


NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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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**

JAN 02 2018
3:09
KS DEPT OF AGRICULTURE

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
- (Check one or more) Point of Diversion
- Use Made of Water

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File No. 13812

2. Name of applicant: Darrell Wood

Address: 1983 260th Ave

City, State and Zip: Lewis, KS 67552-5133

Phone Number: (620)546-3429 E-mail address: dnwfarm@gmail.com

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

Purchasing from previous owners Marlyn Spare and Bernard Spare

Name of water use correspondent: Darrell N & Natalie D Wood Rev Trusts

Address: Darrell-Natalie Wood TTEE, 1983 260th Ave

City, State and Zip: Lewis KS 67552-5133

Phone Number: (620)546-3429 E-mail address: dnwfarm@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To move the entire water right to overlap place of use and point of diversion with File No. 28124 per GMD 5 "Changes of well locations within the Rattlesnake creek basin" K.A.R. 5-25-18. The proposed point of diversion move is greater than 2,640 feet.

The change(s) ~~was~~ (will be) completed by upon approval (Date)

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	County
	<u>C2</u>			<u>(YES)</u>	<u>FR2</u>	<u>(S)</u>	<u>SF</u>
Fee \$	<u>400</u>	TR #		Receipt Date	<u>1/2/18</u>	Check #	<u>4109</u>
				By	<u>AW</u>	Date	<u>1/2/18</u>

1/8/2018 UM

4. The presently authorized place of use is:

Owner of Land — NAME: Benard T & Debra E Spare

ADDRESS: 116 NE 35th St, Saint John KS 67576

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	
24	24S	14W													39	40	40	40	159

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

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. _____

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

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

Owner of Land — NAME: Darrell N & Natalie D Wood Rev Trusts

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ADDRESS: Darrell-Natalie Wood TTEE, 1983 260th Ave, Lewis KS 67552-5133

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	
29	25S	16W					40	40	39.5	40	40	39.5	38.5	38.5					316

List any other water rights that cover this place of use. 28124, 20172001

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion is one well and diversion works
(Provide description and number of points)

7. The proposed point(s) of diversion is one existing well and diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the NC SE Quarter
 of Section 24, Township 24 South, Range 14 W,
 in Stafford County, Kansas, 1320 feet North 1270 feet West of Southeast corner of section.
 Authorized Rate 960 GPM Authorized Quantity 190 AF
 (DWR use only: Computer ID No. 4 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 NW Quarter
 of Section 29, Township 25 South, Range 16 W,
 in Edwards County, Kansas, 2925 feet North 3980 feet West of Southeast corner of section.
 Proposed Rate 960 GPM Proposed Quantity 152 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 28124, 20172001

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

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

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

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Information provided by GMD 5 indicates that 80% of the water right can be moved based on the
tables outlined in K.A.R. 5-28-18. File No. 13812 currently authorizes 190 AF; the proposed quantity is 152 AF.
Place of use has been proposed for the west half of Section 29, including the corners, to facilitate a potential future SDI
project.
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 152 (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.

Although the water right is moving the quantity and rate more than 2640 feet from the currently authorized location, the
move is expected to comply with K.A.R. 5-25-18. All other statutory and regulatory requirements for approval of a change in
point of diversion are expected to be met.

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 anticipated.

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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 Pratt, Kansas, this 18 day of December, 2017.

Danell N. Wood (Owner)

Danell N. Wood (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Natalie D. Wood (Spouse)

Natalie D. Wood (Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Pratt } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18 day of December, 2017.

ERIN LYNCH
Notary Public - State of Kansas
My Appt. Expires 11-17-2019

Erin Lynch
Notary Public

My Commission Expires 11-17-2019

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.

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AGREEMENT FOR PURCHASE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 2 day of January, 2018, by and between **BERNARD T. SPARE and DEBRA E. SPARE**, husband and wife, and **MARLYN E. SPARE AND KATHIE SPARE**, husband and wife, hereinafter called ("Owners"), and Darrell N. Wood and Natalie D. Wood, Co-Trustees of the **DARRELL N. WOOD REVOCABLE TRUST NO. 1, DATED DECEMBER 1998**, and Natalie D. Wood and Darrell N. Wood, Co-Trustees of the **NATALIE D. WOOD REVOCABLE TRUST NO. 1, DATED DECEMBER 1, 1998**, hereinafter referred to as ("Wood").

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. *Existing Appropriation Right.* Owner is the owner of an existing water appropriation right evidenced by Water Right File Number 13,812 with a priority date of August 30, 1967, hereinafter referred to as Water Right. With respect to the above referenced Water Right, Owners hereby represent and warrant to Wood as follows:

- (a) *Appropriation Right.* Owners are the sole owners of the above-referenced water right and has the right to enter into this agreement for the sale by Owners and purchase by Wood of the above-referenced water right.
- (b) *Appurtenant to Real Estate.* The above-referenced water right is authorized to withdraw 190 acre-feet at 960 gallons per minute and is appurtenant to the following described real estate situated in Stafford County, Kansas: the Southeast Quarter (SE/4) of Section 24, Township 24 South, Range 14 West of the 6th P.M., Stafford County, Kansas.
- (c) *Title.* Owners have and are in possession for clear and unencumbered title to the

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above-described real estate and the above-referenced water right and has the full and complete authority to enter into this agreement to sell and sever the above-referenced water right from the real estate described above.

2. **Warranty of Water Right.** Owners represent and warrant that the water right which is the subject matter of this agreement is in good standing and no third party has any interest in or encumbrance upon such water right other than American Ag Credit, who has agreed to partially release their mortgage dated November 1, 2016, recorded in Book 261 at page 841 of the records of the Register of Deeds of Stafford County, Kansas, with respect to the water right which is the subject matter of this agreement. Owners warrant that all annual use reports have been filed and are current, that the water right is in good standing with the Division of Water Resources of the Kansas Department of Agriculture, and that the water right has not been abandoned. Owners warrant that there are no actions pending or threatened with respect to the water right, and that the water right exists as evidenced by the Certificate of Appropriation attached hereto as Exhibit A.

3. **Purchase Price.** The purchase price for the above-referenced water right is Three Hundred Sixty Thousand Dollars (\$360,000), which shall be paid by Owners to Wood as follows:

- (a) **Down payment.** Upon the signing of this agreement, Wood shall pay the sum of Thirty Thousand Dollars (\$30,000) to the Trust Account of Johnston, Eisenhauer, Eisenhauer & Lynch, LLC, escrow agent.
- (b) **Remaining Balance.** The remaining balance of the purchase price, which shall then be Three Hundred Thirty Thousand Dollars (\$330,000), shall be

paid by Wood to Owners at closing, which shall be on or before March 15, 2018.

4. **Title.** Within a reasonable time following the signing of this agreement, the Law Firm of Johnston, Eisenhauer, Eisenhauer and Lynch, LLC will prepare a Title Opinion covering the water right which is the subject matter of this agreement. In the event the Title Opinion discloses defects in the title or conditions which in the opinion of Wood would make the acquisition of the water right undesirable, Wood shall notify the Owners of the defects. Owners shall have a reasonable period of time, not to exceed sixty (60) days, in which to cure the defects. In the event the defects cannot be remedied within the sixty (60) day period, Wood in their sole and absolute discretion may extend the time for curing the defects or may terminate this agreement upon written notice to Owners. In the event of termination upon written notice by Wood to Owners, the escrow agent shall refund to Wood the down payment, where upon this agreement shall terminate and become of no further force or effect.

5. **Plugging and Abandonment of Existing Well.** In the event that Owners are required to plug any well following the transfer of water right, which is the subject matter of this agreement, Owners shall be responsible for all filings with various supervisory governmental agencies.

6. **Severance of Water Right.** Owners acknowledge that Wood shall have the sole ownership of the above-mentioned water right following signing of this agreement and shall have sole authority over matters relating to changes to the right.

7. **Contingencies.** Owners understand and agree that performance of this agreement by Wood shall be subject to and contingent upon the following contingencies:

- (a) **Approval by Governmental Agencies.** Approval by the Division of Water Resources of the Kansas Department of Agriculture of the transfer of the above-described water right to become appurtenant to the West Half (W/2) of Section 29, Township 25 South, Range 16 West of the 6th P.M., Edwards County, Kansas.
- (b) **Review of Title.** Review of and approval of Owners' title to the real estate to which this water right is appurtenant.
- (c) **Review of Water Right File.** Review by Wood of contents of the water right file and such other and additional information with respect to water right that may be on file in any state office.

8. **Survival of Warranties.** All representations of warranties made herein by Owners, specifically including but not limited to the representations and warranties contained in paragraph 2 hereof, shall survive the closing of this agreement and shall at all times remain in full force and effect and shall be construed in the same manner as a warranty of title contained in a warranty deed filed of record.

9. **Closing.** Closing of this agreement shall occur on or before March 15, 2018.

10. **Binding Effect.** This agreement shall be binding upon the respective party; their heirs, assigns, and successors in interest.

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

OWNERS

Bernard T. Spare
BERNARD T. SPARE

Debra E. Spare
DEBRA E. SPARE

Marlyn E. Spare
MARLYN E. SPARE

Kathie Spare
KATHIE SPARE

BUYERS ("WOOD")

DARRELL N. WOOD REVOCABLE
TRUST NO. 1, DATED DECEMBER 1998

By: Darrell N. Wood
Darrell N. Wood, Trustee

NATALIE D. WOOD REVOCABLE
TRUST NO. 1, DATED DECEMBER 1, 1998

By: Natalie D. Wood
Natalie D. Wood, Trustee

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

DARRELL WOOD
1983 260TH AVE
LEWIS, KS 67552

January 4, 2018

FILE COPY

RE: File No 13812

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

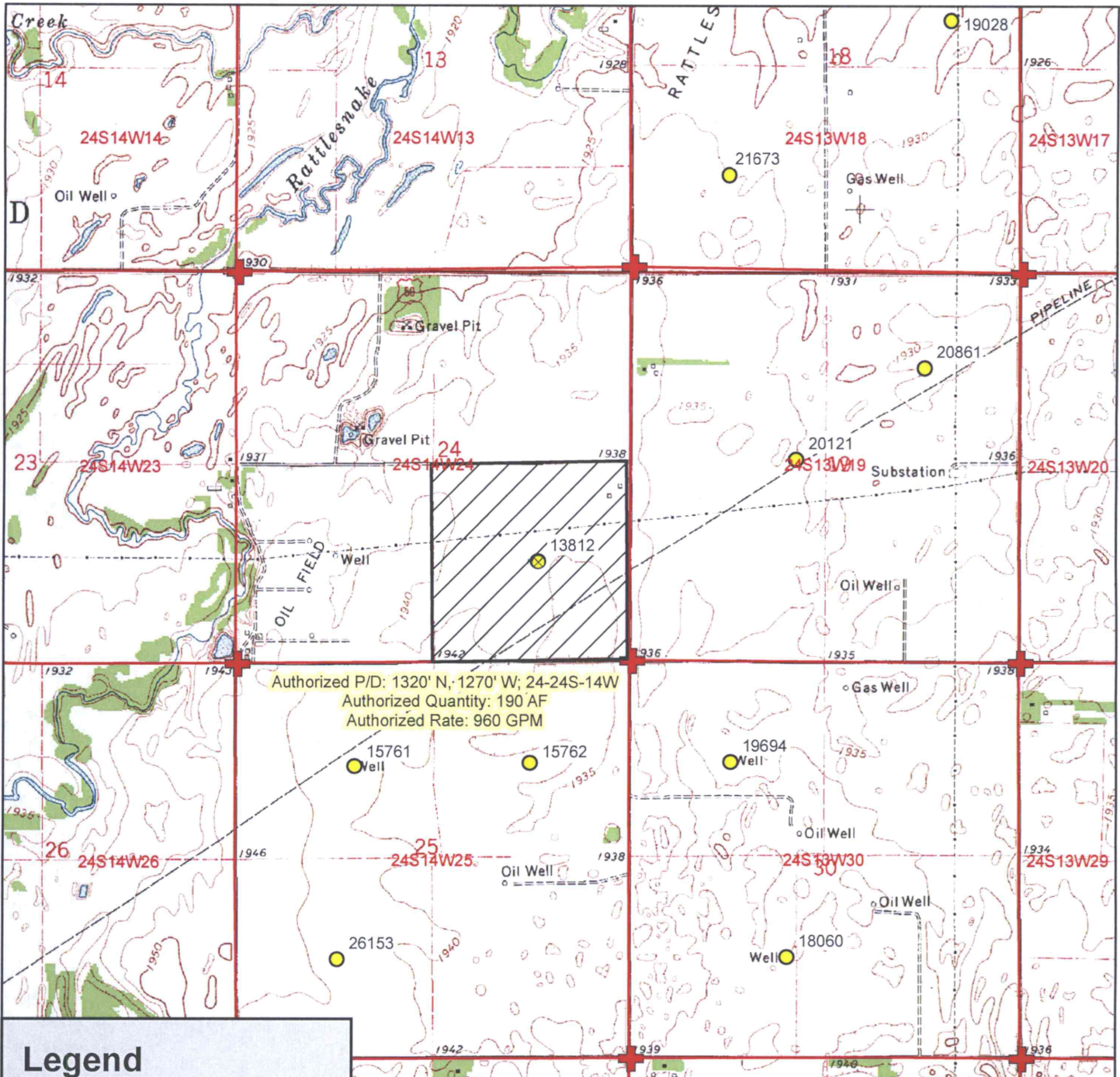
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

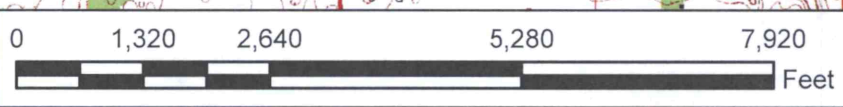
Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD5



Authorized P/D: 1320' N, 1270' W; 24-24S-14W
 Authorized Quantity: 190 AF
 Authorized Rate: 960 GPM



Legend

- Authorized Point of Diversion
- Water Appropriations
- Section Corner
- Section Line
- Domestic Well

Place of Use

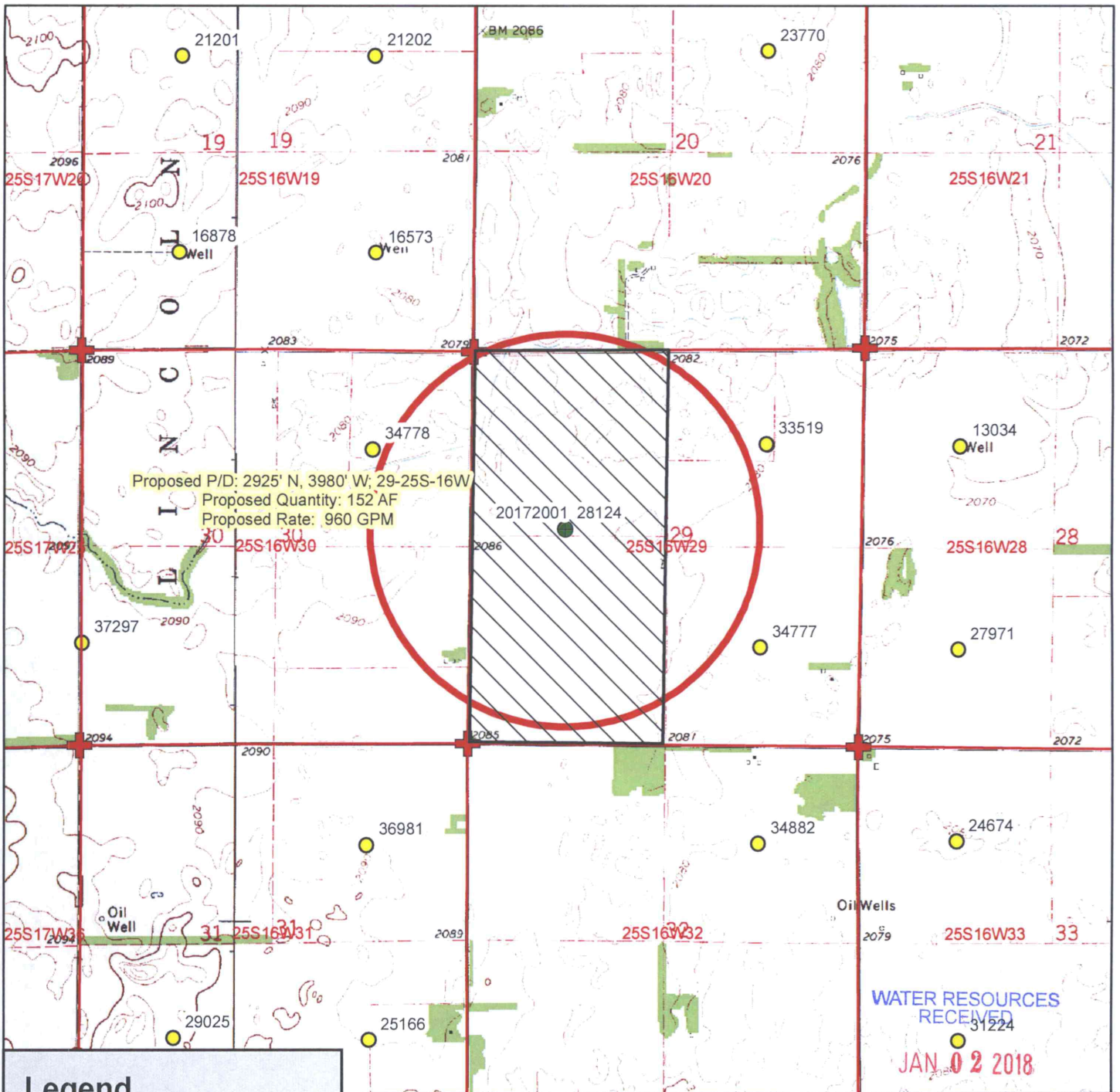
- Authorized

Water Right, File No. 13,812

Change in Point of Diversion & Place of Use
 Application Map (Authorized)
 24-24S-14W // Stafford County

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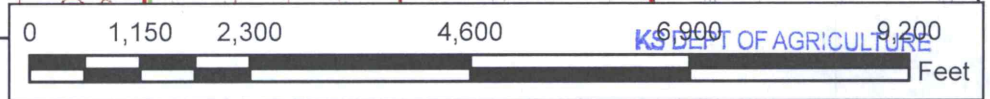


Legend

- Proposed Point of Diversion
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- 1/2 Mile Buffer

Place of Use

- ▨ Proposed



Water Right, File No. 13,812

Change in Point of Diversion & Place of Use
 Application Map (Proposed)
 29-25S-16W // Edwards County

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To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

Signature

12/13/2017 TJS-SFFO 1:24,000 scale