





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

April 21, 2023

MERL D REXFORD  
PO BOX 880  
MEADE, KS 67864-0880

RE: Filed Office Application for Change  
Water Right, File Nos. 13158-D2

Dear Sir or Madam:

Enclosed is the 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 numbers. **Note: this approval does not allow any single point of diversion to exceed its annual authorized quantity.**

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

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 that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc: GMD 3

**CERTIFICATE OF SERVICE**

On this 21<sup>st</sup> day of April, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 13,158-D2 dated 21<sup>st</sup> day of April, 2023 was mailed postage prepaid, first class, US mail to the following:

MERL D REXFORD  
PO BOX 880  
MEADE, KS 67864-0880

Pc:

GMD 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.

File No. 13158-D2

**RECEIVED**  
 10:45 AM  
 APR 13 2023

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: MERL D REXFORD

PO BOX 880, MEADE, KS 67864-0880

Phone Number: (620) 629-1605                      Email address: marilyn.rexford@hotmail.com

Name and address of Water Use Correspondent: Same

Phone Number: (     )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

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	
30	31	28W	40	40	40	40	40	36.5	36.5	40	40	36.48	3	3	40	40	5	28	508.48
								L-1	L-2			L-3	L-4						

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: Same

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	
30	31	28W		2	38	23	37	30	29	34				2	33	36	3	2	269
29	31	28W									32.5	32.5	32.5	32.5					130
32	31	28W					40	34.5		34.5									109

**For Office Use Only: Code** \_\_\_\_\_ **Fee \$** 2.00.00 **TR #** \_\_\_\_\_ **Receipt Date** 4-13-23 **Check #** 1585

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  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 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 \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  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 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

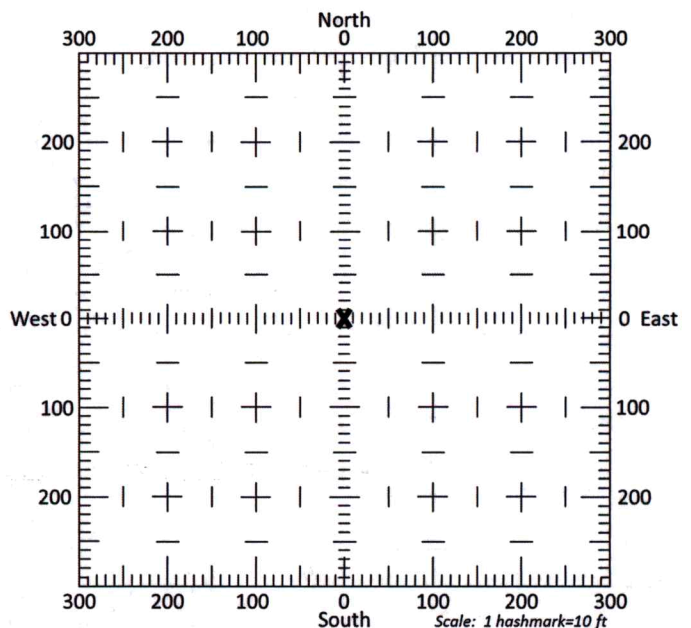
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_  
 \_\_\_\_\_

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 mdf/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 Warden City, Kansas, this 13<sup>th</sup> day of April, 20 23.

<u>Marilyn J Rexford POA Neal Rexford</u> (Owner)	_____ (Spouse)
<u>MARILYN J Rexford POA Neal D Rexford</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>th</sup> day of April, 20 23.



My Commission Expires \_\_\_\_\_

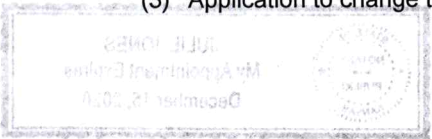
Julie Jones  
 Notary Public

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

**FEE SCHEDULE**

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

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



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 13158-D2

1. A change application was received on April 13, 2023 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2023**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2023**, or within any authorized extension of time. By March 1, 2024 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

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

By: Austin McCulloch  
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McCulloch  
Division of Water Resources - Kansas Department of Agriculture

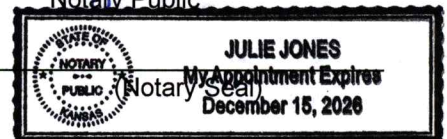
Date of Issuance: April 21, 2023

State of Kansas )  
 ) SS  
County of Osage )

Acknowledged before me on April 21, 2023  
by Austin McCulloch

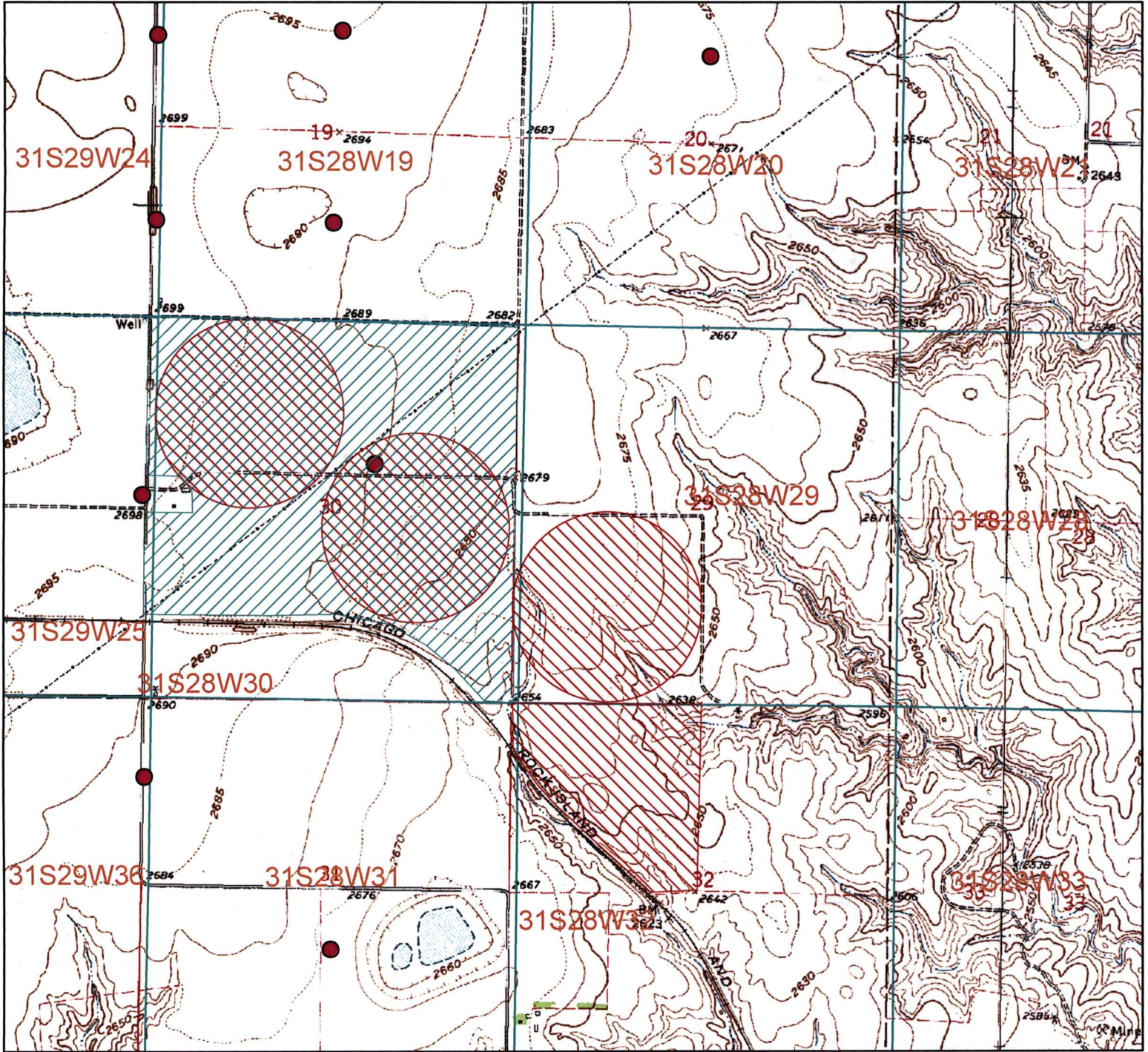
Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_

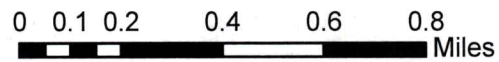




# Change in Place of Use for water right 13158-D2

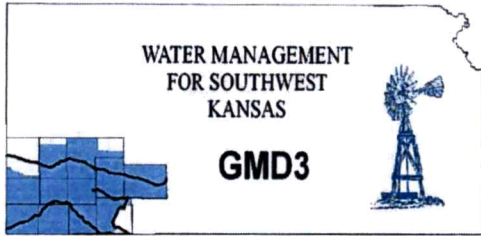


- Authorized point of diversion
- ⊘ Authorized place of use
- ⊘ Proposed place of use



All wells within 1/2 mile are on this map.

X \_\_\_\_\_



**Southwest Kansas  
Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone  
www.gmd3.org

April 20, 2023

Austin McColloch  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

**RECEIVED**

**APR 20 2023**

RE: Application for Change in Place of Use  
Water Right, File No. 13158 D2

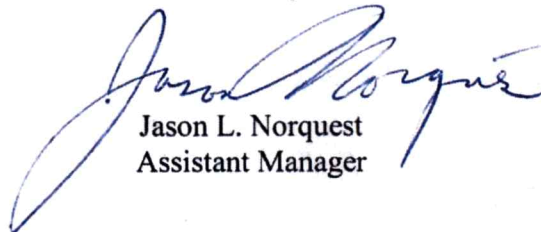
Garden City Field Office  
Division of Water Resources

Dear Austin:

We have reviewed the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the proposed acres are within the allowance of the base acres for the water right. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

---

File No(s): 13158 D2 .

DWR office: GC.

App filed to change: PU .

Is Landowner(s) correct in WRIS: Merl D Rexford .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?     .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-5-11

Point of diversion ID No(s)     being changed.

	ft. North	ft. West		
Authorized PD				
Proposed PD				
Difference	0	0		
a2 + b2 = c2	0	0	0	

GPS for proposed PD: Lat:     Long:     .

Is proposed PD stacking on existing WRs? No Change .

Is Proposed PU overlapping existing WRs? Rearranging acres, bringing new some acres .

Neighboring certified well(s) notified:     .

Name     .

Address     .

Zip     .

Email:     Phone:     .

Domestic well(s) notified:     .

Name     .

Address     .

Zip     .

Base Acres: 508.48 acres stated in 2018 Division order .

Perfected Acres:     .

Irr. Return-Flow     %

**Meade County**

**13158D2: 724AF @ 1400gpm**

**Currently: 508.48 acres in 30-31-28**

**Proposed: 269 acres (2 bigger sized pivots) 30-31-28**

**130 acres SW 29-31-28**

**109 acres NW 32-31-28**

**Total: 508 acres**

Is a waiver needed: No. Rearranging the current acres to better suit the operation, proposed acres are within the base acres.

Recommendation: After review of all available information, it appears current area rules are met. Staff recommends approval of the application.



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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

April 17, 2023

GROUNDWATER MANAGEMENT DISTRICT #3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Request for Recommendation,  
File No. 13158-D2

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Merl Rexford and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch  
Assistant Water Commissioner

Enclosure  
pc:

Entered in Transfer Record  
in my office this 3 day  
of March 2023  
[Signature]  
County Clerk



38.00  
STATE OF KANSAS, Meade County  
This instrument was filed for record on the  
3 day of March, A.D. 2023  
at 10:40 A.M. and duly recorded  
in Book 102 on Page(s) 278-279  
Irma Alaniz  
xac Register of Deeds AP

Photocopied

**CORPORATION DEED-General Warranty**

**THIS DEED** made this 14th day of February, 2023, between Twist Family Farms, LLC, a Kansas limited liability company, as First Party, and Merl D. Rexford and Marilyn J. Rexford, husband and wife, as Second Party;

**WITNESSETH**, That First Party, 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 Second Party, their heirs and assigns, all the following described real estate situated in Meade County, Kansas, to-wit:

WR  
13158-02  
\*\*\*\*\* **THE SURFACE AND SURFACE INTEREST ONLY**, together with and including all water rights, whether underground or surface, in and to Lots One (1) and Two (2) and the East Half of the Northwest Quarter (E/2 NW/4) of Section Thirty (30); the Northeast Quarter (NE/4) of Section Thirty (30); that part of the SE/4 of Section 30 lying North of the Right of Way of the C.R.I.&P. Ry. Co.; that part of Lots 3 and 4 and the East Half of the SW/4 of Section 30 lying North of the Right of Way of the C.R.I.&P. Ry. Co.; that part of the NE/4 of Section 31 lying North of the Right of Way of the C.R.I.&P. Ry. Co.; and that part of the NW/4 of Section 32 lying North of the Right of Way of the C.R.I.&P. Ry. Co., all in Township Thirty-one (31) South, Range Twenty-eight (28) West of the Sixth Principal Meridian;

**ALSO, TOGETHER WITH AND INCLUDING** one irrigation well, one irrigation pump, one water meter, and all underground lines;

**EXCEPTING AND RESERVING, HOWEVER**, unto Twist Family Farms, LLC, all of its 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 estate forever, together with full rights of ingress and egress for purposes of exploration for, development and production of oil, gas or other hydrocarbon minerals; provided, however, that this exception and reservation does not extend to and include water rights, whether underground or surface on said premises, it being the intention of First Party to convey all such water rights to Second Party. \*\*\*\*\*

**TO HAVE AND TO HOLD THE SAME**, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise pertaining, forever.

And said First Party, for itself, its successors and assigns, does hereby covenant, promise and agree to and with said Second Party that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of all the above-described real estate, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of whatever nature and 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 it will warrant and forever defend the same unto said Second Party, their heirs and assigns, against said First Party, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

**IN WITNESS WHEREOF**, First Party has hereunto subscribed its name, the day and year first above written.

TWIST FAMILY FARMS, LLC

Charles J. Twist  
CHARLES J. TWIST,  
Member

RECEIVED

APR 17 2023

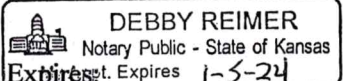
Garden City Field Office  
Division of Water Resources

STATE OF KANSAS, COUNTY OF MEADE, ss:

**BE IT REMEMBERED**, That on this 14th day of February, 2023, before me, the undersigned, a notary public in and for the County and State aforesaid, came Charles J. Twist, Member of Twist Family Farms, LLC, who is personally known to me to be the same person who executed, as Member, the foregoing deed on behalf of said limited liability company, and such person duly acknowledged the execution of the same to be the act and deed of said limited liability company.

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

*Debby Reimer*  
\_\_\_\_\_  
Notary Public

(My Appt. Expires  Debby Reimer  
Notary Public - State of Kansas  
My Appt. Expires 1-5-24 )



**GENERAL DURABLE POWER OF ATTORNEY**

**KNOW ALL PERSONS BY THESE PRESENTS**, That I, Merl D. Rexford, the undersigned principal, of Meade County, Kansas, hereby make, constitute, and appoint Marilyn J. Rexford of Meade County, Kansas, my true and lawful attorney-in-fact for me and in my name, place and stead, with full power to do and perform all and every act that I may legally do through an attorney-in-fact, and every proper power necessary to carry out the purposes for which this power is granted, with full power of substitution and revocation, hereby ratifying and affirming any and all acts which my attorney-in-fact shall do or cause to be done by virtue of the power herein conferred.

If Marilyn J. Rexford resigns, is deceased, or becomes incapacitated (as determined by certification by a licensed physician), then I hereby appoint Gary W. Rexford in the capacity of attorney-in-fact with all the same powers granted to the originally appointed attorney-in-fact.

By way of illustration and not in limitation, this power shall include the power granted hereunder to do the following acts:

1. To receive, collect and receipt for, any money or other things now or hereafter due or owing to me and settle, adjust or compromise any and all claims, accounts, or debts owing to me, and to take any proceedings under the Bankruptcy Act or similar statutes in connection with such.

2. To receive, endorse, and deposit any and all checks, notes, drafts, money orders, and instruments of a similar nature belonging to me either now or in the future, and to make deposits in and withdrawals from any checking, savings, and other account which I may have at any time.

3. To act as my proxy in connection with any shares of corporate stocks, other securities, including any limited partnership interests belonging to me.

4. To handle my investments for me and to execute in my behalf requests for payment of United States Bonds owned by me at this time or acquired by me in the future; to invest funds for me in building loan associations, banks or other institutions having United States deposit insurance, and to request payment of said investment and to do each and every act necessary.

5. To carry on any business transactions of any kind in which I am now or hereafter may become interested, including any capacity I may have as sole proprietor, partner, shareholder, officer or director.

6. To take charge of, manage, operate and control any farm ground which I may now own or hereafter acquire and to make, execute and deliver agricultural leases on any real property owned by me or which I may hereafter acquire but no lease shall be executed by my agent for more than a one-year term; to collect the rents and profits from the real property owned by me and to market the same and to deposit the monies in my bank account.

7. To authorize the repair or improvements of any building or other improvements owned by me and to pay the cost and expense of such repair and/or improvements out of my bank account.

8. To negotiate for, make, sell, execute, acknowledge and deliver oil, gas and other mineral mining leases on all or any part or parts of the real property owned by me or in which I have an interest. Such leases to be made on such terms, for such price and in such manner as my said agent deems proper; provided, however, that the primary term of any such lease shall not be longer than three years and the royalty payable thereunder shall not be less than a one-eighth (1/8). Said agent is also hereby authorized to execute and deliver division orders, transfer orders, pooling agreements and any other instrument or instruments deemed proper by my said agent in connection with the exploration for, development and production of oil, gas or other minerals. My agent is authorized to make such covenants, either with or without warranty, as well as such other covenants as said agent deems proper in any such lease, division order, pooling agreement or other instrument executed by him in connection with his handling of my real property and in connection with the leasing, exploration for, development and production of oil, gas or other minerals. My agent is also authorized to grant and execute such easements on my real property or my interest in real property

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to such persons, for such purposes and on such terms as my agent deems proper.

9. To do and perform each and every act necessary and advisable to be done under the agricultural programs sponsored by the United States Department of Agriculture and administered through the FSA County Committees, including price support programs, feed grain programs, soil bank programs, agriculture conservation programs, marketing quota and acreage allotment programs, farm storage facility loan programs, and all other programs administered through such FSA County Committees that my attorney-in-fact may deem proper; said attorney-in-fact is expressly authorized to sell and deliver any commodity, the signing of any application, the borrowing of money, the receiving of payments, the execution of loans and pledge agreements and all other applicable documents; said attorney-in-fact is expressly authorized to do any and every act which the undersigned might or could do if personally present and is expressly authorized to cooperate in any future programs under the jurisdiction of the United States Department of Agriculture, whether sponsored by the FSA County Committee or other committees formed for such purposes.

10. To obtain such insurance whether hazard insurance, crop insurance, medical or health insurance or otherwise, all for such purposes and in such amounts as my agent deems proper; provided, however, that my agent shall not be liable for any loss regardless of whether the same was or might have been covered by insurance or by adequate insurance.

11. To sell and convert to cash any and all property, both real and personal, which I may now own or hereafter acquire and/or in which I may now have or may hereafter acquire an interest. To execute, acknowledge and deliver bills of sale and deeds of conveyance, with or without covenants of warranty, and to execute, acknowledge and deliver such other instruments and to perform such other acts as my agent may deem proper in order to vest marketable title to the property so sold in the purchaser or purchasers thereof. All such sales shall be made in such manner, for such price and on such terms as my agent deems proper.

12. To give consent on my behalf to the sale, gift, exchange, or other alienation of my homestead, which homestead is described by legal description and street address as follows:

The West Fifteen Feet (15') of Lot Eighteen (18), all of Lot Seventeen (17), and the East Sixty-five (65) Feet of Lot Sixteen (16), replat of Block Four (4), Park Terrace Subdivision No. 2 to the City of Meade, Meade County, Kansas, and having street address of 507 E. Vine, in the City of Meade, Meade County, Kansas.

13. To obtain loans for such purposes, in such amounts and on such terms as my agent deems proper. To execute and deliver promissory notes and to execute, acknowledge and deliver real estate mortgages, financing statements, security instruments and other instruments as my agent deems proper, which mortgages and other instruments shall cover such of my property, both real and personal, which I may own or hereafter acquire and/or in which I may now have or may hereafter acquire an interest, all as my said agent shall deem proper.

14. To transfer any interests in property I may own to a revocable or living trust created by me, which trust benefits me during my life.

15. To make, sign and file any and all tax returns, including intangible and federal and state income tax returns for any year; exercise any right or election in any tax matter and settle any tax dispute; to pay any tax, interest or penalty; to receive any refunds that might hereafter be due to me; to represent me before the Internal Revenue Service as my attorney-in-fact.

16. To pay all real and personal property taxes which may accrue on property owned by me.

17. To enter my safe deposit boxes and to open new safe deposit boxes; and to add to and to remove any of the contents of any such safe deposit boxes; and to close out any of the boxes.

18. To purchase, pledge, liquidate, borrow against or make claim against any insurance company of any type.



19. To pay any and all expenses incurred in my behalf.

20. To make contributions to and withdrawals from, rollovers, voluntary contributions, or any elections with respect to any retirement plans, including an individual retirement account.

21. To make any statutory election or disclaimer.

22. To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity or otherwise before any tribunal for the enforcement or for the defense of any claim, either alone or in conjunction with other persons, relating to me or to any property of mine or any other persons, and to obtain, discharge and substitute counsel and authorize appearance of such counsel to be entered for me in any such action or proceeding; and to compromise or arbitrate any claim in which I may be in any manner interested and for that purpose to enter into agreements or compromise or arbitrate, either through counsel or otherwise, to carry on such compromise or arbitration and perform or enforce any award entered in arbitration.

23. To open or maintain accounts with stockbrokers (on cash or on margin); to buy, sell, endorse, transfer, hypothecate and borrow against any shares of stock, bonds, or other securities.

24. To resign official positions such as public office or fiduciary position.

25. To consent, refuse consent, or withdraw consent to any care, treatment, service or procedure to be performed on me, and to maintain, diagnose or treat a physical or mental condition of mine, and to make decisions about organ donation, autopsy, and disposition of my body; (provided, however, this power shall be subject to any written declaration that I have made during my life regarding termination of life sustaining procedures).

26. To make all necessary arrangements at any hospital, psychiatric hospital or psychiatric treatment facility, hospice, nursing home, or similar institution; to employ or discharge health care personnel to include physicians, psychiatrists, psychologists, dentists, nurses, therapists, or any other person who is licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care as the attorney-in-fact(s) deem(s) necessary for my physical, mental, and emotional well being.

27. To request, receive, and review any information, verbal or written, regarding my personal affairs or physical or mental health including medical and hospital records and to execute any releases of other documents that may be required in order to obtain such information.

28. To make gifts of any of my assets to any charity in satisfaction of any pledges or commitments previously made by me or to any individual (which charity qualifies for a deduction for federal income tax purposes), provided that any gifts to individuals shall only be to individuals to whom I previously made gifts, or to an individual who is a beneficiary under my most recently executed will (as determined by my attorney-in-fact) or to such individual who is otherwise a natural object of my bounty, provided any such gift to such individuals shall be equal; and to consent to any transfers, whether made by me or by my attorney-in-fact, being treated as "split gifts" as provided under Section 2513 of the Internal Revenue Code of 1986 or as hereafter amended.

29. To join with my spouse or my spouse's estate in filing income or gift tax returns for any years for which I have not filed such returns and to consent to any gifts made by my spouse as being made one-half by me for gift tax purposes.

30. To enter into a Notice of Intent to Divide Resources or Income or both, Interspousal Agreement to Divide Resources or Income or both, or any document of similar purpose, in order to protect as many of my assets as possible from the spend-down requirements of eligibility for Medicaid and thus provide more income and resources to my spouse; to make any transfers to my spouse needed to carry out the terms of such Notice of Intent of other such documents; and to make any transfers with or without considerations to my spouse or others (including transfer of any real estate which is my homestead) and to do any other matters necessary or advisable under all the circumstances (including but not limited to my situation and that of my spouse and family and

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appropriate estate planning for me and my spouse) to increase my eligibility for Medicaid.

31. If protective proceedings are commenced pursuant to my disability or incapacity, I hereby nominate to the Court the above-named agent(s), or alternate(s), as applicable, to be my conservator(s).

32. To do any and all other acts and things that may be either necessary or proper in the handling and managing of my person or affairs.

Any questions which may arise concerning the power or authority of my attorney-in-fact to act for me shall be interpreted and construed in favor of such person having such power and authority.

This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or by a guardian or similar fiduciary of my estate, and has actual knowledge of my death. However, the powers granted herein for the purposes of organ donation, autopsy, and disposition of my body (or any of my minor children) shall not end upon my death. This instrument may be executed in counterparts.

The rights, powers, and authority of such attorney-in-fact herein granted shall commence and be in full force and effect on the date of execution of this instrument, and such rights, powers, and authority shall remain in full force and effect thereafter until death, except as provided in the immediately preceding paragraph. This power of attorney shall not be affected by my subsequent disability or incapacity.

This instrument is to be construed and interpreted as a general durable power of attorney. This instrument is executed pursuant to the Uniform Durable Power of Attorney Act of the State of Kansas, Sec. 58-610, et seq. K.S.A. and is delivered in the State of Kansas, and the laws of the State of Kansas shall govern all questions as to validity of this power and constructions of its provisions.

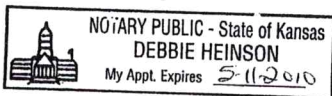
Dated this 27<sup>th</sup> day of March, 2007.

Merl D. Rexford  
MERL D. REXFORD

STATE OF KANSAS, COUNTY OF MEADE, ss:

On this 27<sup>th</sup> day of March, 2007, before me, a Notary Public, personally appeared to me Merl D. Rexford, who is known to me to be the person above named, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

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



Debbie Heinson  
Notary Public

(My Term Expires: \_\_\_\_\_)

DECLARATION OF MERL D. REXFORD RELATIVE TO LIFE SUSTAINING PROCEDURES  
IN A TERMINAL CONDITION:


**DECLARATION**

Declaration made this 27<sup>th</sup> day of March, 2007, I, Merl D. Rexford, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

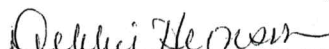
If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

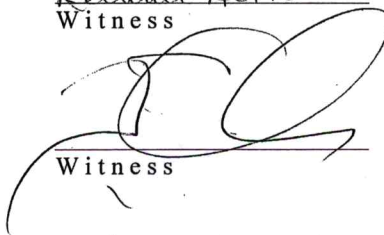
In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physician(s) as the final expression of the legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

  
MERL D. REXFORD  
P.O. Box 880  
Meade, Kansas 67864

The declarant has been personally known to me and I believe him to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am not related to the declarant by blood or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession or under any will of declarant or codicil thereto, or directly financially responsible for declarant's medical care.

  
Witness

  
Witness

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