

WATER FLOWMETER REPAIR / REPLACEMENT REPORT
 Kansas Department of Agriculture Division of Water Resources
 OR
 Local Groundwater Management District (GMD)

THIS REPORT MUST BE FILLED OUT COMPLETELY AND SUBMITTED TO THE APPROPRIATE FIELD OFFICE OR GMD WITHIN 30 DAYS AFTER THE METER WAS REPAIRED OR REPLACED.

Water Right, File No.: 45871 Today's Date: 3-7-18

Well or Pumpsite Location: NW Quarter of the NW Quarter of the SW Quarter of Section 26,
 Township 24 S, Range 3W E/W in HV County, 2622 feet north and 4962 feet west of the SE corner.

Date the meter was found broken, malfunctioning or missing security seal: Order issued 4/10/2017 (install anti-reverse register)

All fields must be completed	Meter removed	Meter (installed)
		<input checked="" type="checkbox"/> Repaired <input type="checkbox"/> Replaced
Date	3/1/2018	<u>3-7-18</u>
Manufacturer	McCrometer	McCrometer
Model	MO308-550	MO308-550
Serial Number	04-4-1108	04-4-1108
Type of Meter	Propeller	Propeller
Totalizer Register Unit And Multiplier factor (AF x 0.001, gal x 1000, etc.)	AF x .0001	(anti-reverse register) (7 wheel totalizer) AF x .0001
Totalizer Reading (include multiplier)	83.4312 Acre Feet	000.0000 Acre Feet
Pipe Size	4.5" OD / 4.25" ID	4.5" OD / 4.25" ID

Are straightening vanes installed with a manufacturer approved measuring chamber? Yes No
 Is the required upstream and downstream straight pipe spacing met? Yes No

Water usage not metered: 0 hours at a rate of 0 GPM

The hours pumped can be documented with an installed hour meter on the power source or with a meter installed on equipment associated with the power source (i.e. pivot hours, engine hours, or power records, SCADA, etc.).

If meter was repaired, list the name of the Vendor who repaired the meter: EBGMD2

- Copy of Vendor repair invoice with itemized list of actions taken attached (required)
- Copy of Vendor comparison test results (if performed)
- Energy/power records, SCADA data, or other supporting information attached (recommended)

Horsepower _____ (See note)

Note: Energy/power records can be information obtained from the electric company, natural gas company or fuel receipts in the case of diesel or propane. By knowing the quantity of energy used, the hours of operation can be calculated.

Name (print): Jordan Diskin Check one: Owner Tenant Agent

I declare under penalty of perjury that the foregoing is true and correct. Executed on 3-7-18

Signature: _____
 Address: 2321 N Cedar Crest Dr
 City: Wichita State: KS Zip: 67223
 Phone: 316-303-4691 Email: Jord.Diskin@yahoo.com

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 MAR 15 2018
 Equus Beds GMD

NOTICE:

Kansas Administrative Regulation 5-1-10

3(a) A water right owner, or the water right owner's authorized designee, shall promptly notify the chief engineer if any water flowmeter required by the chief engineer is out of compliance.

(b) Within 30 days after the date on which the out of compliance water flowmeter has been repaired or replaced, the water right owner or the water right owner's authorized designee shall notify the chief engineer in writing of the following information:

- (1) The date the water flowmeter became out of compliance;
- (2) The water flowmeter reading at the time the water flowmeter became out of compliance;
- (3) If the water flowmeter was replaced, the following information:
 - (A) The brand, model, size, and serial number of the new water flowmeter;
 - (B) The units in which the new water flowmeter reads;
 - (C) The reading of the new water flowmeter at the time of installation; and
 - (D) The location of the new water flowmeter on the diversion works or delivery system;
- (4) If the water flowmeter was repaired, the water flowmeter reading immediately before the repair and the reading of the water flowmeter at the time it was reinstalled or the repair was completed on site;
- (5) The date the repair or replacement was completed; and
- (6) The amount of water diverted while the water flowmeter was out of compliance.

(c) If the water right owner does not maintain a record of diversions of water that is sufficient to reasonably estimate the quantity of water diverted while the water flowmeter was out of compliance, it shall be assumed, for the sole purposes of enforcement of the terms, conditions, and limitations of the approval of application or water right, and priority administration of water rights among water users, that the diversion works were operated continuously at the tested rate of diversion during the entire period the water flowmeter was out of compliance. If the rate of diversion has not been tested by the chief engineer, then it shall be assumed that the diversion works were operated continuously at the authorized rate of diversion during the entire time the water flowmeter was out of compliance. The assumption set forth in this subsection shall not apply to the determination of the annual quantity of water diverted for the purpose of perfecting a water right.

(d) If the water right owner is required by the chief engineer to repair or replace an inoperable water flowmeter, it shall be the duty of the water right owner to ensure that the repaired or replaced water flowmeter is in compliance with K.A.R. 5-1-4 and K.A.R. 5-1-6.

(Authorized by K.S.A. 82a706a; implementing K.S.A. 82a706c; effective Sept. 22, 2000.)

To properly complete the annual water use report for a year in which a meter was repaired and/or replaced:

- 1) Provide complete beginning and ending meter readings, including multiplier digits and the unit of measurement for the period prior to the repair and the period after the repaired meter was reinstalled (repair) or for BOTH meters (replacement).
- 2) Provide hours of pump operation, rate of diversion, and compute the quantity of water diverted for time period that the meter was not in compliance and/or not installed without the meter in place. Attach supporting documentation for the unmetered quantity diverted to the report to support all computations.
- 3) Clearly note on the report that hours and rate are in addition to metered quantity due to meter malfunction.
- 4) Indicate with a note the estimated date that the meter became out of compliance.
- 5) Total the metered quantities and the computed quantities and provide a total quantity of water diverted.
- 6) Enter the letter Q in the unit column.
- 7) Complete all other data required to make a complete and accurate report.

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If you have further questions on how to fill out this form, please contact the DWR field office or GMD office in your area: Equus Beds GMD #2

Topeka Bldg 282, Forbes Field 6531 SE Forbes Ave., Suite B Topeka, KS 66619 (785) 296-5733	Stafford 300 South Main St. Stafford, KS 67578 (620) 234-5311	Stockton 820 South Walnut Stockton, KS 67669 (785) 425-6787	Garden City 2508 Johns Street Garden City, KS 67846 (620) 276-2901
GMD 1, Scott City (620) 872-5563	GMD 2, Halstead (316) 835-2224	GMD 3, Garden City (620) 275-7147	GMD 4, Colby (785) 462-3915
		GMD 5, Stafford (620) 234-5352	

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT # 2
 313 SPRUCE STREET
 HALSTEAD, KANSAS 67056-1925
 (316) 835-2224

INVOICE TO: File No. 45871

FLINT HILLS PROPERTIES LP	TO REPAIR
111 S WHITTIER ST, SUITE 500	MODEL # MO304-550
WICHITA, KS 67207	METER SER. # 04-4-1108

PART #	DESCRIPTION	QTY.	EACH PRICE	NET PRICE
REGISTER PARTS				
RO710-20*	CANOPY, ALUMINUM		\$ 39.00	\$ -
10016-00*	SCREW, CANOPY		\$ 0.81	\$ -
10018-00*	SCREW, CANOPY, LONG W/HOLE		\$ 1.38	\$ -
15013-00	SEAL WIRE	1	\$ 0.50	\$ 0.50
15014-00/15016-00	SEAL, LEAD/ALUMINUM	1	\$ 1.25	\$ 1.25
R1108-xxx	REGISTER (NEW) (550:1, AF X .0001) W/ ANTI-REVERSE, 7 WHEEL	1	\$ 281.20	\$ 281.20
10015-00*	DRY PACK, SILICA		\$ 0.71	\$ -
10019-00	PAL, NUT	1	\$ 0.69	\$ 0.69
RO147-00	BUSHING, PLATE	1	\$ 6.56	\$ 6.56
R0805-00	FLAT GASKET, BASE PLATE		\$ 2.24	\$ -
10180-00*	"O" RING GASKET, LARGE-237 BUNA		\$ 0.65	\$ -
RO141-20*	BASE PLATE, ALUMINUM		\$ 39.00	\$ -
10023-00*	PVC GASKET		\$ 0.44	\$ -
10179-10	"O" RING GASKET, SMALL-219 BUNA		\$ 0.50	\$ -
RC143-00	CANOPY KIT (ALL STARRED * ITEMS)	1	\$ 74.10	\$ 74.10
R2100	REGISTER, REBUILT (1200:1, AF X .001) w/ anti-reverse		\$ -	\$ -
CB100-10	CANOPY, BOOT	1	\$ 33.65	\$ 33.65
RO710-22	CANOPY, LID		\$ 10.00	\$ -
9999T-01	FULL FORM METER CALIBRATION TEST (1 POINT)		\$ 241.40	\$ -
SADDLE & ELL PARTS				
DO104-00	DRIVE CABLE, 12.19 STD		\$ 8.65	\$ -
TO257-10	SADDLE, 8.00 OD, W/SEG.GROOVES		\$ 377.00	\$ -
10075-00	NUT, HEX 5/8-11		\$ 0.50	\$ -
10083-00	WASHER, 5/8		\$ 1.50	\$ -
TO757-00	U-BOLT, 5/8 X 21.50		\$ 11.00	\$ -
TO384-00/TO384-10	GASKET, SADDLE.7.00, 8.00 Dia.		\$ 6.27	\$ -
DO304-00	LINER, DRIVE CABLE, 10" STD		\$ 8.65	\$ -
DO360-00	LINER STOP		\$ 1.25	\$ -
10280-10	LABEL, FLOW 2 x 5	1	\$ 1.08	\$ 1.08
	OD / ID SADDLE STICKER (saddle foil sticker)		\$ 7.00	\$ -
BEARING ASSEMBLY PARTS				
P0108-00	NEW PROP 8" 3 BLADE TESTED		\$ 205.00	\$ -
10110-10	"O" RING, BEARING		\$ 0.63	\$ -
BO141-00	MAGNET, BEARING		\$ 19.00	\$ -
BO110-80	BEARING ASSY, ALONG		\$ 247.95	\$ -
BO100-82	BEARING ASSY, ALONG, FOR REVERSE		\$ 310.65	\$ -
BO100-82	BEARING ASSY, A LONG, OVERRUN		\$ 310.65	\$ -
PO108-00	PROP, FORWARD		\$ 205.00	\$ -
PO136-00	PROP, REVERSE		\$ 303.00	\$ -
BO192-70	FRONT BEARING		\$ 30.00	\$ -
BO103-00	KEY		\$ 1.75	\$ -
BO355-20	K BEARING HOUSING, HEX, BRASS		\$ 64.00	\$ -
10583	SNAP RING FOR BRG HSNB		\$ 1.10	\$ -
BO140-10	AFT BEARING ASSY		\$ 46.00	\$ -
9999R-01	FACTORY PROP RECALIBRATION/MC SHOP LABOR		\$ 160.40	\$ -
MASTER METER PARTS				
RK09-1AA	1" USG DIALOG REPAIR KIT		\$ 141.00	\$ -
25280309	FROST PLUG 5/8" TO 1"		\$ 5.00	\$ -
20610509	O-RING F/FROST PLUG		\$ 2.00	\$ -
24570609	TAMPER-PROOF SEAL 3/4"		\$ 1.00	\$ -
	FREIGHT	1	\$ 21.63	\$ 21.63
	INSURANCE .80 PER \$100		\$ -	\$ -
	HANDLING / SHOP SUPPLIES	1	\$ 5.00	\$ 5.00
TOTAL				\$ 425.66

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Equus Beds GMD #2

REPAIR CHECK LIST

Meter No. 04-4-1108 Date We Received 3/1/2018

Model No. MO304-550 Date We Returned 3/7/18

Returned From Jordan Diskin / David Jackman (316) 303-4691

Their Reason Meter needs to have an anti-reverse register installed. Will also have a 7 wheel totalizer installed. Meter totalizer and rate indicator were working when meter

File No. 45871 was brought in for service.
4.5" OD / 4.25" ID

Check all that are applicable:

REGISTER

- Damaged _____
- Moisture _____
- Locked gear _____
- Wrong ratio _____
- Due to excessive vibration? _____

Install a new 4" 550:1 AF x .0001 register with anti-reverse and a 7 wheel totalizer. X

REGISTER BASE PLATE

- Damaged _____
- Loose _____
- Install new canopy kit X

BEARING ASSEMBLY

- Ell-to-aft housing: seal leaked _____
- Bearing-to-forward housing: seal leaked _____
- Bearings worn _____
- Shaft and Bearing pulled out _____
- Bearings ok, side/end play < 1/8" X
- Greased bearings X

REGISTER CASE

Plastic	_____
Aluminum	<u>X</u>

- Damaged _____
- Lens Leaked _____
- O-ring or gasket leaked _____
- Error in assembly _____
- Install new canopy kit X

DRIVE CABLE

- Broken _____
- Disengaged _____
- Bent on squared end _____
- ok X

IMPELLER

- Chipped _____
- Wrong ratio _____
- ok X

OTHER

read in: 83.4312 Acre Feet
read out: 000.0000 Acre Feet
4" 550:1 Acre Feet x .0001

Above damages were:

Customer Induced _____ Wear Induced _____

WARRANTY

David Kamboh

Signature

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Accounting Dept.:

Invoice # _____ Cost \$ _____

MAR 15 2018

LARRY JACOB, PRESIDENT
DAVID STROBERG, VICE PRESIDENT
FRED SEILER, SECRETARY
DON KOCI, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
CHRIS CARRIER
DENNIS GRUENBACHER
VIN KISSICK
MIKE MCGINN
BOB SEILER

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 5, 2010

David Jackman Jr. Trust
c/o Commerce Trust Company
922 Walnut Street, Suite 402
Kansas City, MO 64105

ATTN: Trust Real Estate Dept

RE: Water Meter Inspection - Water Permit No. 45871

Dear Sir or Madam:

The Division of Water Resources conducted a compliance inspection of the referenced water permit on December 2, 2009, and found a McCrometer water meter (Serial #04-4-1108) installed on the authorized well located in the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 26, Township 24 South, Range 3 West, Harvey County.

The Equus Beds Groundwater Management District reviewed the compliance inspection and found that the meter meets or exceeds the minimum meter specifications and that the meter was installed properly according to the manufacturer's and the District's minimum installation specifications.

Please contact the District office should you have any questions regarding the inspection.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager

TDB/DWC/wc

pc: Jeff Lanterman, Division of Water Resources, Stafford
Rod Steven

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
FIELD INSPECTION REPORT

Field Office No. 2
G.M.D. No. 2

Full
 Partial
 Compliance Investigation
In Compliance

Test 1 of 1 diversion points. County Harvey

File No. 45871 Inspection Date December 2, 2009 Inspector Don Mies

Current Landowner David Jackman Jr Trust Phone No. (816)760-8083 (Kevin Roberts)

Address c/o Commerce Trust Company, ATTN: Trust Real Estate Dept, 922 Walnut Street Suite 402, Kansas City MO 64106

Additional landowners and addresses identified in remarks section.

Water Use Domestic Industrial Irrigation Municipal Hydraulic Dredging
Classification: Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Source: Groundwater Surface Water Basin Arkansas River

Authorized Point of Diversion: NE NW SW Sec. 26, T. 24, R. 3W ID No. 11

Approximately 2600 ft. North and 4680 ft. West of SE corner of Sec. 26

Actual Point of Diversion: NW NW SW Sec. 26, T. 24, R. 3W

Approximately 2622 ft. North and 4962 ft. West of SE corner of Sec. 26

How were distances determined? Garmin GPS and Leobase 3 Latitude 37.93408 Longitude 97.62737

"Approved" Quantity 30 AF "Approved" Diversion Rate 300 g.p.m. (0.67 c.f.s.)

"Approved" Storage Quantity n/a AF "Approved" Storage Rate n/a

Limitation(s): none

Priority Date 2/26/04 Approval Date 9/14/04 Perfection Date 12/31/09

Other applications covering land and/or point of diversion none
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE: Recreational use in a pond with a surface area of 8 acres located in the North Half of the Southwest Quarter (N½ SW¼) of Section 26, Township 24 S, Range 3 W, Harvey County KS.

LAND USED YEAR OF RECORD (2004): Recreational use in a pond with a surface area of 8 acres located in the North Half of the Southwest Quarter (N½ SW¼) of Section 26, Township 24 S, Range 3 W, Harvey County KS.

TESTED DIVERSION RATES

Maximum G.P.M. 272.99 (c.f.s. 0.608) Normal G.P.M. 272.99 (c.f.s. 0.608)

FOR D.W.R. USE ONLY

Year of Record 2004

metered quantity = 29.189 AF

The year 2004 is being used because the meter reading is more detailed. The permit was approved early enough to allow this use.

Perfected Rate 275 g.p.m. (0.61 c.f.s.) Perfected Quantity 30 AF

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**Equus Beds Groundwater
Management District No. 2**

GENERAL INFORMATION ON IRRIGATION SYSTEM:

- Center Pivot
- Gravity Irrigation
- Other

POWER UNIT INFORMATION:

Manufacturer --- Model --- HP ---
 Serial No. --- Fuel Electric Rated RPM ---

PUMP INFORMATION:

Manufacturer --- Model --- No. Stages ---
 Serial No. --- Size/Type Submersible Rated RPM ---

GEAR HEAD INFORMATION:

Manufacturer --- Model ---
 Serial No. --- Drive Direct Ratio ---

WELL INFORMATION:

Date Drilled unknown Original Depth 65 ft. Static Water Level When Drilled 10 ft.
 Length of time well has rested operated prior to inspection unknown days hours
 Is measurement tube required? **YES erroneously, existing well** Is measurement tube present? **NO**
 Depth to water pumping ft. below LSD Location of M.P. _____

ADDITIONAL REQUIREMENTS:

Required? **YES** Date Installed 9/22/04 Reading when installed -0-
 Manufacturer McCrometer Model No. MO304-550 Type propeller
 Serial No. 04-4-1108 Units: Acre Feet Multiplier factor x0.0001 Size OD: 4.5" ID: 4.25"
 Acceptable? **YES** Comparative test? **YES 1.98%** Installed properly? **YES** If no, see remarks for details.
 Security Seal Installed? **Y / N** Security Seal Stamp labeled _____ (manufacturer's seal name)
 Distance upstream: 64" pump to sensor downstream: 248" sensor to pipe bend
 Reading 47.4536 Instantaneous Rate: ~250 GPM (_____) CFS Other ---
 Flow measurement chamber required? **YES** Chamber present? **YES** Straightening Vanes? **YES** Strainer? **NO**
 Portable pump? **NO** More than one pd? **YES** Chemigation equipment required? **NO**
 Steady linear, full pipe flow? **YES** Low pressure drain present? **NO** Vacuum breaker present **NO**
 Injection port present? **NO** Injection system being operated? **NO** Check valve? **Y / N submersible pump**
 Have conservation plans been followed? **Y / N** If no, explain: no plan required

TEST OF DIVERSION RATE: Location of test downstream of meter
 Pipe Diameter (I.D.) 3.982 inches (measured)

Test No. 1 ---- Normal Conditions
 R.P.M. POWER UNIT ---
 R.P.M. PUMP UNIT ---
 Pressure at Pump --- psi

Test No. 2 ---- Maximum Conditions
 R.P.M. POWER UNIT ---
 R.P.M. PUMP UNIT ---
 Pressure at Pump --- psi

Non-Intrusive Meter Test Meter Type PT878
 Ending 1394.847 gal.
 Beginning 0 gal. Meas. O.D. 4.50"
 Difference 1394.847 gal. Meas. Wall 0.259"
 Time 306.8 sec or 5.11 min. XDCR Setting 96.454 mm
 Rate 272.8 gpm.

Meter Serial No. 4037
 Ending 1571.103 gal.
 Beginning 0 gal.
 Difference 1571.103 gal.
 Time 345.3 sec or 5.75 min.
 Rate 272.99 gpm.

Diagnostics:

Signal Strength SS up: 71.0 SS dn: 69.2 (Should be over 55 highest on PVC, up and dn should be close to the same)
 SNDSP: 4834 (Should be close to book value for the soundspeed at measured temp) Temp 56 F
 Signal Quality: Q up 3329 Q dn 3460 (Should be + - 300 or greater)
 AMPup: 28.3 AMPdn: 27.7 (Should be 20 - 28 fluctuations)
 P#up: 368 P#dn: 366 (100 to 900, closest to 500 is best)

Installed Meter Test Meter Serial No. _____ Mfg. _____ Model _____
 (If different from page 2)
 Ending 47.4512 AF Ending 47.4619 AF
 Beginning 47.4392 AF Beginning 47.4564 AF
 Difference 0.012 AF Difference 0.0055 AF
 Time 14.616 min. Time 6.7 min.
 Rate 267.5 gpm. Rate 267.5 gpm.

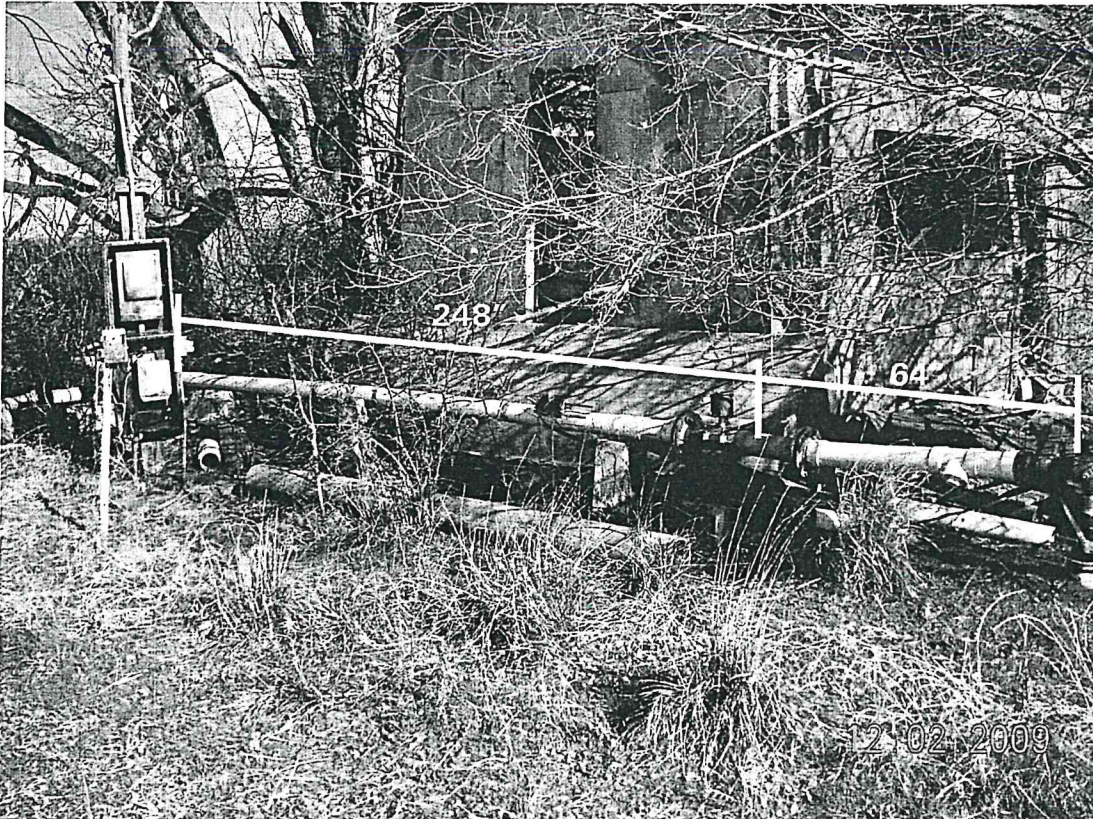
% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 1.94% % Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 2.01%

Average

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 1.98%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

IMAGE OF PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.



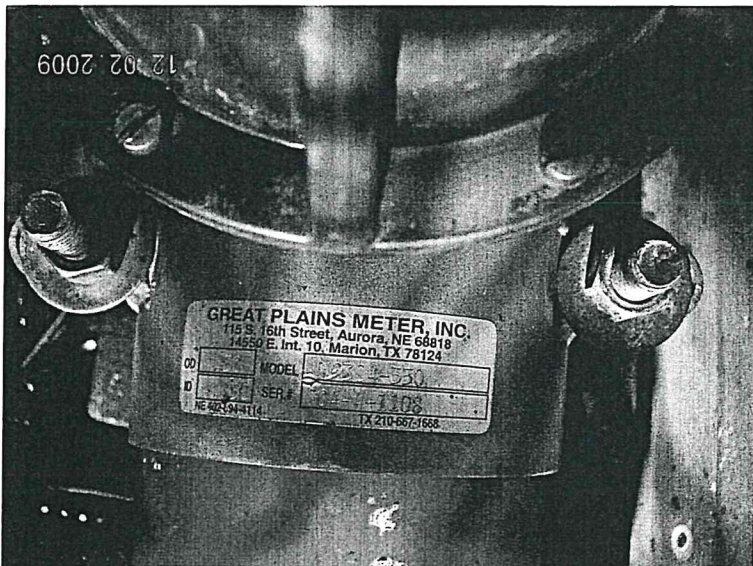
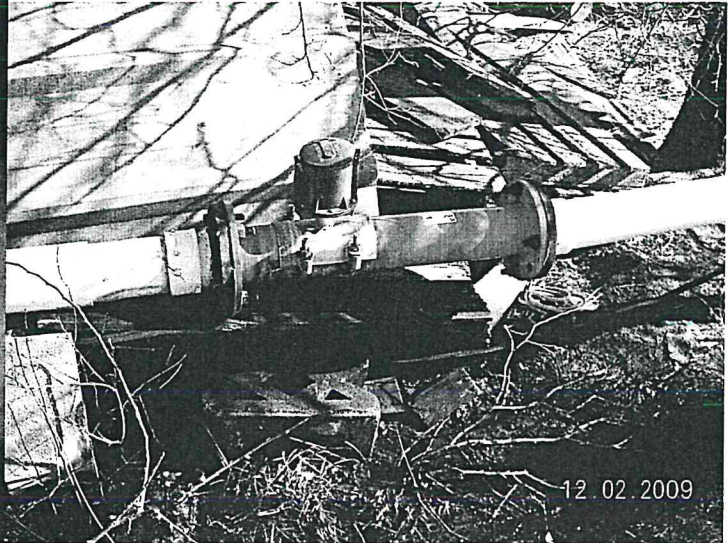
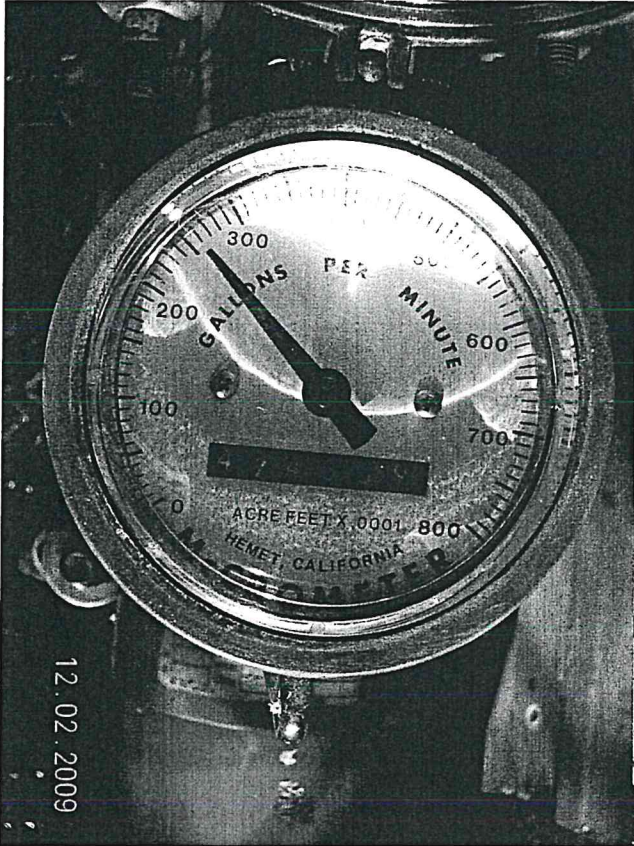
See page 5 for additional pictures.

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**Equus Beds Groundwater
 Management District No. 2**

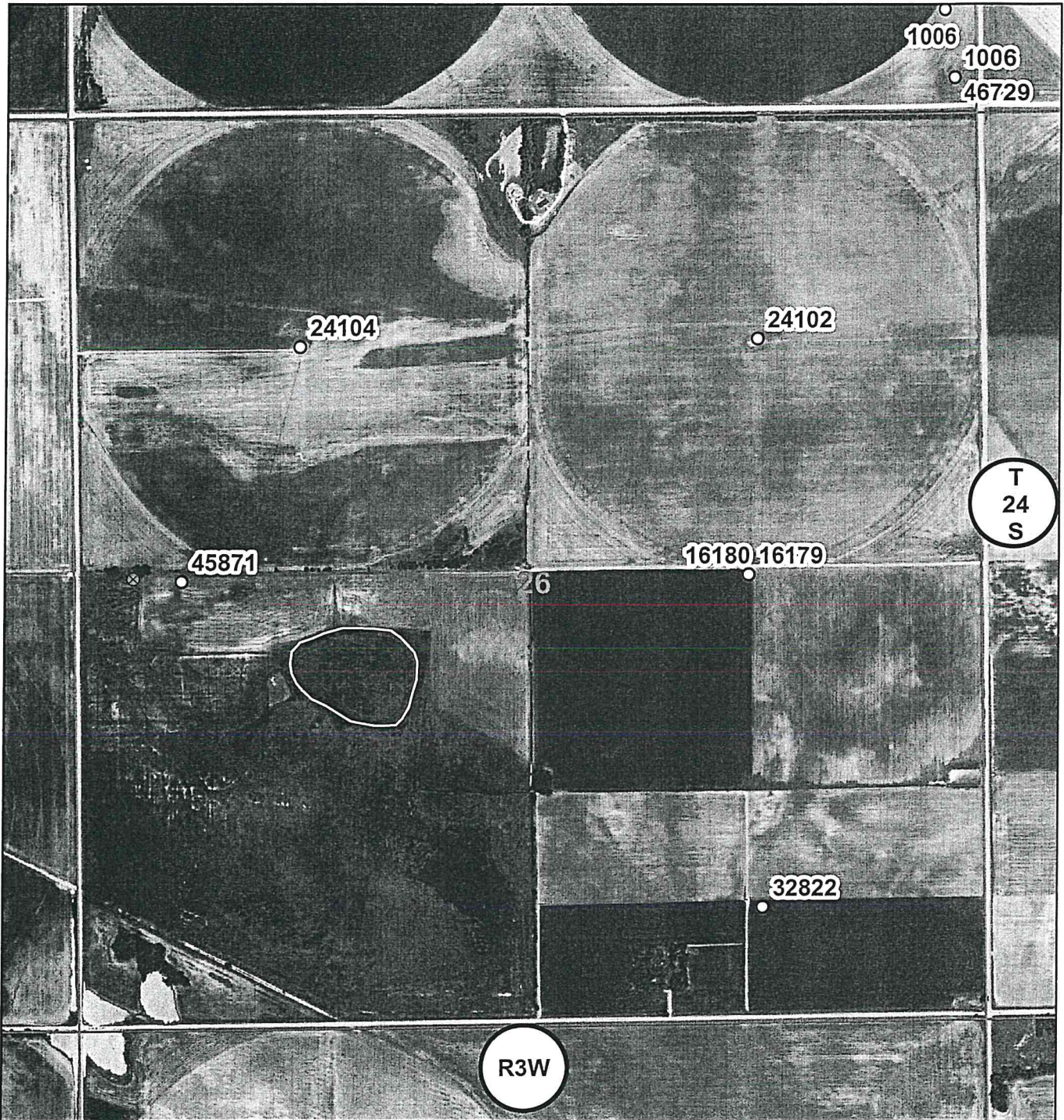
Additional Photographs



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Equus Beds Groundwater
Management District No. 2



Legend

- Water Appropriations
- ⊗ Actual Point of Diversion
- ▭ Place of Use
- ▭ Section Lines



Water Appropriation, File No. 45871
Field Investigation
26-24S-3W
Harvey County

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EKF-DWR 12/4/09

1. Enter a Section, Township, Range, Range Direction, Target Longitude and Target Latitude
 2. Click on the "Load New Section Data" Button

Water Appropriation #45871

Valid Entry? Yes Tells you if this is a valid section.
 Current Record? Yes Tells you if the currently loaded section matches the target section.

Load New Section Data

Section	26
Township	24
Range	3
Range Direction	W
Target Point Coordinates	
Target Longitude	97.62737
Target Latitude	37.93408

Corner Coordinates from LEOBASE

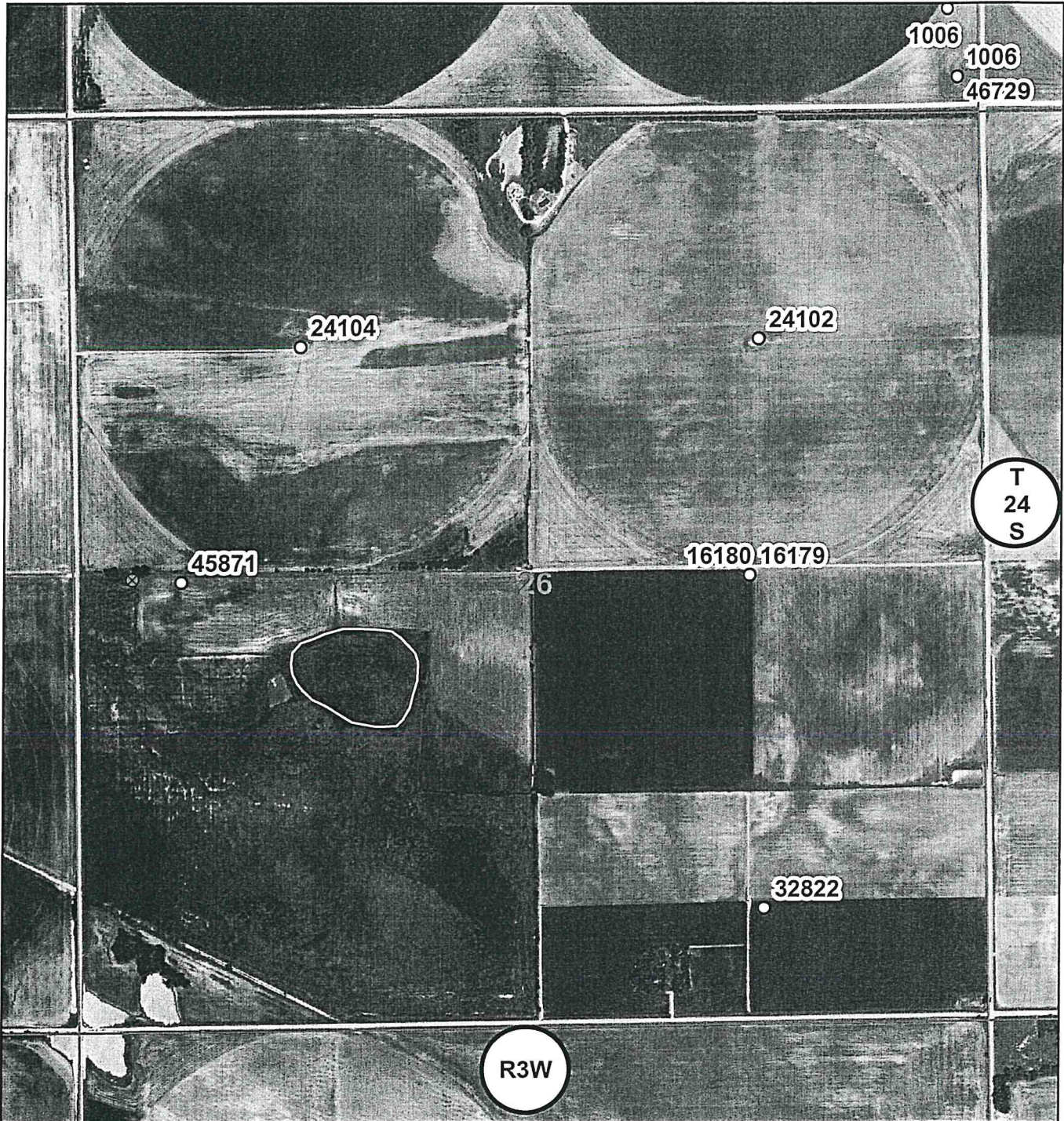
Corner	Corner Latitudes	Corner Longitudes	Point In Section?	Yes	Yes
SW	37.926941	97.628510	Corner defined		
NW	37.941528	97.628586	Corner defined		
NE	37.941330	97.610184	Corner defined		
SE	37.926880	97.610168	Corner defined		

Distances from Corners

Corner	Feet North(+)/South(-)	Feet East(-)/West(+)	Point In Section?	Yes	Yes
SW	2600	-329	2600 ft N and 329 ft E of SW corner		
NW	-2712	-351	2712 ft S and 351 ft E of NW corner		
NE	-2640	4957	2640 ft S and 4957 ft W of NE corner		
SE	2622	4962	2622 ft N and 4962 ft W of SE corner		

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Legend

- Water Appropriations
- ⊗ Actual Point of Diversion
- Place of Use
- Section Lines



Water Appropriation, File No. 45871
Field Investigation
26-24S-3W
Harvey County

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EKF-DWR 12/4/09



Mark Parkinson, Governor
Joshua Svaty, Secretary

www.ksda.gov/dwr

DAVID JACKMAN JR TRUST
COMMERCE TRUST CO
ATTN: TRUST REAL ESTATE DEPT
922 WALNUT ST STE 402
KANSAS CITY MO 64106

May 5, 2010

Re: Water Right
File No. 45,871

Dear Sir/Madam:

There is enclosed a Certificate of Appropriation for Beneficial Use of Water perfected under the above referenced file. The Water Appropriation Act requires that the original certificate of appropriation shall be recorded in the office of the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. You should record the certificate in the Register of Deeds office at your earliest convenience so that it becomes a matter of record to protect your right. A duplicate copy of the certificate has been placed on file in this office.

Information on file in this office indicates that the David Jackman Jr Trust is the owner of the project to which this water right is appurtenant. We understand that all future correspondence pertinent to the above referenced file will be directed to the David Jackman Jr Trust and the annual water use report forms should be mailed to Rod Steven. If the above mentioned information is incorrect, please notify this office.

Any appeal of the issuance of this Certificate of Appropriation must be filed with the appropriate district court within 30 days of the date of this letter. In filing such an appeal, a copy of the petition for judicial review must be served on David W. Barfield, Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

As a matter of information, the Water Appropriation Act was amended on January 1, 1978, thereby requiring water users to operate within the terms, limitations and conditions of existing water rights.

Please note the legal description for the authorized place of use has been modified from that shown on the draft Certificate of Appropriation that was sent February 16, 2010. The legal description of Section 26, Township 34 South, Range 3 West, Harvey County, Kansas was incorrect and is now shown as Section 26, Township 24 South, Range 3 West, Harvey County, Kansas. We are sorry for any confusion we may have caused.

Records to indicate the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact Jonathan L Gutierrez 785-296-6854. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

LPL

Lane P. Letourneau, L.G.
Program Manager
Water Appropriation Program

LPL:jlg

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 2
Rod Steven

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Equus Beds Groundwater
Management District No. 2

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 45,871

PRIORITY DATE February 26, 2004

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼ SW¼) of Section 26, more particularly described as being near a point 2,622 feet North and 4,962 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas, at a diversion rate not in excess of **275 gallons per minute (0.61 c.f.s.)** and a quantity not to exceed **30 acre-feet** of water per calendar year for recreational use in a pond/reservoir located in the North Half of the Southwest Quarter (N½ SW¼) of Section 26, Township 24 South, Range 3 West, Harvey County, Kansas.

(over)

COPY RECEIVED
MAY 07 2010

Equus Beds Groundwater
Management District No. 2

CERTIFICATE OF SERVICE

On this 5th day of May, 2010, I hereby certify that the attached CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER, File No. 45,871, dated April 27, 2010 was mailed postage prepaid, first class, US mail to the following:

DAVID JACKMAN JR TRUST
COMMERCE TRUST CO
ATTN: TRUST REAL ESTATE DEPT
922 WALNUT ST STE 402
KANSAS CITY MO 64106

ROD STEVEN
2554 N RIDGE RD
WICHITA KS 67205-1036

Amanda Humaker
Staff

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COPY MAY 07 2010

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, Second Floor
Topeka, Kansas 66612-1283
www.accesskansas.org/kda/

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

NOTICE OF COMPLETION OF
DIVERSION WORKS and/or
REPORT OF FLOWMETER
INSTALLATION

For Office Use Only:

Code FIS
Fee \$ 400
TR # 05005946
Rcpt Date 10-2-04
Check # 1009

Section 1. Action requiring this form is: (See supplemental instructions on form DWR 1-203.14)

- New application approval and permit to proceed (\$400 fee required by K.S.A. 82a-714(d) is attached)
- Change in point of diversion (no fee). Change in place of use of water (no fee)
- Change in use made of water (no fee). A replacement of previous flowmeter (no fee)
- Term permit (no fee). Other (e.g., special order of the Chief Engineer).

I, the holder of a permit issued by the Chief Engineer of the Division of Water Resources pursuant to the file(s) referenced in section 2, hereby certify that the information on sections 1-5 of this form is correct to the best of my knowledge.

Signature: [Signature]

Date: 9-30-04 I.D. No.: 511-44-4818
(mo / day / year) Social Security or Taxpayer

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

If you have completed your diversion works as described above and completed the requirements as set forth in your Approval of Application, please complete this form. *If you are unable to meet the requirements stated on your approval, you must submit a request for extension of time (form DWR 1-203.15).* K.S.A. 82a-714(e) puts a \$100 fee on an extension of time to complete the diversion works. Failure to notify the Chief Engineer of the completion of the diversion works within the time allotted can result in dismissal of the referenced file(s) and loss of priority date.

If the subject file(s) authorizes multiple new points of diversion (PDs), you may photocopy (both sides) and submit one form for each new PD authorized. An instruction sheet with sample entries is available as form DWR 1-203.14.

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OCT 12 2004

Section 2 - Location of the Point of Diversion

KS DEPT OF AGRICULTURE

The location of the point of diversion should be described as actually installed. The description should include the Section, Township, and Range, the 10-acre tract description (1/4 1/4 1/4) and the footage from the SE corner of the section.

1. File No(s): 45,871 [If assisted by DWR: P/D ID ___ By: ___]
2. The date the diversion works were completed: SEPT 22, 2004.
3. The diversion works are located in the NE Quarter of the NW Quarter of the SW Quarter of (also described as 2,600 feet North and 4,680 feet West of the southeast corner of ...),
Section 26, Township 24 South, Range 3 East/West, in HARVEY County, Kansas.
- If this is a change in point of diversion (PD), how was the PD being replaced identified? N/A
4. Yes No Is a check valve installed? (Check valve is required when chemigating.)
5. Yes No If the source of supply is groundwater, is the water level measurement tube installed?
6. Yes No If the source of supply is a surface water reservoir, is a stage-measuring device installed? NA

Section 3 PRINT CLEARLY-THIS IS THE PROCESSED DOCUMENT RETURN MAIL TO LABEL

INFORMATION RECORDED

Printed Name: ROD L. STEVEN

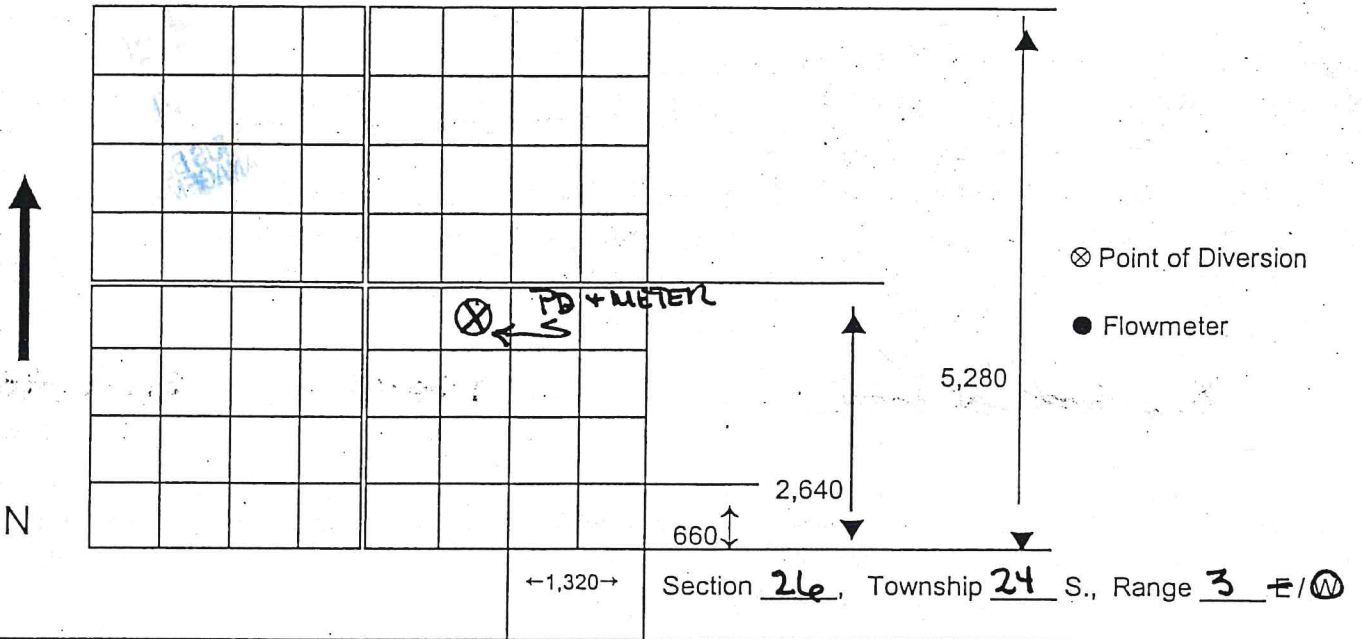
Address: 2333 McLEAN

City, ST Zip: WICHITA KS 67204

Division of Water Resources
Kansas Department of Agriculture
Topeka, Kansas
Dated Dec 30, 2004
Initials CD
Telephone: 316 641-4811

Section 4 - Point of Diversion/Flowmeter Location Map

The plat below represents a one-mile square. Please indicate the location of the point of diversion and the location of the flowmeter installation. Write in section number(s) as appropriate.



Section 5 - Flowmeter information

File No(s): 45871

7. Manufacturer of Flowmeter: MCCROMETER Date Flowmeter Installed: 9/22/04
(mo / day / year)
8. Model Number: MO304-550 (Obtain from seller or invoice)
9. Flowmeter Type: Propeller Turbine SLV Multi-jet Positive Displacement
 Electromagnetic Vortex Ultrasonic Paddlewheel Other: _____
10. Flowmeter Serial Number: 04-4-1108
11. Flowmeter Units: Gallons Acre-Feet Acre-Inches Other: _____
12. Flowmeter Size: 2" 4" 6" 8" 10" 12" Other: _____
13. Multiplier Factor: 1000 100 10 1 0.1 0.01 0.001 Other: _____
(Multiplier factor is normally indicated on flowmeter readout – possibly by printed zeros)
14. Flowmeter totalizer reading when installed: 0

If the flowmeter is hidden, or not within 100 ft of the point of diversion being metered, please describe its location, draw a diagram above and explain details on diagram: Flowmeter is at pivot

15. The flowmeter is located in the _____ Quarter of the _____ Quarter of the _____ Quarter
 [or describe from section lines: _____ feet (North or-South) and _____ feet (East or West)]
 in Section _____, Township _____ S., Range _____ (East/West).

16. Yes No Is flowmeter installed on a portable pump?
17. Yes No Are straightening vanes installed? (Required for any approval dated after Sept. 22, 2000)
18. Yes No Does flowmeter serve more than one point of diversion? (If yes, show on diagram above.)
19. Yes No Is this a replacement flowmeter? If yes, identify the previous flowmeter:
 Make: _____, Model: _____, Serial no.: _____

Totalizer reading at replacement time: _____ Date flowmeter removed: _____
(mo / day / year)

If you have further questions on how to fill out this form, please contact the field office in your area:

Topeka
 109 SW 9th Street, 1st Floor
 Topeka, KS 66612-2216
 (785) 368-8251

Stafford
 105 North Main St.
 Drawer F
 Stafford, KS 67578
 (620) 234-5311

Stockton
 820 South Walnut
 P O Box 192
 Stockton, KS 67569
 (785) 425-6787

Garden City
 2508 Johns Street
 Garden City, KS 67846
 (620) 276-2901

GMD 2

KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

ROD L STEVEN
2333 MCLEAN
WICHITA KS 67204

September 16, 2004

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SEP 20 2004

EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

RE: Appropriation of Water
File No. 45,871

Dear Mr. Steven:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

Division of Water Resources David L. Pope, Chief Engineer

109 SW 9th ST., 2nd Floor Topeka, KS 66612-1283

Voice (785) 296-3717

Fax (785) 296-1176

<http://www.accesskansas.org/kda>

Rod L. Steven
RE: File No. 45,871
Page 2

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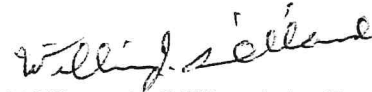
SEP 20 2004

EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

You will note that the approval of this permit includes a vacation clause (Paragraph 18) pertaining to the Cease & Desist Order dated November 2, 1998. The order issued at that time made all non-domestic diversion of water from the described point of diversion unlawful. With approval of File No. 45,871, this restriction is lifted.

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

Sincerely,



William J. Gilliland, L. G.
Permits Unit Head
Water Appropriation Program

WJG:mdj

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
David Jackman, Jr.

CERTIFICATE OF SERVICE

On this *16th* day of *September*, *2004*, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 45,871, dated *Sept. 14, 2004* was mailed postage prepaid, first class, US mail to the following:

Rod L. Steven
2333 McLean
Wichita, KS 67204

David Jackman, Jr.
6503 SE Quito Rd.
Lean, KS 67074

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SEP 20 2004

**EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2**

Norothy M Hallam

Staff

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
(This is not a Certificate of Appropriation)

RECEIVED
SEP 20 2004
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

This is to certify that I have examined Application **File No. 45,871** of the applicant

Rod L. Steven
2333 McLean
Wichita, Kansas 67204

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **February 26, 2004**.
2. That the water sought to be appropriated shall be used for recreational use in a pond with a surface area of 8 acres, located in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 24 South, Range 3 West, Harvey County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the Equus Beds aquifer, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 2,600 feet North and 4,680 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **30 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2005** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2009** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT INC

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

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That upon approval of this permit, the Cease and Desist Order of the Chief Engineer, dated November 2, 1998, relating to the point of diversion described in Paragraph No. 3 above, shall be vacated or rescinded.

19. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

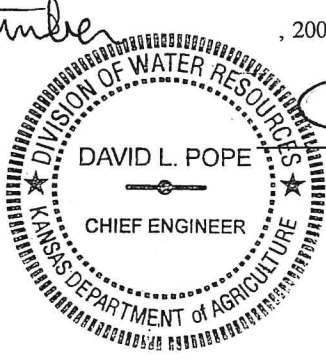
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated this 14th day of September, 2004.



David L. Pope
David L. Pope, P. E.
Chief Engineer

Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 14th day of Sept 2004, by David L. Pope, P. E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Debra L. Mendez
Notary Public

Debra L. Mendez
Notary Public
State of Kansas

My Appt. Expires 5/13/06

WATER METER REQUIRED