

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.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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3:01

4:24*

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File No. 35.016

2. Name of applicant: Old Stone Pork LLC

Address: 1304 W Fox Rd

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611 E-mail address: *JANET @ VALLEY FEEDS.COM

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

Name of water use correspondent: Old Stone Pork LLC

Address: 1304 W Fox Rd

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the authorized point of diversion to three individual wells, change the place of use to cover a new hog facility, and change the use made of water from IRR to STK.

The change(s) (was) (will be) completed by 12/31/18

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES) / NO Use IRR Source (G) / S County PL By LI Date 11/27/17
Code C3 Fee \$ 760.00 TR # _____ Receipt Date 11/27/17 Check # 1010

*LI/DW 11/27/17

12/4/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: Watkins Family Trust

ADDRESS: Bill Watkins 8100 E Camelback Rd Suite 42 Scottsdale, AZ 85251

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	
8	1	19 W							32.5	34.5	1.20	0.80							69

List any other water rights that cover this place of use. 11424, 36663

Owner of Land — NAME: Craig & Genine Ingram Living Trusts

ADDRESS: 220 W 1100 Rd Long Island, KS 67647

** OLD STONE PORK LLC JANET SELL
1304 W FOX RD LONG ISLAND KS
67647*

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		
8	1	19 W					27	26												53

List any other water rights that cover this place of use. 11424, 36663

(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:

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Owner of Land — NAME: Old Stone Pork LLC

ADDRESS: 1304 W Fox Rd Long Island, KS 67647

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Stockwater use in the North Half of the Southwest Quarter of the Northwest Quarter and in the Northwest Quarter of the Northwest Quarter, both in Section 8, Township 1 South, Range 19 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 20824, 36740

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** LI/DWR FROM DEED DATED 10/6/17
WATER RIGHT TRANSFERRED TO*

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

7. The proposed point(s) of diversion is three wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 4,154 feet North 2,845 feet West of Southeast corner of section. Authorized Rate 200 gpm Authorized Quantity 42 AF
 (DWR use only: Computer ID No. 5 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 NW Quarter of the SE Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 3,935 feet West of Southeast corner of section. Proposed Rate 66 gpm Proposed Quantity 14 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 NE Quarter of the SW Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 4,188 feet West of Southeast corner of section. Proposed Rate 66 gpm Proposed Quantity 14 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 NE Quarter of the SW Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 4,440 feet West of Southeast corner of section. Proposed Rate 68 gpm Proposed Quantity 14 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRR purposes.
 It is proposed that the use be changed to STK purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

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

Same source of supply.

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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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 24th Long Island, Kansas, this 24th day of November, 2017.

Old Stone Park, LLC
(Owner)

Janet M Sell
(Spouse)

Janet M Sell
(Please Print)

Janet M Sell
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

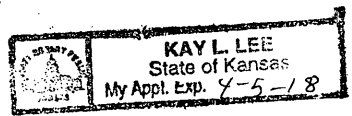
(Please Print)

(Please Print)

State of Kansas }
County of Phillips } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of November, 2017.

My Commission Expires 4-5-18



[Signature]
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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

Make check payable to **Kansas Department of Agriculture.**

Ireland, Leslie

From: Janet Sell <janet@valleyfeeds.com>
Sent: Monday, November 27, 2017 4:24 PM
To: Ireland, Leslie
Cc: Janet Sell
Subject: Deed for Old Stone Pork, LLC
Attachments: Valley Feeds_20171127_161142.pdf

Leslie if this does not take care of it- or – if you are needing something else; Please let me know.

Thank You,
Janet Sell

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TRUSTEES' DEED

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This indenture made this 6 day of October, 2017, by and between CRAIG E. INGRAM and GENINE L. INGRAM, and their successors in interest as TRUSTEES of the CRAIG E. INGRAM LIVING TRUST, dated May 27, 2008, and also as TRUSTEES of the GENINE L. INGRAM LIVING TRUST, dated May 27, 2008, as GRANTORS and OLD STONE PORK, LLC, a Kansas limited liability company, as GRANTEE.

THE GRANTORS, by virtue of the terms and provisions of said trust agreement, in consideration of One Dollar and Other Valuable Contribution, the receipt of which is hereby acknowledged, do hereby grant, sell, and convey to OLD STONE PORK, LLC, a Kansas limited liability company, the following described real estate in Phillips County, Kansas, to-wit:

A tract of land located in the NW/4 of Section 8-T1S-R19 West of the 6th P.M., Phillips County, Kansas, more particularly described as follows and assuming the West line of said NW/4 bears N 00°00'30" E. Beginning at the W 1/16th Corner of the NW/4 of said Section 8, thence N 00°00'30" E 394.00 feet on the Section line to a point, thence N 89°57'52" E 278.73 feet to a point, thence N 46°13'24" E 980.55 feet to a point; thence S 54°55'46" E 651.50 feet to a point; thence S 16°02'35" W 723.28 feet to the NE Corner of a tract of land surveyed by Wayne M. Dietz R.L.S. #894, dated July 20, 2017; thence S 00°08'05" E 150.00 feet on the East line of said surveyed tract to the SE Corner of said tract; thence S 81°15'21" W 1336.04 feet to the SW Corner of said surveyed tract, point also being on the Section line, thence N 00°00'30" E 350.00 feet on the Section line to the True Point of Beginning. Said tract containing 31.20 +/- Acres.

The Grantors further convey to the Grantee, forty-two (42) acre feet of the water rights evidenced by Water File #35,016.

All other surface or ground water rights are reserved by the Grantors. The Grantors further reserve all mineral rights on and under the premises.

Except and subject to: Easements and restrictions of record

THE GRANTORS covenant that the trusts remain in full force and effect at this time, that the trustees have authorization without limitation to sell and convey all of the above described real estate.

CRAIG E. INGRAM LIVING TRUST, dated May 27, 2008

GENINE L. INGRAM LIVING TRUST, dated May 27, 2008

CRAIG E. INGRAM, Trustee of the Craig E. Ingram Living Trust

GENINE L. INGRAM, Trustee of the Genine L. Ingram Living Trust

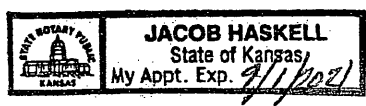
BOOK 425

Genine L. Ingram, Trustee
GENINE L. INGRAM, Trustee of the
Craig E. Ingram Living Trust

Craig E. Ingram, Trustee
CRAIG E. INGRAM, Trustee of the
Genine L. Ingram Living Trust

STATE OF KANSAS)
COUNTY OF PHILLIPS)SS:

The foregoing instrument was acknowledged before me this 6th day of October, 2017, by **CRAIG E. INGRAM** and **GENINE L. INGRAM** Trustees of the CRAIG E. INGRAM LIVING TRUST, dated May 27, 2008, and also as Trustees of the GENINE L. INGRAM LIVING TRUST, dated May 27, 2008, on behalf of the Trusts.



Jacob Haskell
Notary Public

My appointment expires: 9-1-2021

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Numerical
Direct
Indirect
Margin

STATE OF KANSAS } S.S.
Phillips County }
Entered in Transfer Record }
OCT 11 2017
Linnae McDaniel
He
COUNTY CLERK

STATE OF KANSAS } SS
PHILLIPS COUNTY }
Filed for record on the 6th day of
Oct A.D., 2017 at 11:55AM., and
duly recorded in Book 425 page 355-356.
Robert Keeser
REGISTER OF DEEDS



Old Stone Park

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AGREEMENT FOR WARRANTY DEED

THIS AGREEMENT is made and entered into this 28th day of September, 2017, by and between Craig E. Ingram and Genine L. Ingram, and their successors in interest as Trustees of the **Craig E. Ingram Living Trust, dated May 27, 2008**, and also as Trustees of the **Genine L. Ingram Living Trust, dated May 27, 2008**, and any amendments thereto, hereinafter referred to as "Sellers", and **Old Stone Pork, LLC**, a Kansas limited liability company, hereinafter referred to as "Buyer";

WITNESSETH that the above named Sellers do hereby agree to sell and the above named Buyer does hereby agree to purchase, on the terms and conditions hereinafter set forth, all of the following described real property in Phillips County, Kansas, to-wit:

A tract of land located in the NW/4 of Section 8-T15-R19 West of the 6th P.M., Phillips County, Kansas, more particularly described as follows and assuming the West line of said NW/4 bears N 00°00'30" E. Beginning at the W 1/16th Corner of the NW/4 of said Section 8, thence N 00°00'30" E 394.00 feet on the Section line to a point, thence N 89°57'52" E 278.73 feet to a point, thence N 46°13'24" E 980.55 feet to a point; thence S 54°55'46" E 651.50 feet to a point; thence S 16°02'35" W 723.28 feet to the NE Corner of a tract of land surveyed by Wayne M. Dietz R.L.S. #894, dated July 20, 2017; thence S 00°08'05" E 150.00 feet on the East line of said surveyed tract to the SE Corner of said tract; thence S 81°15'21" W 1336.04 feet to the SW Corner of said surveyed tract, point also being on the Section line, thence N 00°00'30" E 350.00 feet on the Section line to the True Point of Beginning. Said tract containing 31.20 +/- Acres.

1. Consideration. The total consideration and sales price to be paid by the Buyer to the Sellers for said real property is the sum of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400.00). The Sellers will further convey to the Buyer, forty-two (42) acre feet of the water rights evidenced by Water File #35,016, for an additional sum of One Hundred Twenty-six Thousand Dollars (\$126,000.00). Said sums shall be credited towards the Sellers' purchase of a 20% interest in Old Stone Pork, LLC.

2. Marketable Title. The Sellers hereby agree to convey the above described real estate to the Buyer by a Trustees' Deed conveying to the Buyer an indefeasible estate in fee simple

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subject to easements and restrictions of record.

3. **Proof of Title.** The Sellers shall cause a Title Insurance Commitment to be issued by a title insurance company authorized to do business in the State of Kansas. Upon satisfaction of title requirements (if any) and after the date of closing, a title insurance policy insuring the title in the Buyer will be issued.

4. **Closing.** Closing shall be within 30 days, unless a later closing date is required in order to satisfy any title requirements.

5. **Taxes.** The Sellers shall pay the real estate taxes for the year 2016 and all prior years. The 2017 real property taxes shall be prorated between the parties as of the date of closing.

6. **Possession.** The Buyer shall receive ownership of the above described premises upon closing. Sellers agree to allow Buyer immediate access to the above described real property for construction purposes upon the execution of this agreement.

7. **Minerals.** All other surface or ground water rights are reserved by the Sellers. The Sellers further reserves all mineral rights on and under the premises.

8. **Other Agreements of the Parties.** Parties acknowledge and agree that the Sellers shall be entitled and obligated to take one-half of the effluent from the hog production facility which the Buyer intends to construct on the premises sold pursuant to this agreement.

9. **Expenses and Fees.** The cost of preparing this Contract, a Trustees' Deed, surveying fee, closing costs and the cost of the owner's title insurance policy shall all be paid by the Buyer. The cost of a mortgage policy (if any) is the expense of the Buyer.

10. **Closing Agent.** The parties hereby appoint and designate the law office of Thomas H. Sullivan, P.A. as closing agent for this transaction. The Deed referred to in paragraph 2 above shall be executed at once and deposited with the closing agent together with an executed copy of this Agreement. The consideration recited herein shall be paid through said closing agent. The

closing agent shall compute adjustments required by this Agreement and shall pay out of the proceeds the balance of all mortgages and liens thereon and shall remit the net proceeds to the Sellers. Thomas H. Sullivan, P.A. is the responsible party for filing, if applicable, the 1099-S with the Internal Revenue Service.

11. Absence of Warranties. The above described premises are sold as is and without warranties. The Buyers certify that they have examined the premises and are satisfied with the condition thereof and agree to accept said premises in their present condition.

12. Binding Effect. This Agreement shall be binding upon each of the parties hereto, their heirs, personal representatives, successors, and assigns. Time shall be of the essence of this Agreement.

13. Modifications and Amendments. This Agreement is the complete statement of all agreements and representations made by and between the parties and no modification or amendment of the terms hereof may be made unless the same are in writing in the same manner and with the same formality as this instrument is executed.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Craig E. Ingram Living Trust,
dated May 27, 2008

Old Stone Pork, LLC

By: Craig E. Ingram Trustee
Craig E. Ingram, Trustee

By: Janet M Sell

By: Genine L. Ingram Trustee
Genine L. Ingram, Trustee

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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

OLD STONE PORK, LLC 12/4/17
1304 W FOX RD
LONG ISLAND, KS 67647

FILE COPY

RE: File No 35016

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/UMW
- 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.

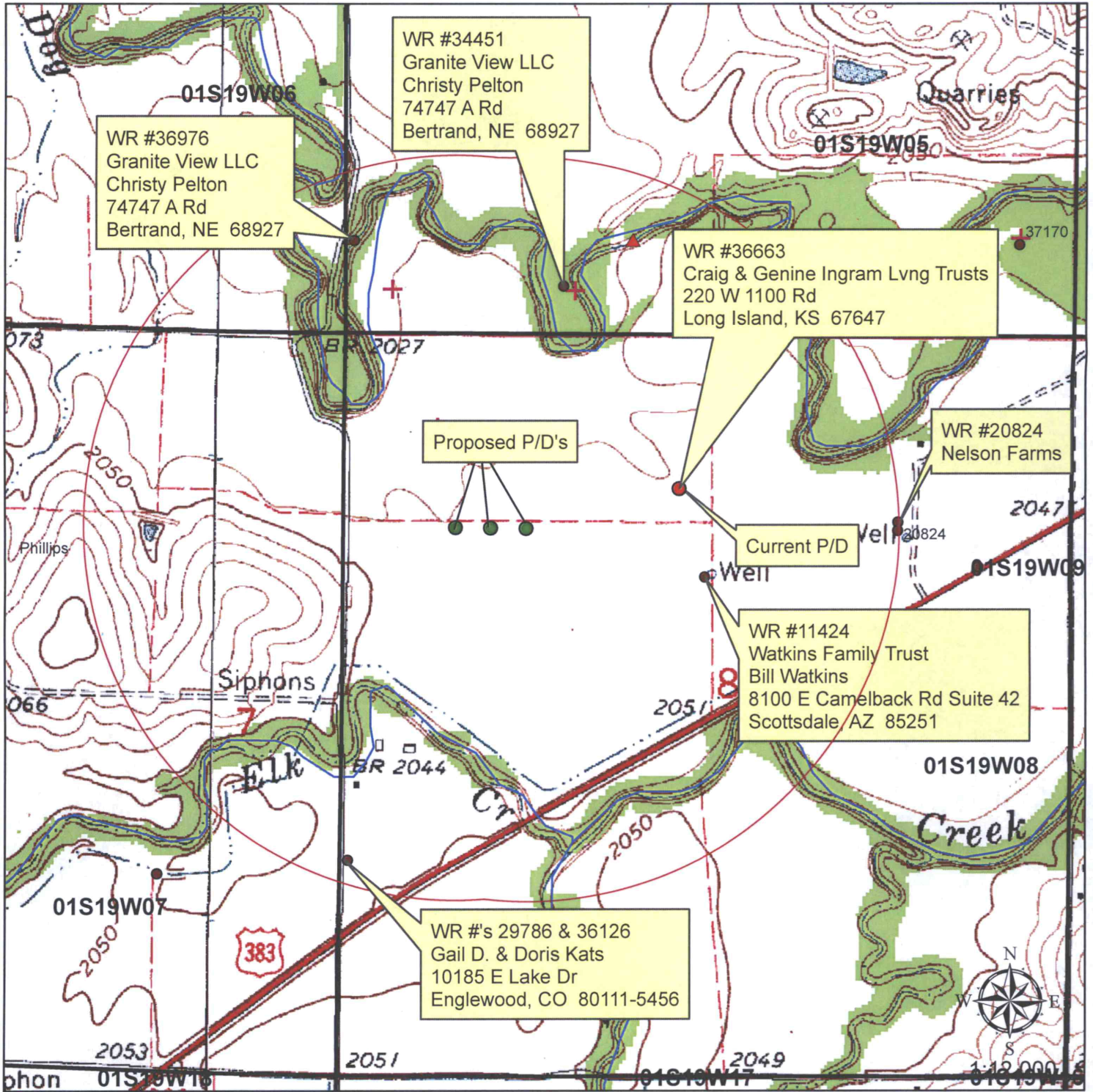
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD

Application to Change the Point of Diversion
 Place of Use, & Use Made of Water
 For Water Right File # 35016



- Authorized P/D
- Proposed P/D's

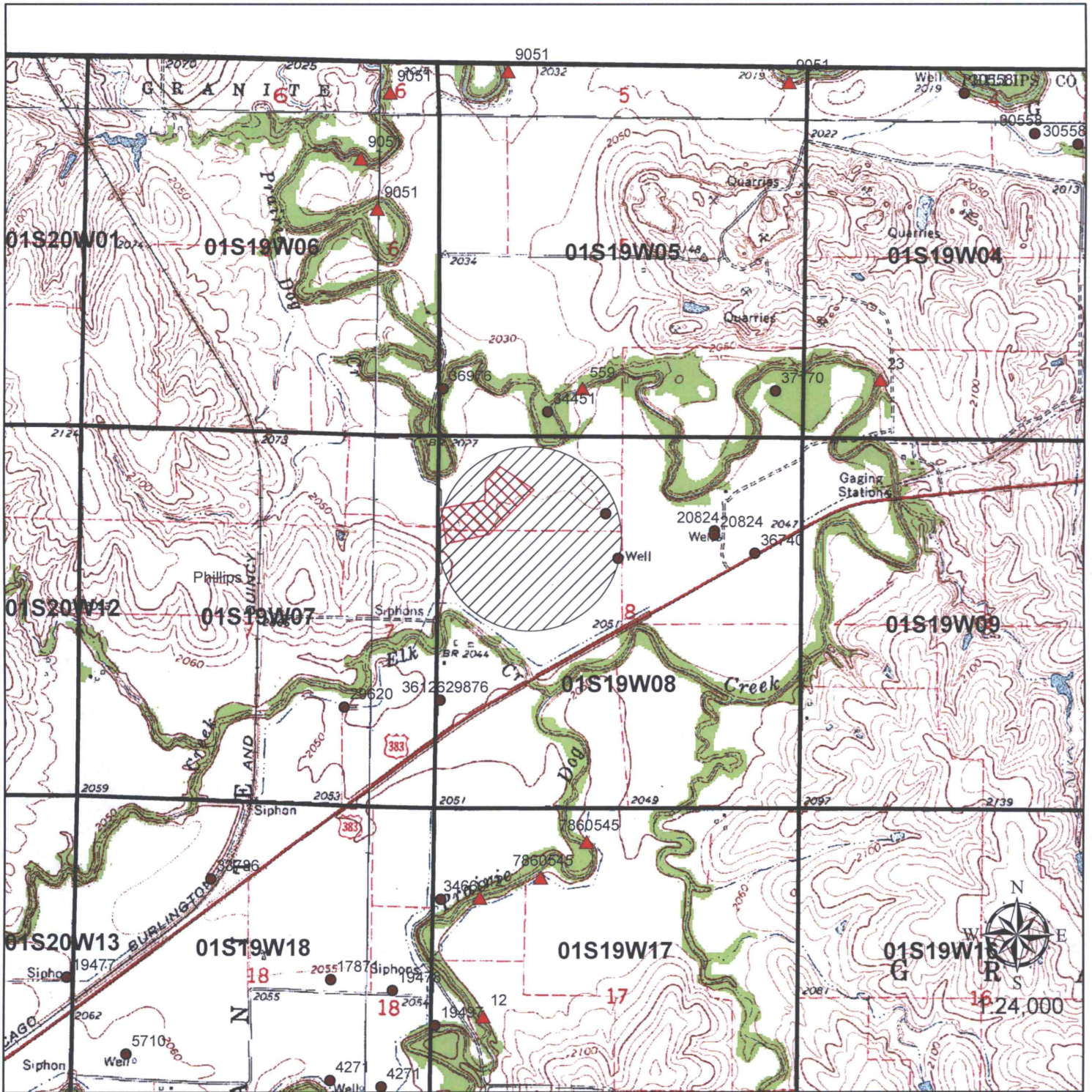
1/2 mile radius
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Signature Required
Janet M Self
 By signing this I am stating that to the best of my knowledge
 that all wells within 1/2 mile of proposed well location are
 identified on this map.

Application to Change the Point of Diversion,
Place of Use and Use Made of Water For
Water Right File # 35,016



Authorized IRR P/U



Proposed Stockwater P/U

Janet M Sell
Signature

11/24/17
Date

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