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County Engineer of McPherson County, Kansas, on May 20, 1974, as placed in evidence sets forth the true boundary line between the east and west halves of said northeast portion of said Section 10.

CONCLUSIONS OF LAW

- 1. The true dividing line between the East Half and the West Half of Section 10, Township 17, Range 5, McPherson County, Kansas, is the survey line fixed by said Melvin Ferguson.
 - 2. Plaintiffs' prayer for an injunction is denied.
- 3. Defendants are not entitled to recover damages for crops lost by flooding and for encroachment upon their land by the plaintiffs, because of present and past factual circumstances and past and prior agreements of adjoining owners of the farms in question.
- 4. The equipment in the well belongs to the plaintiffs and may be removed by them.
- 5. Title is quieted in the respective parties as to the land found by the Court to belong to each.

District Judge