



File No. **29,360**      15. Formation Code: **150**      Drainage Basin: **SF NINNESCAH**      County: **KM**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
DEL										Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT										gpm	af	gpm	af	
<b>DEL</b>	<b>25514</b>													

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD DEL ENT    PUSE    S    T    R    ID																				<b>49,714</b>
<b>DEL 31848</b>																				<b>7A</b>

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** October 7, 2016

**FROM:** Alex Whitesell

**RE:** Application File No. 29,360

Donald and Patricia Schrag have submitted a voluntary waiver of hearing & dismissal of water right for the above referenced application on October 3, 2016. This voluntary dismissal is contingent on the approval of new application file no. 49,714.

Based on the approval of file no. 49,714, Water Right, file no. 29,360 should be dismissed and its priority forfeited.



Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

**DELEGATION OF AUTHORITY BY THE CHIEF ENGINEER  
FOR ADMINISTRATIVE HEARING OFFICER**

I hereby delegate authority to Constance C. Owen, effective March 1, 2016, to be the administrative hearing officer for the abandonment matter captioned *In the Matter of Water Right, File No. 29,360, Donald and Patricia Schrag, Owner(s) of Record*, KDA Case No. 16 WATER 12065.

The hearing officer shall:

1. In a matter subject to review under the Kansas Administrative Procedure Act (KAPA) pursuant to K.S.A. 82a-1901(a) or K.S.A. 82a-737(e):

\_\_\_\_\_ Conduct an administrative hearing and issue a recommended order to the chief engineer which include proposed findings of fact, conclusions of law, and notice of a fifteen (15) day period to allow the parties to submit comments on the recommended order to the chief engineer.

  X   Conduct an administrative hearing and issue an order.

\_\_\_\_\_ Conduct a hearing as instructed in an order, pursuant to K.S.A. 77-527(f), remanding the matter under administrative review.

2. In a matter not subject to review under the Kansas Administrative Procedure Act (KAPA):

\_\_\_\_\_ Conduct an administrative hearing and issue a recommended order to the chief engineer which include proposed findings of fact, conclusions of law, and notice of a fifteen (15) day period to allow the parties to submit comments on the recommended order to the chief engineer.

\_\_\_\_\_ Conduct an administrative hearing and issue an order which constitutes a final agency action, as defined by K.S.A. 77-607(b)(1).

  
\_\_\_\_\_  
David W. Barfield, Chief Engineer

10/10/2016  
\_\_\_\_\_  
Date

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

October 10, 2016

**FILE COPY**

DONALD AND PATRICIA SCHRAG  
5350 SE 100 STREET  
KINGMAN KS 67068-8334

Re: Water Right  
File No. 29,360

Dear Mr. and Mrs. Schrag:

Reference is made to Water Right, File No. 29,360, authorizing water to be diverted for irrigation use.

In the voluntary dismissal dated September 30, 2016, received on October 3, 2016, you advised the Chief Engineer this water right has been abandoned and requested that it be dismissed and its priority forfeited.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right is declared abandoned. The voluntary dismissal dated September 30, 2016, is considered a waiver of any such hearing. Therefore, the water right is dismissed as of the date of the enclosed order.

This order should be recorded with the Register of Deeds Office in the county wherein the place of use was located. The successful recording of this document could affect the property valuation of the former place of use thus reducing your tax assessment. Contact the local county appraiser for more information about this possibility.

Abandoned wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

If you have any questions, please contact our office at (785) 564-6632. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Tourney, P.G.  
Change Application Unit Supervisor  
Division of Water Resources

LPL:ajw  
Enclosures  
pc: Stafford Field Office

**KANSAS DEPARTMENT OF AGRICULTURE**  
 Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
 David W. Barfield, Chief Engineer

**DISMISSAL OF WATER RIGHT**  
**FILE NO. 29,360**

This is to certify that on October 3, 2016, a voluntary request to dismiss Water Right, File No. 29,360, was filed with the office of the Chief Engineer by the following Water Right owner(s):

DONALD AND PATRICIA SCHRAG  
 5350 SE 100 STREET  
 KINGMAN KS 67068

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Water Right, File No. 29,360, and forfeiture of its priority. The dismissed file pertains to the point(s) of diversion and place(s) of use described as:

one (1) well located near the center of the West side of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 4,080 feet North and 2,590 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas for irrigation use on the following described property:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2	29S	7W	8	36	9	2													55

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.



49,714

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 29360

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

\*\* This is contingent upon approval of a new application on this land submitted with dismissal. Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Donald E Schrag  
(Signature of Owner or Authorized Agent)  
Donald E. SCHRAG  
(Please print name here)  
5350 SE 100  
(Mailing Address)  
Kingman KS 67068  
(City, State, Zip)

Patricia Schrag  
(Signature of Spouse or Title of Authorized Agent)  
Patricia Schrag  
(Please print name here)  
5350 SE 100  
(Mailing Address)  
Kingman KS 67068  
(City, State, Zip)

**ACKNOWLEDGMENT**

State of Kansas )  
County of Stafford )

This instrument was acknowledged before me this 30 day of September, 2016 by  
(owners:)

(Seal)



Michaela Kirmer  
Notary Public

My appointment expires \_\_\_\_\_ WATER RESOURCES RECEIVED

OCT 03 2016

DWR Initials \_\_\_\_\_