

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

1. File Number: 13418	2. Status Change Date: 3-11-2021	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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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: 3/3/2020
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8a. Landowner, Person ID **62143**
 New to system Add Seq# _____

JAY ALAN INC
ATTN: JAY A BORTH - PRESIDENT
10209 L RD
PLAINS, KS 67869

8c. Landowner Person ID _____
 New to system Add Seq# _____

KERRY KNOTT
MELLISA KNOTT
AVEN KNOTT
12817 SAGAMORE RD
LEAWOOD KS 33209

8b. Landowner(s), Person ID **61023**
 New to system Add Seq# _____

MARCELLA THORSON ET AL
9848 E 84TH ST
TULSA, OK 74133

8d. correspondent, applicant Person ID **40480**
 New to system Add Seq# _____

JAY A & CARA L BORTH
10209 L RD
PLAINS, KS 67869

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **3/1/2021**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **3/11/2021** By: **MAM**
 Date Entered: _____ By: _____

File No. **13418** 11. County: **ME** Basin: **CROOKED CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT		NWNWNW	8	32	30W		5132	5212		1000	320	1000	320	NONE

DEL 43109

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
CHK	8061																								8a	yes	13417
CHK	11998																								8b	yes	13417
CHK	16454																								8a	no	13417
CHK	59080																								8b	no	13417
CHK	59080																								8c	yes	13417
CHK	11998																								8c	yes	13417

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **shared ownership interest in pu id 59080and pu id 11988**

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

March 11, 2021

JAY A & CARA L BORTH
10209 L RD
PLAINS, KS 67869

RE: Water Right, File No. 13418

Dear Sir:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
enclosures
pc: Marcella Thorson etal
GMD3

CERTIFICATE OF SERVICE


On this 11th day of March 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 13,418 dated 11th day of March 2021 was mailed postage prepaid, first class, US mail to the following:

JAY A & CARA L BORTH
10209 L RD
PLAINS, KS 67869

Pc:

MARCELLA THORSON ET AL
9848 E 84TH ST
TULSA, OK 74133

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

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



STATE OF KANSAS

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

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

RECEIVED
 2:30pm
 MAR 03 2021

File No. 13418

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

Place of Use Point of Diversion

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

The source of supply is: Groundwater Surface water

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: JAY BORTH

10209 L RD PLAINS KS 67869

Phone Number: (620) 629-7980 Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

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

Owner of Land --- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 3-3-21 Check # 1191

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of the NW Quarter of Section 8, Township 32 South, Range 30 W, in Meade County, Kansas, 5200 feet North 5200 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 01 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NW Quarter of the NW Quarter of the NW Quarter of Section 8, Township 32 South, Range 30 W, in Meade County, Kansas, 5132 feet North 5212 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 515
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

7. The changes herein are desired for the following reasons?
 (please be specific) _____

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

9. The change(s) (was)(will be) completed by?

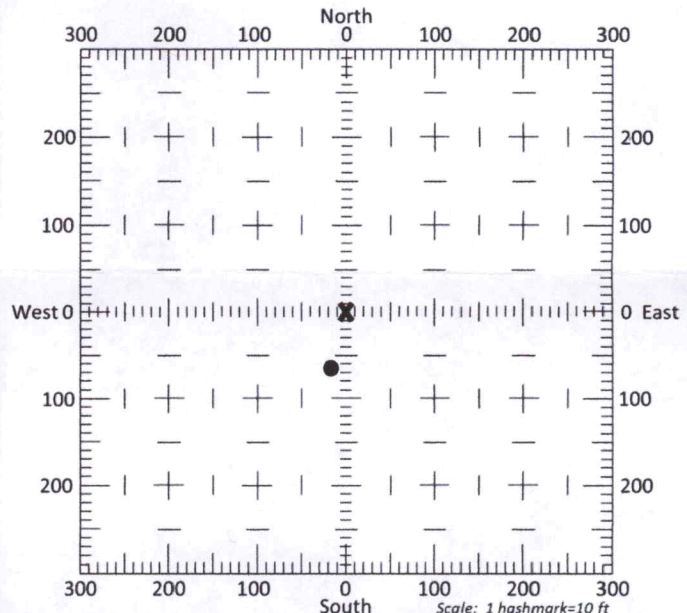
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by HH / GCFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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

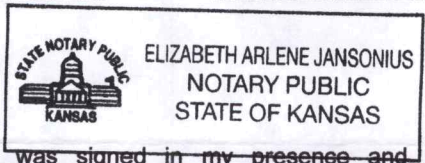
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized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

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

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

Jay Alan Inc	
(Owner)	(Spouse)
(Please Print)	(Please Print)
Jay A Bort	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Meade } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of February, 2021.

Elizabeth A. Jansonius
 Notary Public

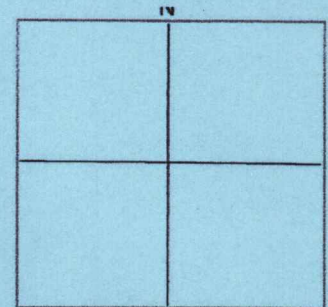
My Commission Expires August 24, 2024.

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

FEE SCHEDULE

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

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



Test Hole Drilling Log

CUSTOMER:

JAY BORTH

DATE:

2-2-21

ADDRESS:

10209 L RD, PLAINS, KS 67869

PHONE NUMBER:

TEST HOLE #

1

DRILLER:

Brady Palmer

E-LOG:

No

GPS LOCATION:

37.2856, -100.6167

COUNTY:

Meade

QUARTER:

NW NW NW NE

SECTION:

S8

TOWNSHIP:

T32S

RANGE:

R30W

TOTAL DEPTH:

520

TOTAL PAY:

178

Description of the strata, from the surface to the total depth.

(Example: 80-100, 20: Sand; Footage is from 80-100 feet, pay = 20. Sand is the strata description)

0-4: Top Soil	
4-26: Brown clay	
26-48: Fine sand	
48-72: Medium to fine sand	
72-243: Medium to coarse sand	
243-288, 6: Medium sand clay strips	6' of pay
288-408, 120: Medium to coarse sand	120' of pay
408-463, 28: Medium sand, caliche mix	28' of pay
463-491: Caliche, clay mix	
491-515, 24: Fine to medium sand	24' of pay
515-520: Red bed	178' of total pay

Tyler Palmer
580-716-8758
Tyler.elitedrilling@gmail.com

Entered in Transfer Record
in my office this 2nd day
of April 2020
Janet Hale by sg
County Clerk



38.00
STATE OF KANSAS, Meade County
This instrument was filed for record on the
1 day of April, A.D. 2020
at 11:00 a. M. and duly recorded
in Book 99 on Page(s) 246-247

Janetta Dawn
Register of Deeds xcv

DEED-GENERAL WARRANTY

Photocopied

THIS DEED, Made this 2nd day of March, 2020, between Melodie Ann Knott, a single woman, of the first part, and Kerry Knott, of the second part.

WITNESSETH, That party of the first part, in consideration of the sum of **TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION**, the receipt of which is hereby acknowledged, does by these presents convey and warrant unto party of the second part, his heirs and assigns, all the following described real estate situated in Meade County, Kansas, to-wit:

***** An undivided 1/40 interest, being all of First Party's right, title, and interest in and to the North Half of the Southwest Quarter (N/2 SW/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.;

An undivided 9/160 interest, being all of First Party's right, title, and interest in and to the North Half of the Southeast Quarter (N/2 SE/4) of Section Five (5), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M.; and

An undivided 1/20 interest, being all of First Party's right, title, and interest in and to the South Half of the Northwest Quarter (S/2 NW/4) of Section Eight (8), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M. *****

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for herself, her heirs, executors and administrators, does hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents she is lawfully seized in her own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged, and unincumbered of and from all former and other grants, title, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except and subject to;

all existing easements, rights-of-way, oil and gas leases, and other restrictions of record, if any,

and that she will warrant and forever defend the same unto party of second part, his heirs and assigns, against party of the first part, her heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, party of the first part has hereunto subscribed her name, the day and year first above written.

Melodie Ann Knott
MELODIE ANN KNOTT

STATE OF MISSOURI, COUNTY OF Polk, ss:

BE IT REMEMBERED, That on this 2 day of March, 2020, before me, the undersigned, a notary public in and for the County and State aforesaid, came Melodie Ann Knott, a single woman, who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

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

Maryanne Bergmann
Notary Public

(My Appt. Expires: June 24, 2023)



THIS DEED, Made this 30th day of June, 2014, by and between Jay A. Borth and Cara L. Borth, husband and wife, of the first part, and Jay Alan, Inc., a Kansas Corporation, of the second part.

WITNESSETH, That party of the first part, in consideration of the sum of **ONE DOLLAR AND PERFECTION OF TITLE and NO/100 DOLLARS (\$1.00)**, the receipt of which is hereby acknowledged, do by these presents convey and warrant unto party of the second part, its successors and assigns, all the following described real estate situated in the County of Meade, and State of Kansas, to-wit:

***** The Northeast Quarter (NE/4) and the South Half of the Southeast Quarter (S/2 SE/4) of Section Five (5), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M., together with, and including, all water rights whether underground or surface, situated upon and about the above described real estate*****

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged, and unincumbered of and from all former and other grants, title, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

subject to existing easements, rights-of-way, oil and gas leases, reservations of record, and other restrictions of record, if any;

and that First Party will **WARRANT AND FOREVER DEFEND** the same unto Second Party, its successors and assigns, against First Party, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, First Party, has hereunto set their hand, the day and year first above written.

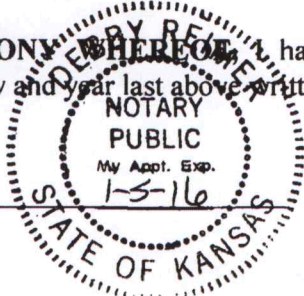
Jay A Borth
JAY A. BORTH

Cara L Borth
CARA L. BORTH

STATE OF KANSAS, COUNTY OF MEADE, ss:

BE IT REMEMBERED, That on this 30th day of June, 2014, before me, the undersigned, a notary public in and for the County and State aforesaid, Jay A. Borth and Cara L. Borth, husband and wife, who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

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



Dobby Reimer
Notary Public

(My Appt. Expires: _____)

Entered in Transfer Record in my office this 2 day



\$8.00
STATE OF KANSAS, Meade County
This instrument was filed for record on the 2 day of July, A.D. 2014
at 8:45 A.M. and duly recorded
in Book 94 on Page(s) 94
Annette Davis

GENERAL WARRANTY DEED

2 THIS 23 day of June, 2014,

**KISNER FARMS, LLC,
a Kansas Limited Liability Company,**

GRANTOR,

CONVEYS AND WARRANTS to:

**JAY A. BORTH and CARA L. BORTH,
husband and wife,**

GRANTEES, as **JOINT TENANTS** and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all of its interest in and to the following-described real estate located in Meade County, Kansas, to-wit:

The Northeast Quarter (NE/4) and the South Half of the Southeast Quarter (S/2 SE/4) of Section 5, Township 32 South, Range 30 West of the 6th P.M., Meade County, Kansas.

Together with, and including, all water rights whether underground or surface, situated upon and about the above described real estate.

Subject to Grantor reserving one-half (1/2) of the minerals in and under the above described real property for a period of 15 years from the date of this deed, and as long thereafter as production continues. Grantor also reserves one-half (1/2) of the wind rights, and income from wind leases or wind easements, for a period of 15 years from the date of this deed.

Together with all personal property, including the underground irrigation pipe currently located on the above described real property, together with the pump and down-hole equipment, in its "as is" condition.

EXCEPT AND SUBJECT TO easements and restrictions of record.

KISNER FARMS, LLC,
a Kansas Limited Liability Company

By: *Mark A. Kisner*
Mark A. Kisner, Manager

STATE OF Kansas,
COUNTY OF Pratt, SS:

This instrument was acknowledged before me on June 23,
2014, by Mark A. Kisner as Manager on behalf of Kisner Farms,
LLC, a Kansas Limited Liability Company.



Kathy Wood
Notary Public

Entered in Transfer Record
in my office this 2 day
of July 2014
Janet Hale
County Clerk



^{12.00}
STATE OF KANSAS, Meade County
This instrument was filed for record on the
2 day of July, A.D. 2014
at 8:40 A.M. and duly recorded
in Book 94 on Page(s) 92-93
Donetta Davis
ew Register of Deeds *Yacv*

Photocopied

THIS DEED, Made this 8th day of NOVEMBER, 2010, between Anna Marie Kisner, a single woman, of Hamilton County, in the State of Indiana, of the first part, and Marcella A. Thorson Trust, under trust agreement dated May 19, 2003, of the second part,

WITNESSETH, That party of the first part, in consideration of the sum of **TEN DOLLARS AND OTHER VALUABLE CONSIDERATION and NO/100 DOLLARS (\$10.00)**, the receipt of which is hereby acknowledged, does by these presents convey and warrant unto party of the second part, its successor and assigns, all the following described real estate situated in the County of Meade, and State of Kansas, to-wit:

*****An undivided 31/160 interest, being all of First Party's right, title, and interest in and to the North Half of the Southeast Quarter (N/2 SE/4) of Section Five (5), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M.; and

An undivided 1/5 interest, being all of First Party's right, title, and interest in and to the South Half of the Northwest Quarter (S/2 NW/4) of Section Eight (8), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M.;

EXCEPTING AND RESERVING HOWEVER UNTO First Party, Anna Marie Kisner, her heirs and assigns, all of First Party's right, title, and interest in and to the oil, gas, and other hydrocarbon minerals in and under and that may be produced from the above described real property forever, together with full rights of ingress and egress for purposes of exploration for, development and production of oil, gas or other hydrocarbon minerals.*****


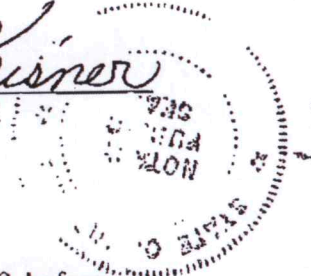
TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for herself, her heirs, executors and administrators, does hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents she is lawfully seized in her own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged, and unincumbered of and from all former and other grants, title, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

Except and subject to easements, rights of way, oil and gas leases, and other restrictions of record, if any;

and that she will warrant and forever defend the same unto party of second part, its successors and assigns, against party of the first part, her heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

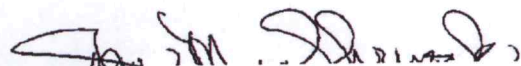
IN WITNESS WHEREOF, party of the first part has hereunto subscribed her name, the day and year first above written.


ANNA MARIE KISNER


STATE OF INDIANA, COUNTY OF HAMILTON, ss:

BE IT REMEMBERED, That on this 8th day of NOVEMBER, 2010, before me, the undersigned, a notary public in and for the County and State aforesaid, came Anna Marie Kisner, a single woman, who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

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



\$ 12.00

STATE OF KANSAS, Meade County

This instrument was filed for record on the
15 day of Nov., A.D. 2010
at 10:00 A. M. and duly recorded
in Book 90 on Page(s) 474-475
Collette Davis



Register of Deeds

xacs

Photocopied



42

Marcella A. Thorson and Norman Thorson, wife and husband,

WARRANT AND CONVEY

all of the following described real estate in Meade County, Kansas:

SURFACE INTERESTS

An undivided three-fourths interest in the SURFACE ESTATE ONLY IN AND TO:

Southeast Quarter (SE/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided three-fourths interest in the SURFACE ESTATE ONLY IN AND TO:

South Half of the Southwest Quarter (S/2SW/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided 27/40 interest in the SURFACE ESTATE ONLY in and to: North Half of the Southwest Quarter (N/2SW/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided 93/160 interest in the SURFACE ESTATE ONLY in and to: North Half of the Southeast Quarter (N/2SE/4) of Section Five (5), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M.

An undivided 3/5 interest in the SURFACE ESTATE ONLY in and to South Half of the Northwest Quarter (S/2NW/4) of Section Eight (8), Township Thirty-two (31) South, Range Thirty (30) West of the 6th P.M.

MINERAL INTERESTS

An undivided one-third interest in the MINERAL ESTATE ONLY IN AND TO:

Southeast Quarter (SE/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided one-third interest in the MINERAL ESTATE ONLY IN AND TO:

South Half of the Southwest Quarter (S/2SW/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided 3/10 interest in the MINERAL ESTATE ONLY in and to: North Half of the Southwest Quarter (N/2SW/4) of Section Eight (8), Township Thirty-one (31) South, Range Thirty (30) West of the 6th P.M.

An undivided 31/120 interest in the MINERAL ESTATE ONLY in and to: North Half of the Southeast Quarter (N/2SE/4) of Section Five (5), Township Thirty-two (32) South, Range Thirty (30) West of the 6th P.M.

Township Thirty-two (31) South, Range Thirty (30) West of the 6th P.M.

to **MARCELLA A. THORSON TRUST**, under trust agreement dated May 19, 2003
for in and consideration of the terms and conditions of the above described trust
agreement.

Except and subject to the easements, assessments, and reservations of record, if
any.

This deed dated November 13th, 2009

Marcella A. Thorson
Marcella A. Thorson

Norman Thorson
Norman Thorson

A Kansas real estate
validation is not
required pursuant to
K.S.A. 79-1437e(a) 7

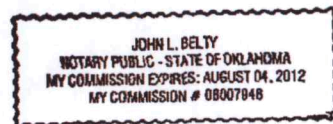
ACKNOWLEDGMENT

STATE OF OKLAHOMA,
COUNTY OF TULSA, SS:

The foregoing Warranty Deed was acknowledged before me, a notary public, on
the 13th day of November, 2009, by Marcella A. Thorson and Norman Thorson, wife
and husband.

John Belty
Notary Public

My appointment expires: 8-4-12



Tax Address:

Marcella A. Thorson Trust
9848 E. 84th Street
Tulsa, Ok. 74133-4532

Entered in Transfer Record
in my office this 2 day
of July 2009
Janet Dale
County Clerk

WARRANTY DEED
Kansas Statutory Form

⁵ **GRANTOR:** ROGER KISNER, A Single Person;

CONVEY AND WARRANT TO: JAY ALAN, INC.;

All the following described REAL ESTATE in the COUNTY OF MEADE
and the STATE OF KANSAS, to-wit:

North Half of the Northwest Quarter (N/2NW/4) of Section Eight (8), Township Thirty-Two South (T32S), Range Thirty (30) West 6th P.M., Meade County, Kansas; including all of seller's right, title and interest in the surface, irrigation well and water rights, and the attached pivot irrigation system;

For the sum of: Ten Dollars and other good and valuable considerations.

EXCEPT AND SUBJECT TO: Right-of-Way Grants, Easements, Water Appropriation and Reservations of record. if any; and GRANTOR, Roger Kisner and/or his successor interest hereby excepts and reserves the oil, gas, wind energy rights, and other minerals, including right to lease the same for oil/gas/wind energy exploration, development, production, right of egress and ingress, lease bonuses, rents, royalty, other minerals, and wind energy rights that Roger Kisner owns, are hereby reserved by Roger Kisner or his successor in interest, for the term of Twenty (20) years from date of the deed. Upon the end of said twenty year term, this oil, gas, mineral and wind energy reservation shall cease, terminate and revert back over unto Jay Alan, Inc., its heirs, assigns and successors in interest whomsoever. Further during the term of this reservation GRANTOR agrees to consult with the GRANTEE prior to signing any of the above leases in order to reasonably minimize surface interference with agriculture and irrigations practices on the premises, and that any surface and crop damages due from any such oil/gas/mineral/wind operations on the premises will be paid to GRANTEE, Jay Alan, Inc., or its successor in interest.



DATED: JUNE 25, 2009

Roger Kisner
ROGER KISNER

STATE OF KANSAS, Meade County
This instrument was filed for record on the
2 day of July, A.D. 2009
at 9:40 A.M. and duly recorded
in Book 89 of Page(s) 1490
Allyce Davis
Xac - Register of Deeds \$8.00

Photocopied

STATE OF KANSAS, Johnson COUNTY, SS:

BE IT REMEMBERED, That on this 26 day of June, 2009, before me the undersigned notary public in and for the above said County and State, came: ROGER KISNER, A Single Person, Who is personally known to me to be the same person who executed this instrument in writing and such person duly acknowledged the execution of the same.

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

Brandy Strock
Notary Public
Term Expires: 3/23/2013

