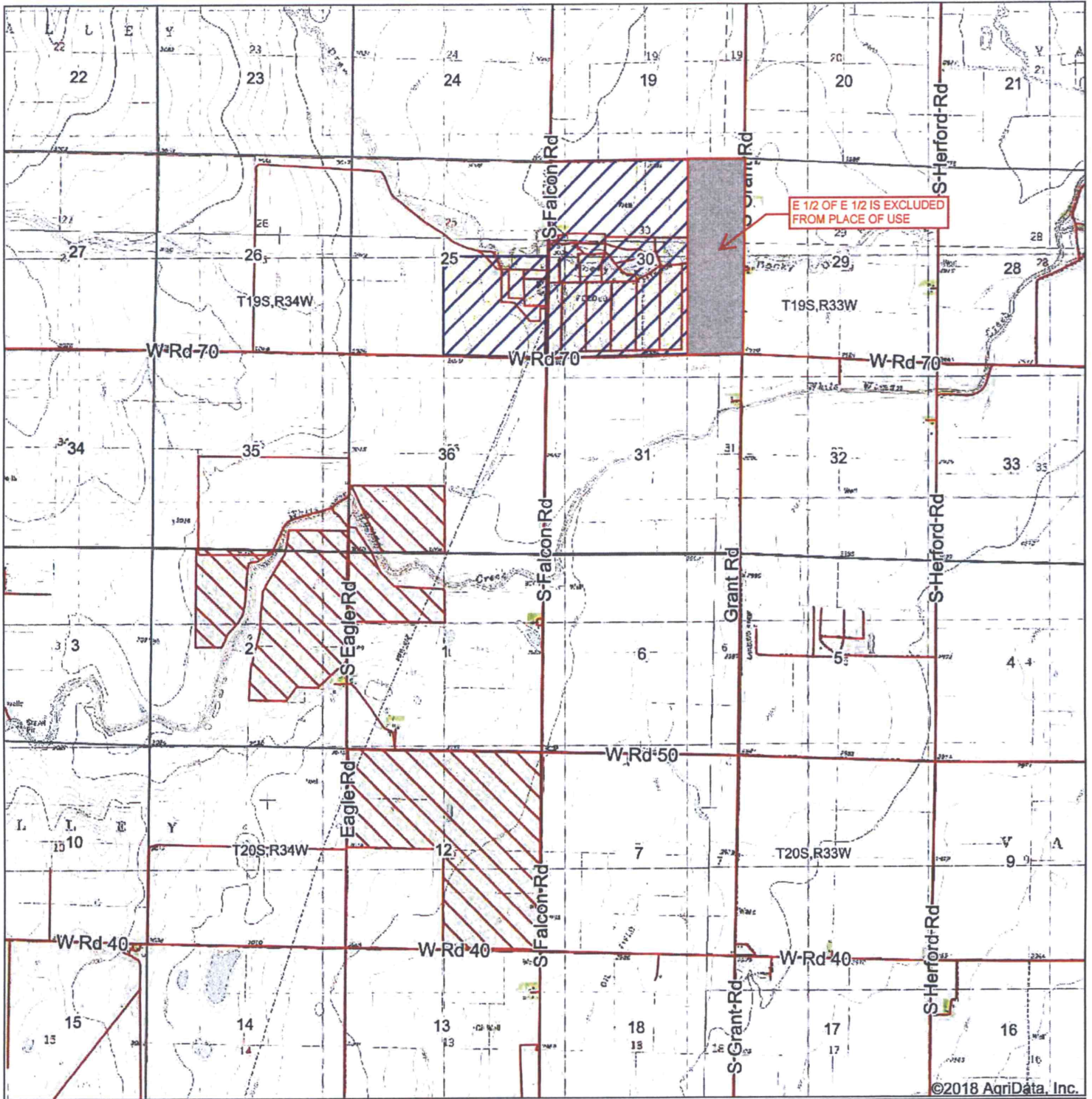
File No. 4,261
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USGS Topographic Map of Place of Use



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Map Center: 38° 21' 7.24, -101° 0' 59.22
 Map Scale: 1:48000





0ft 4173ft 8346ft

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Current Place of Use (IRR)
 Current Place of Use (STK)
 Proposed Place of Use (IRR)
 Proposed Place of Use (STK)

 Point of Diversion (STK)
 Point of Diversion (IRR)
 Point of Diversion (Neighbor)






File No. 4,261
 Scott County, Kansas

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NATURAL GAS PIPELINE

PROPOSED PIPELINE

FFY West Well
File No. 16,715

FFY East Well
File No. 4,261

EXISTING 8-INCH PIPELINE

PIPELINE ROUTE FROM NEW STK
WELLS TO FAIRLEIGH FEED YARD

Google Earth

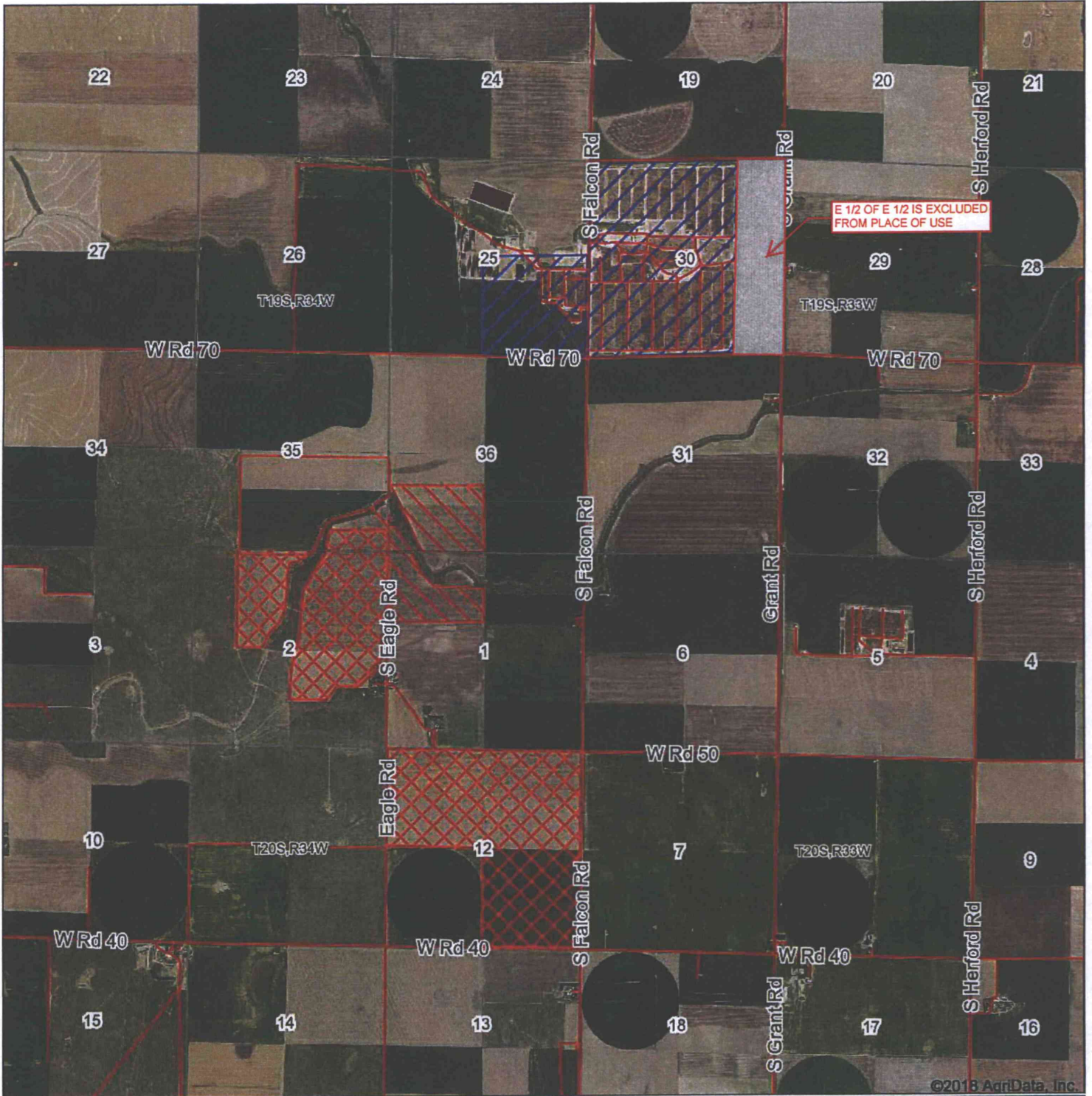
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Aerial Map of Place of Use



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Map Center: 38° 21' 7.23, -101° 1' 13.05
Map Scale: 1:48000

0ft 4173ft 8346ft

- Current Place of Use (IRR) 
- Current Place of Use (STK) 
- Proposed Place of Use (IRR) 
- Proposed Place of Use (STK) 

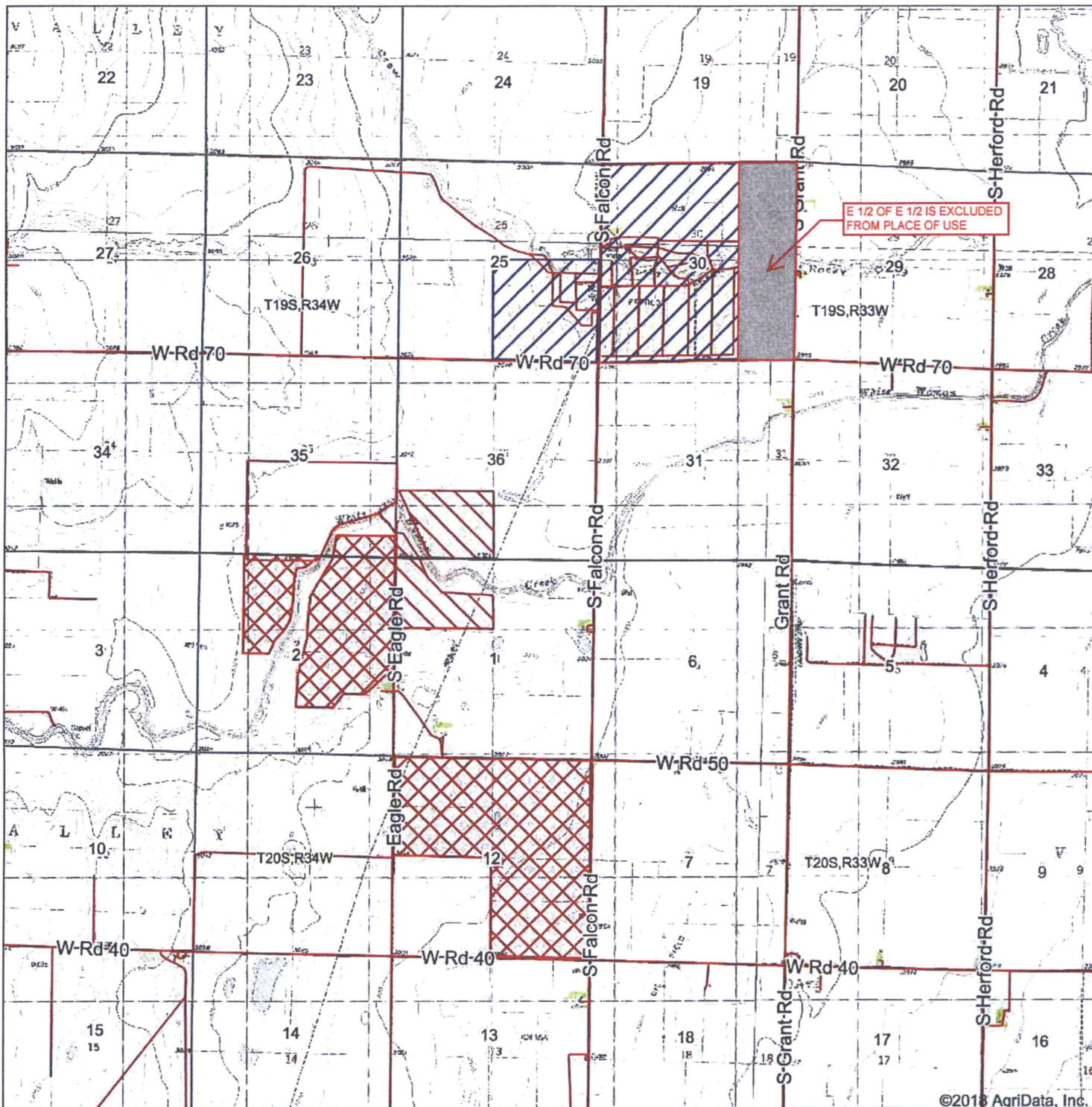
- Point of Diversion (STK) 
- Point of Diversion (IRR) 
- Point of Diversion (Neighbor) 

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USGS Topographic Map of Place of Use



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Map Center: 38° 21' 6.92, -101° 1' 13.88
Map Scale: 1:48000

0ft 4173ft 8346ft

Current Place of Use (IRR)
Current Place of Use (STK)
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Point of Diversion (STK)
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Point of Diversion (Neighbor)



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File No. 16,715 Change Application
Scott County, Kansas

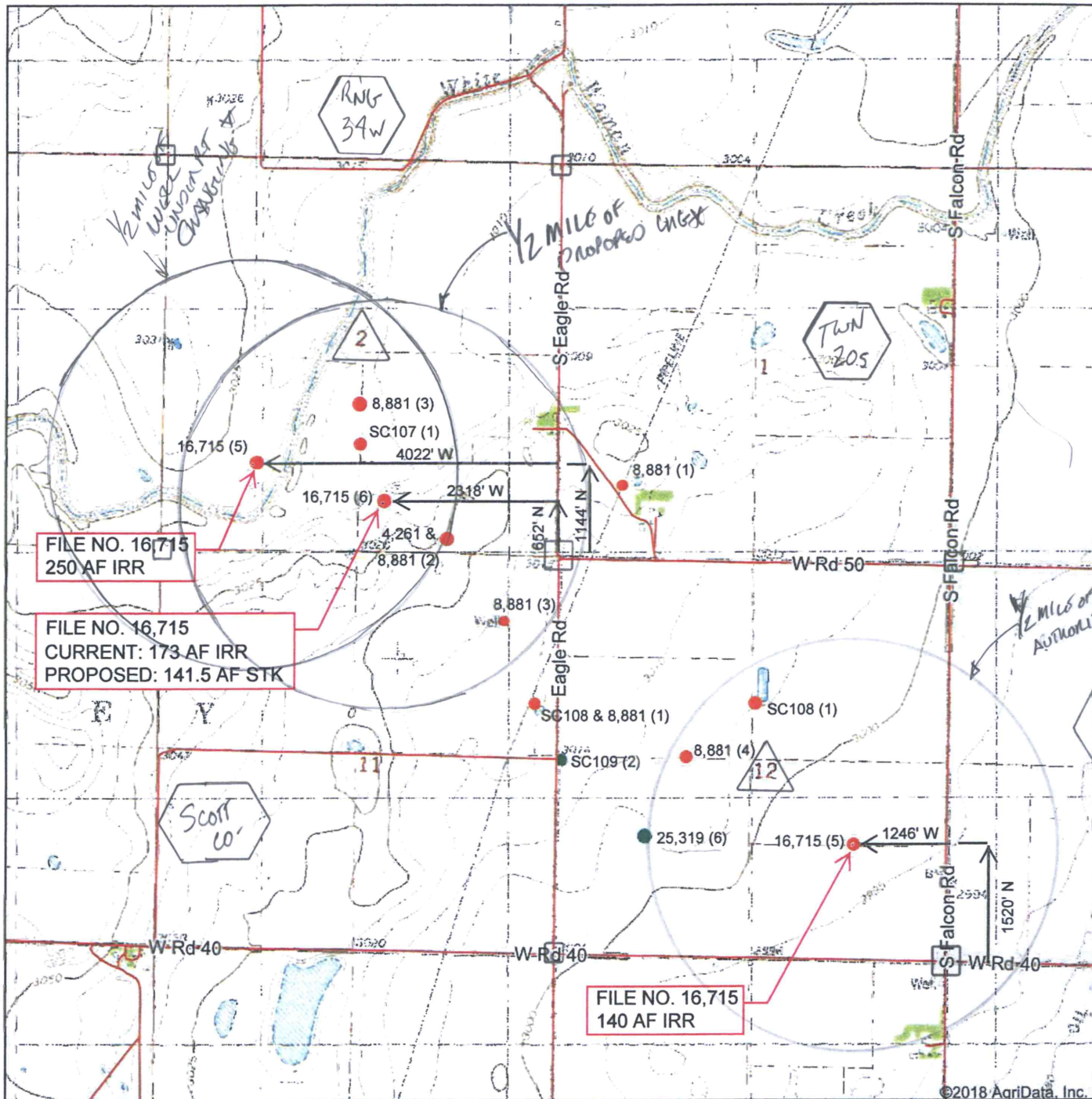
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Well Location Map

File No. 16715



FILE NO. 16,715
250 AF IRR

FILE NO. 16,715
CURRENT: 173 AF IRR
PROPOSED: 141.5 AF STK

FILE NO. 16,715
140 AF IRR

Map Center: 38° 20' 14.53, -101° 2' 6.03
Map Scale: 1:24000



- Point of Diversion (STK) ●
- Point of Diversion (IRR) ●
- Point of Diversion (Neighbor) ●

File No. 16,715 Change Application
Scott County, Kansas



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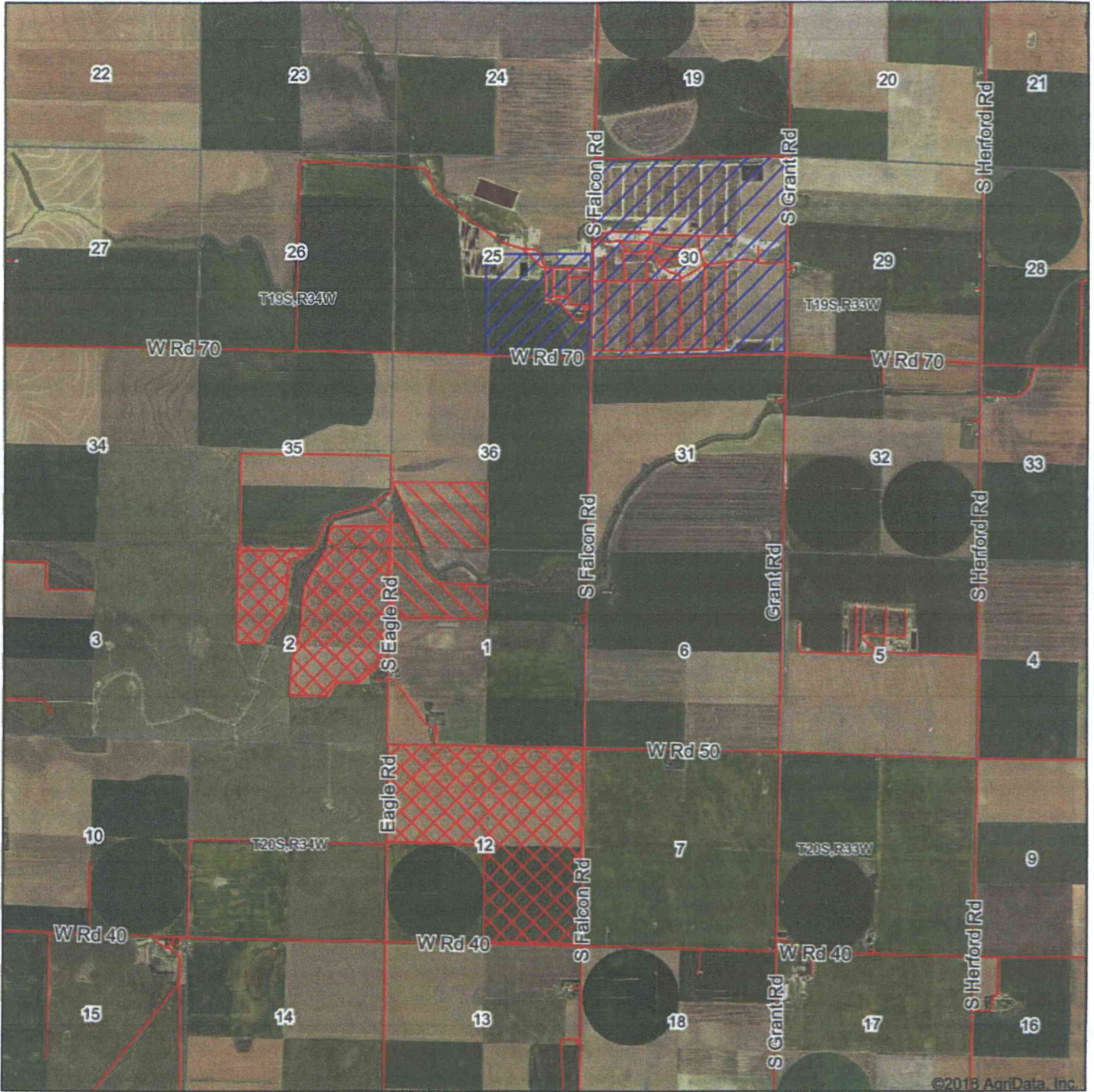
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Aerial Map of Place of Use








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Map Center: 38° 21' 7.23, -101° 1' 13.05
Map Scale: 1:48000

0ft 4173ft 8346ft

- | | | | |
|-----------------------------|---|-------------------------------|---|
| Current Place of Use (IRR) |  | Point of Diversion (STK) |  |
| Current Place of Use (STK) |  | Point of Diversion (IRR) |  |
| Proposed Place of Use (IRR) |  | Point of Diversion (Neighbor) |  |
| Proposed Place of Use (STK) |  | | |

File No. 16,715 Change Application
Scott County, Kansas

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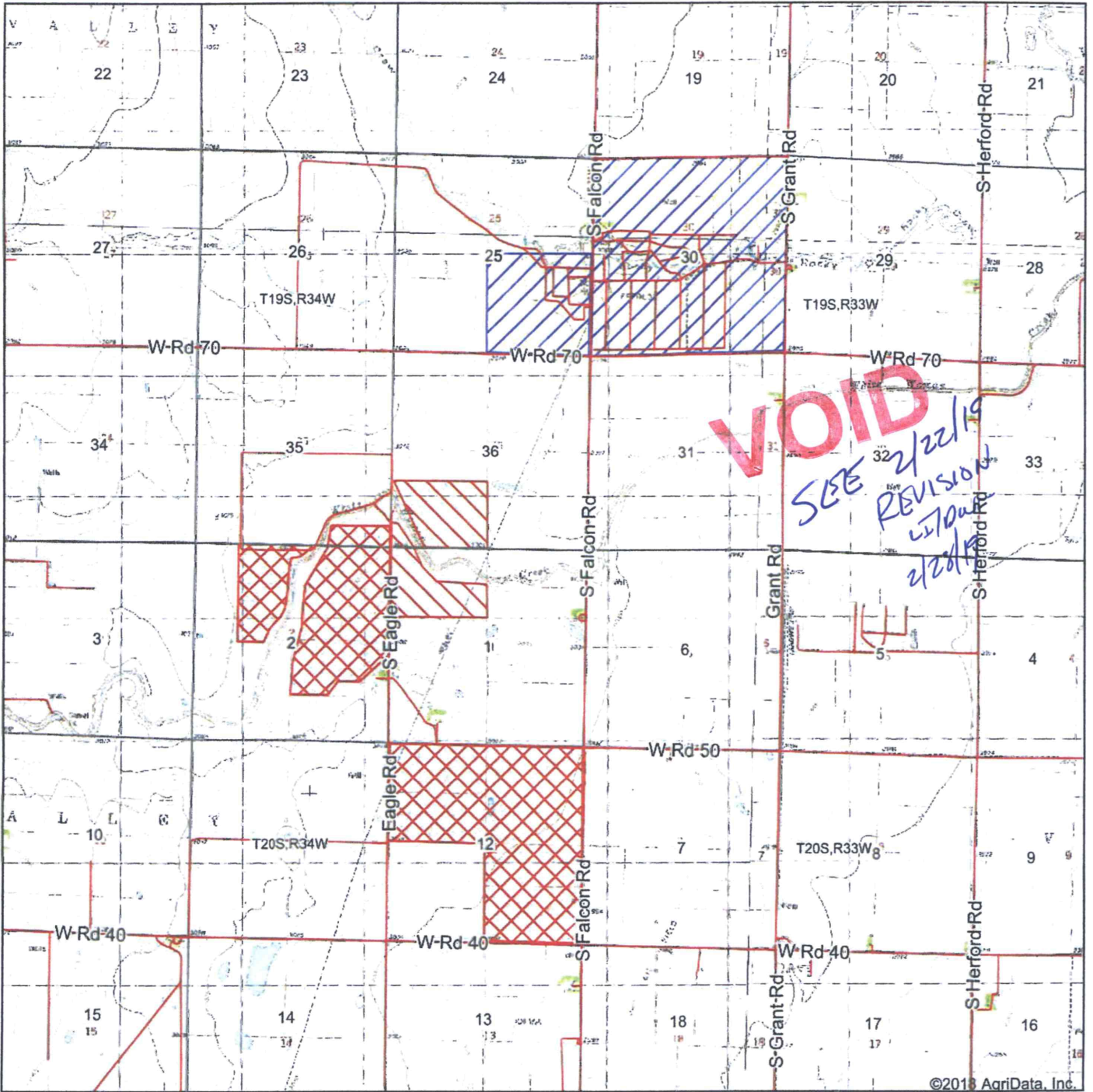
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USGS Topographic Map of Place of Use



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File No. 16,715 Change Application
Scott County, Kansas

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