

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center;"><b>49,714</b></p>	2. Status Change Date: <p style="text-align: center;"><i>10/10/2016</i></p>	3. Field Office: <p style="text-align: center;"><b>02</b></p>	4. GMD:
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5. Status:     Approved     Denied by DWR/GMD     Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)    Person ID **60312**  
New to system     Add Seq# **1**

**DONALD & PATRICIA SCHRAG**    *Name Chg*  
**5350 SE 100 STREET**  
**KINGMAN KS 67068-8334**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

*7a*

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc.    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No  
**7A**

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND    SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2017**    11. Perfection Date: **12/31/2021**    12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **10/7/16**    By: **AJW**  
Date Entered: *10/10/2016*    By: *LM*

File No. **49,714**      15. Formation Code: 150      Drainage Basin: **SF NINNESCAH**      County: **KM**      Special Use:      Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	<b>MOD</b>			<b>85654</b>	<b>NE NE NE</b>	<b>2</b>	<b>29S</b>	<b>7W</b>	<b>6</b>	<b>5200</b>	<b>560 GEO</b>
	<b>ENT</b>			<b>85658</b>	<b>NE NE NE</b>	<b>2</b>	<b>29S</b>	<b>7W</b>		<b>5250</b>	<b>560</b>
	<b>ENT</b>			<b>85659</b>	<b>NE NE NE</b>	<b>2</b>	<b>29S</b>	<b>7W</b>		<b>5150</b>	<b>560</b>
<i>Battery ID #1987</i>											

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>65.3</b>	<b>800</b>	<b>65.3</b>	
<del>800</del>	<del>65.3</del>	<del>800</del>	<del>65.3</del>	<i>No</i>
<del>800</del>	<del>65.3</del>	<del>800</del>	<del>65.3</del>	<i>No</i>

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																		Total	Owner	Chg?	Overlap Files							
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼						
										NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
<input checked="" type="checkbox"/>	<b>31848</b>			<b>2</b>	<b>29S</b>	<b>7W</b>	<b>1</b>			<b>21</b>	<b>40</b>	<b>13.8</b>	<b>1.5</b>												<b>76.3</b>	<b>7A</b>		

Comments: **Dismissing file no. 29,360 at the time of approval.**

**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. 49,714

Donald and Patricia Schrag have filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 65.3 acre-feet of groundwater from a battery of two (2) wells, for irrigation use in Kingman County.

Based on K.A.R. 5-3-24, the requested quantity of 65.3 acre-feet appears reasonable for irrigation of the proposed 76.3 acres (1.4 acre-feet per acre in Kingman County).

The source of water for the pending application was determined to be Nebraskan Stage formations, based on area wells logs and Kansas Geological Survey Bulletin 144.

The area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is a portion of the two-mile circle, 641 acres, calculated using 1.63 inches of potential annual recharge and 75% recharge available for appropriation. The safe yield was calculated to be 65.30 acre-feet with total prior appropriation of 0 acre-feet leaving 65.30 acre-feet available for appropriation. Therefore, the application meets safe yield.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed geographic center of the battery of wells. Therefore, the application complies with well spacing requirements.

There are no well owners within one-half (½) mile of the proposed point of diversion, therefore there were no notifications of the application sent. Water right, file no. 29, 360 is within one-half mile, is owned by the applicant and will be dismissed when the new application is approved.

In an email message on October 7, 2016, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

## Whitesell, Alex

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**From:** Lanterman, Jeff  
**Sent:** Friday, October 07, 2016 9:19 AM  
**To:** Whitesell, Alex; Conant, Cameron  
**Cc:** Oleen, Aaron  
**Subject:** RE: 49714 recomendation

Alex. I have been pretty involved in this application since the beginning.

The memo and the application you emailed confirms my understanding of the situation regarding point of diversion, place of use and surrounding well spacing so I concur with your recommendation that the file be approved.

If you have any questions let me know.

Thanks

Jeff

**From:** Whitesell, Alex  
**Sent:** Friday, October 7, 2016 8:53 AM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 49714 recomendation

Good morning Jeff and Cameron,

I have attached the memo for the Schrag application as well as a revised copy of the application. The application has currently be sent to the applicant digitally to confirm the modifications. Once those have been initialed, we can go forward with the approval. Could you please provide your recommendation?

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

My email has changed [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)

WATER RESOURCES  
RECEIVED

OCT 07 2016

KS DEPT OF AGRICULTURE

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: Appropriation of Water  
File No. 49,714

Dear Mr. and Mrs. Schrag:

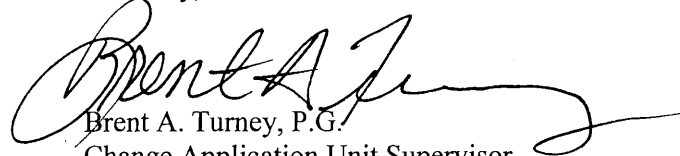
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 these approval documents. A water meter is required on the proposed diversion works 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.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. 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 enclosed permit. 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.

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

Sincerely,



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

BAT:ajw  
Enclosures  
pc: Stafford Field Office

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

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

**APPROVAL OF APPLICATION**  
**and**  
**PERMIT TO PROCEED**  
 (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,714** of the applicant

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

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 **October 3, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land, described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2	29S	7w	21	40	13.8	1.5													76.3

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 2, more particularly described as being near a point 5,200 feet North and 560 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **63.5 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, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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, 2021** 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 of \$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.
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 and maintained 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 end 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.

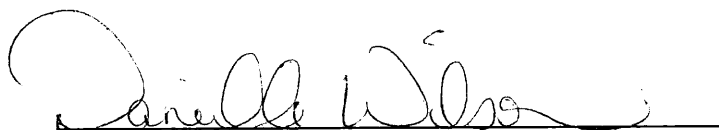
### CERTIFICATE OF SERVICE

On this 10<sup>th</sup> day of October, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,714, dated October 10, 2016 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

Stafford Field Office

A handwritten signature in cursive script, appearing to read "Daniel Wilson", is written over a horizontal line.

Division of Water Resources



18. That this permit is further limited such that all two (2) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

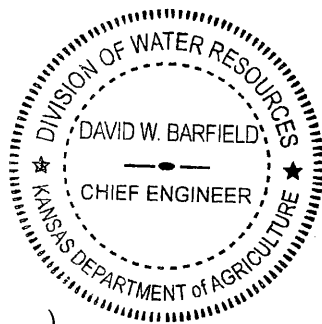
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 10<sup>th</sup> day of October, 2016, in Topeka, Shawnee County, Kansas.



*David W. Barfield*

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of October, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*

Notary Public

APPLICATION COMPLETE

10/10/2016

Reviewer Alex Whitely

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,714
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

OCT 03 2016

10:00

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Donald and Patricia Schrag
Address: 5350 SE 100 Street
City: Kingman State KS Zip Code 67068-8334
Telephone Number: (316) 650-7272

2. The source of water is: [ ] surface water in (stream)
OR [x] groundwater in South Fork Ninnescah (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 65.3 \* acre-feet OR n/a gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR n/a cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) [ ] Artificial Recharge (b) [x] Irrigation (c) [ ] Recreational (d) [ ] Water Power
(e) [ ] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (YES/NO) Use E122 Source S County KM By ASW Date 10/3/16
Code RFL Fee \$ 300 TR # Receipt Date 10/3/16 Check # 1536

DWR 1-100 (Revised 06/16/2014)

QTY Based on available safe yield

\* Per Phone Conversation 10/6/16 ASW/DWR

SCANNED

10/14/2016 LCM

\* 5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. (request 60 days to locate well site)

Geo Center

(A) One in the NE quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point 5,200 feet North and 560 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

(B) One in the ~~NE~~<sup>AW NE</sup> quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point ~~5,200~~<sup>5,150</sup> feet North and ~~710~~<sup>560</sup> feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

(C) One in the NE quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point ~~5,200~~<sup>5,150</sup> feet North and 560 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):  
Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334 316 650 7272  
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-30, 2016.

Donald Schrag  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of a battery of two wells  
(number of wells, pumps or dams, etc.)  
and (was/will be) completed (on) \_\_\_\_\_  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2017 if approved  
(Mo/Day/Year)

WATER RESOURCES  
RECEIVED

\* Per Phone Conversation 10/6/16 ASW/DWR

OCT 03 2016

SCANNED

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Currently, Water Right, File No. 29360 covers a portion of the same place of use. We may complete the battery of wells at a different location than the currently authorized location for 29360. File No. 29360 is scheduled for an abandonment hearing on October 12, 2016.

WATER RESOURCES  
RECEIVED

OCT 03 2016

SCANNED  
KS DEPT OF AGRICULTURE

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,714

Name of Applicant (Please Print): Donald and Patricia Schrag

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: Donald and Patricia Schrag

ADDRESS: Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	29S	7W	21	40	13.8	1.5													76.3

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_%

Estimate the maximum land slope in the field(s): \_\_\_\_\_%

c. Type of irrigation system you propose to use (check one):

\_\_\_\_ Center pivot      \_\_\_\_ Center pivot - LEPA      \_\_\_\_ "Big gun" sprinkler

\_\_\_\_ Gravity system (furrows)      \_\_\_\_ Gravity system (borders)      \_\_\_\_ Sideroll sprinkler

Other, please describe: Sub surface drip system

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

crabgrass, perennial rye/crops, for baling & feeding livestock

DEJ 9-30-16

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Don would test soil moisture.

DEJ 9-30-16

You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES RECEIVED

OCT 03 2016

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

*- request 60 day locate -*

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334 316 650 7272  
(name, address and telephone number)

\_\_\_\_\_ (name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Stafford, Kansas, this 30th day of September, 2016.  
(month) (year)

*Donald E. Schrag*  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

Patricia Schrag Donald E. Schrag  
(Agent or Officer - Please Print)

Assisted by CRC-SFFO Assistant Water Commissioner Date: 9/30/16  
(office/title)

WATER RESOURCES RECEIVED

OCT 03 2016

SCANNED

KS DEPT OF AGRICULTURE

September 30, 2016  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application File No. 49,714

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Donald E Schaub  
Signature of Applicant

State of Kansas )  
County of Stafford ) ss )

Donald E Schaub Patricia Schaub  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 30 day of September, 2016.



Michaela Kirmer  
Notary Public

My Commission Expires.

WATER RESOURCES  
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OCT 03 2016



**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

**WATER RESOURCES  
RECEIVED**

**OCT 03 2016**

**KS DEPT OF AGRICULTURE SCANNED**

## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

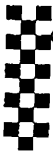
1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
RECEIVED

OCT 03 2016

KS DEPT OF AGRICULTURE

SCANNED



Fwd: revised application for new water permit - 'att.net Mail'

Page 2 of 3

Sent from my iPhone

Begin forwarded message:

**From:** "Oleen, Aaron" <Aaron.Oleen@ks.gov>  
**Date:** October 6, 2016 at 5:24:31 PM CDT  
**To:** Patti <patti.schrag@gmail.com>  
**Cc:** "Letourneau, Lane" <Lane.Letourneau@ks.gov>, "Lanterman, Jeff" <Jeff.Lanterman@ks.gov>, "Conant, Cameron" <Cameron.Conant@ks.gov>, "Whitesell, Alex" <Alex.Whitesell@ks.gov>  
**Subject:** revised application for new water permit

Patti,

Pursuant to the phone call this morning between you, me, Alex Whitesell, and Lane Letourneau:

Attached is your and Don's application for a new permit to appropriate water, along with your related conditional voluntary waiver and dismissal of Water Right 29,360.

Alex has revised your application as we discussed this morning, in order to get this application approved such that you'll have a new permit to appropriate and thus Water Right 29,360 will be dismissed and its abandonment hearing rendered moot. Alex made the following changes to your application:

- In para. 3 he changed the quantity requested from 106.8 acre-feet to 65.3 acre-feet, to accommodate the safe yield of water that is available for appropriation in the area.
- In para. 5 he added two authorized points of diversion—see 5(B) and 5(C)—and he added the geographic center in 5(A), which is the point from which you must stay within 300 feet when drilling a new well.

**So to complete your application and get it approved, you must print off this application and then:**

1. You and Don each must initial the change that Alex made in para. 3;
2. You and Don each must initial the changes that Alex made in para. 5(A), 5(B), and 5(C);
3. You must cross-out the 60-day request at the beginning of para. 5, and then each of you must initial that;
4. You must cross-out the 60-day request at the beginning of para. 13, and then each of you must initial that; and
5. Finally, regarding the two maps:
  - a. You must cross-out the 60-day request that is on each

Fwd: revised application for new water permit - 'att.net Mail'

Page 3 of 3

- map, and then each of you must initial that; and  
b. You each must sign and date each map at the bottom.
6. Nothing needs to be changed to the voluntary waiver/dismissal.

Once all of the above is done, e-mail me a .pdf scan of the revised application OR fax it to me, so we have your consent in writing to the application changes. Then DWR staff immediately can approve this application and issue you a new permit, which will trigger the conditional voluntary waiver and dismissal that you signed regarding Water Right 29,360. I'll then be able to send copies of the new permit and the voluntary waiver/dismissal to Hearing Officer Owen and ask that the abandonment hearing be cancelled and the matter dismissed.

Please contact me immediately with any questions.

**Aaron B. Oleen, Staff Attorney**

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

tel.: (785) 564-6738 (direct) | fax: (785) 564-6777

**My e-mail address has changed: [aaron.oleen@ks.gov](mailto:aaron.oleen@ks.gov)**

[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Initialed Copy to show applicant's charges in quantity & point of diversion.

diversion: 10/10/16 ASW/DWR

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 49,714 This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

OCT 03 2016

10:00

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Donald and Patricia Schrag Address: 6360 SE 100 Street City: Kingman State KS Zip Code 67088-8334 Telephone Number: (316) 650-7272

2. The source of water is: [ ] surface water in (stream) OR [x] groundwater in South Fork Ninnescah (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 405.3 acre-feet OR n/a gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR n/a cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended): (a) [ ] Artificial Recharge (b) [x] Irrigation (c) [ ] Recreational (d) [ ] Water Power (e) [ ] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control (i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection (m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 2 GMD Meets K.A.R. 5-3-1 (YES/NO) Use E122 Source S County KM By ASW Date 10/3/16 Code TR # Receipt Date 10/3/16 Check # 1536

DWR 1-100 (Revised 06/18/2014) QTY Based on available safe yield

\* Per Phone Conversation 10/10/16 ASW/DWR

SCANNED 10/14/2016 LLM

File No. 49,714

\* 5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. (request 60 days to locate well site)

200 Center

As D's

(A) One in the NE quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point 5,200 feet North and 560 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

DE/As

(B) One in the ~~SE~~<sup>NW NE</sup> quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point ~~5,200~~<sup>5,220</sup> feet North and ~~710~~<sup>560</sup> feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

D's/As

(C) One in the NE quarter of the NE quarter of the NE quarter of Section 2, more particularly described as being near a point ~~5,100~~<sup>5,150</sup> feet North and 560 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334 316 650 7272

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-30, 2016.

*Donald Schrag*  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of a battery of two wells (number of wells, pumps or dams, etc.) and (was/will be) completed (on) \_\_\_\_\_ (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2017 if approved (M/D/Day/Year)

WATER RESOURCES RECEIVED

\* Per Phone Conversation 10/6/16 Adw/DWZ OCT 03 2016

SCANNED

File No. 49,714

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Currently, Water Right, File No. 29360 covers a portion of the same place of use. We may complete the battery of wells at a different location than the currently authorized location for 29360. File No. 29360 is scheduled for an abandonment hearing on October 12, 2016.

WATER RESOURCES RECEIVED

OCT 03 2016

SCANNED

KS DEPT OF AGRICULTURE

File No. 49,714

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

*- request 60 day locate - M D S*

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334 316 650 7272  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Stafford, Kansas, this 30th day of September, 2016  
(month) (year)

*Donald E Schrag*  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

Patricia Schrag Donald E Schrag  
(Agent or Officer - Please Print)

Assisted by CRC-SFFO Assistant Water Commissioner Date: 9/30/16  
(office/title)

WATER RESOURCES RECEIVED

OCT 03 2016

SCANNED

KS DEPT OF AGRICULTURE



44,714

**FEE SCHEDULE**

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

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0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

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Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

**MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE**

**ATTENTION**

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
RECEIVED

OCT 03 2016

KS DEPT OF AGRICULTURE

SCANNED

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,714

Name of Applicant (Please Print): Donald and Patricia Schrag

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof.

Landowner of Record NAME: Donald and Patricia Schrag

ADDRESS: Donald and Patricia Schrag, 5350 SE 100 Street, Kingman, KS 67068-8334

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	29S	7W	21	40	13.8	1.5													76.3

Landowner of Record NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

49,714

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

- Center pivot                       Center pivot - LEPA                       "Big gun" sprinkler
- Gravity system (furrows)                       Gravity system (borders)                       Sideroll sprinkler

Other, please describe: Sub surface drip System

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi
- (2) What is the sprinkler package design rate? \_\_\_\_\_ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

crabgrass, perennial rye/cropps, for baling & feeding livestock

DES 9-30-16

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Don would test soil moisture.

DES 9-30-16

You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES RECEIVED

OCT 03 2016

49,719

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

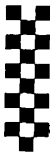
Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

WATER RESOURCES RECEIVED

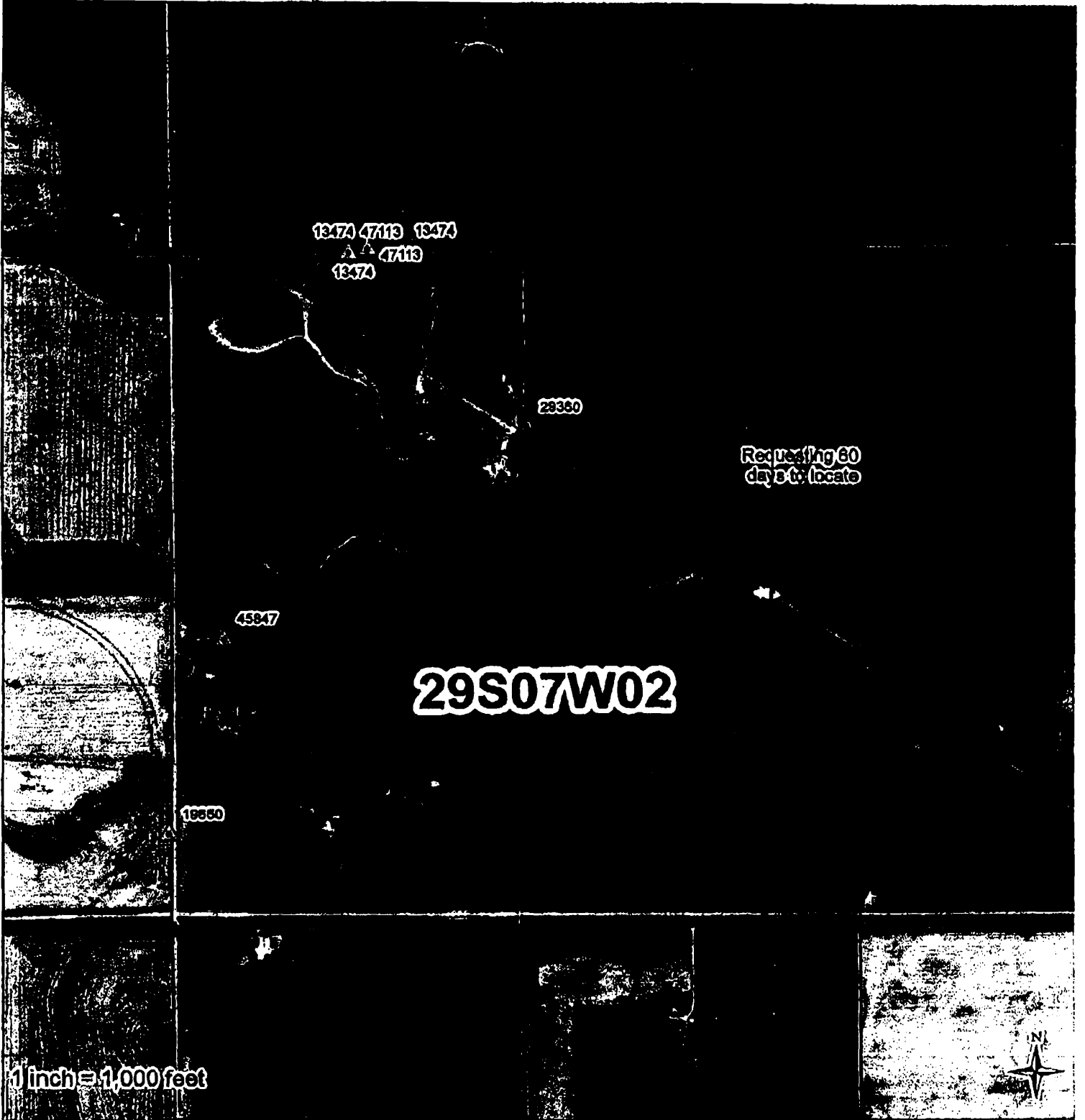
OCT 03 2016

KS DEPT OF AGRICULTURE SCANNED



File No. 494744

*Requesting 60 days to locate concealed PG D E J*



Requesting 60 days to locate

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ Proposed Place of Use

*Donald E Schaefer* 10-17-16  
 Signature Date

WATER RESOURCES RECEIVED

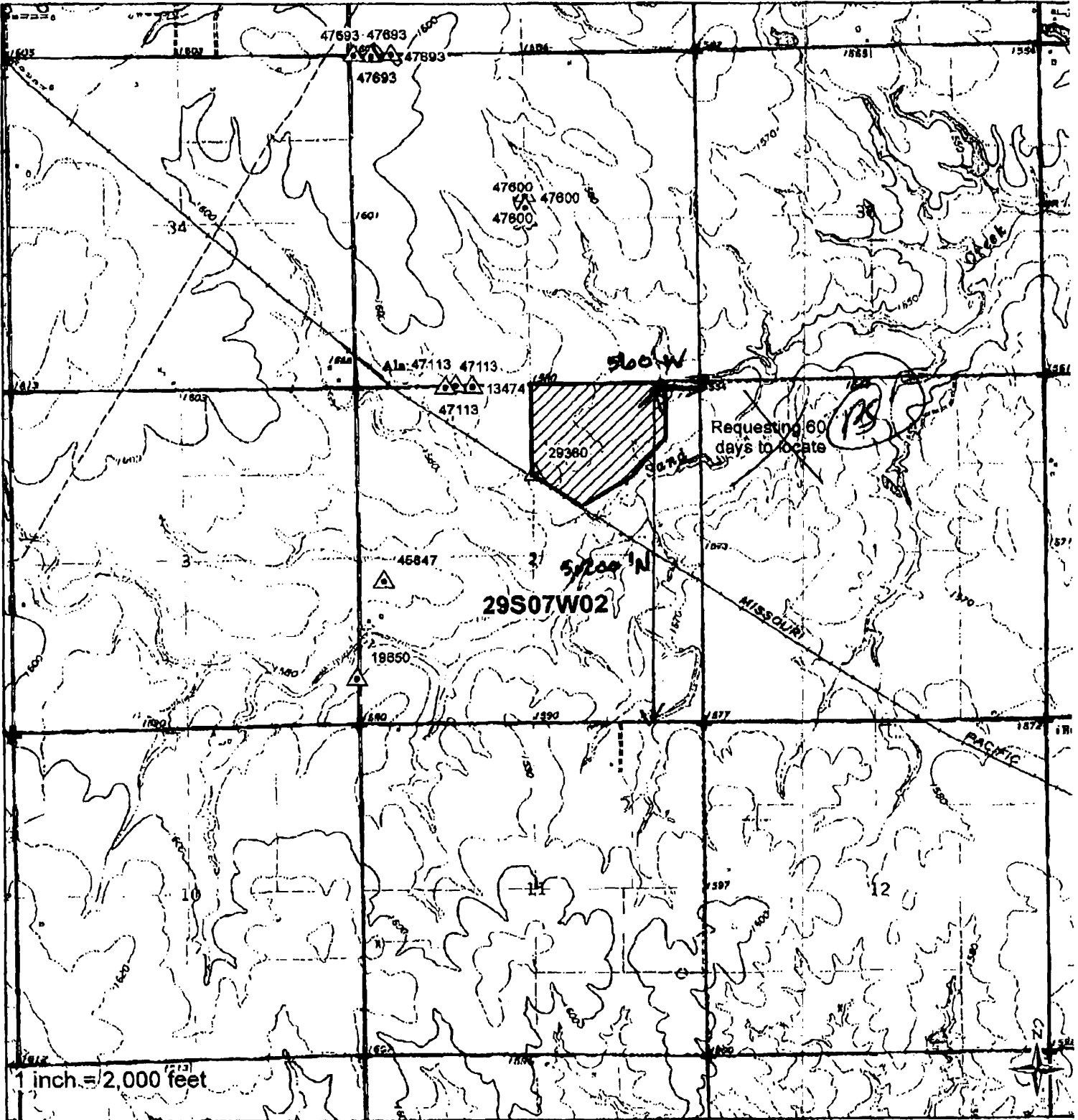
SCANNED OCT 03 2016



File No. \_\_\_\_\_

*Requesting 60 days to locate Correlated PS*

*49,714  
DPS*



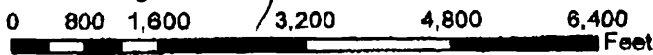
1 inch = 2,000 feet

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

*Donald E. Schreyer*  
Signature

*10-17-16*  
*10-7-16*  
Date



WATER RESOURCES RECEIVED

OCT 03 2016

SCANNED

KS DEPT. OF AGRICULTURE

September 30, 2016  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application File No. 49,714

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

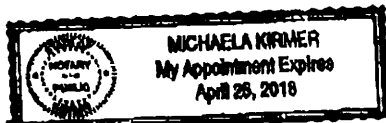
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Donald E. Schmitt  
Signature of Applicant

State of Kansas )  
County of Stafford ) ss

Donald E. Schmitt Patricia Schmitt  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 30 day of September, 2016.



Michaela Kirmer  
Notary Public

My Commission Expires.

WATER RESOURCES RECEIVED

OCT 03 2016

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)

Pat Schrag  
(Signature of Spouse or Title of Authorized Agent)

Donald E. Schrag  
(Please print name here)

Patricia Schrag  
(Please print name here)

5350 SE 100  
(Mailing Address)

5350 SE 100  
(Mailing Address)

Kingman KS 67068  
(City, State, Zip)

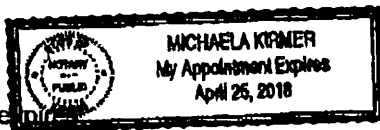
Kingman KS 67068  
(City, State, Zip)

**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



## Whitesell, Alex

---

**From:** Oleen, Aaron  
**Sent:** Friday, October 07, 2016 1:38 PM  
**To:** Whitesell, Alex  
**Cc:** Letourneau, Lane; Lanterman, Jeff; Conant, Cameron  
**Subject:** FW: Don & Patti Schrag water rights  
**Attachments:** Schrag Don & Patti.pdf

Alex,

Attached is the Schrags' revised new-permit application, with their initials and signatures as required in order to confirm the revisions.

Please finalize this application process next Monday so David can sign the permit-approval next Monday and I can get a copy then to forward to the hearing officer in the pending abandonment matter.

Thanks for your quick work on this, and please let me know of any questions.

### **Aaron B. Oleen**, Staff Attorney

Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
tel.: (785) 564-6738 (direct) | fax: (785) 564-6777  
**My e-mail address has changed:** [aaron.oleen@ks.gov](mailto:aaron.oleen@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

---

**From:** Lori Flickner [<mailto:lflickner@security1stks.com>]  
**Sent:** Friday, October 07, 2016 1:02 PM  
**To:** Oleen, Aaron  
**Cc:** 'Donnie S'  
**Subject:** Don & Patti Schrag water rights


Aaron,  
Don Schrag was in and initialed and signed the attached documents and asked that I forward them on to you.

Please let the Schrag's know if you need anything else.

Thanks  
Lori

Lori Flickner

Title/Escrow Officer

 Security 1<sup>st</sup> Title

Office: 620.532.2011 | Mobile: 620.243.4370

Fax: 620.532.5383

221 N. Main St., Kingman, KS 67068



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 3, 2016

DONALD AND PATRICIA SCHRAG  
5350 SE 100 STREET  
KINGMAN KS 67068

**FILE COPY**

RE: Application  
File No. 49714

Dear Sir or Madam:

Your application for permit to appropriate water in 2-29S-7W in Kingman County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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 A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

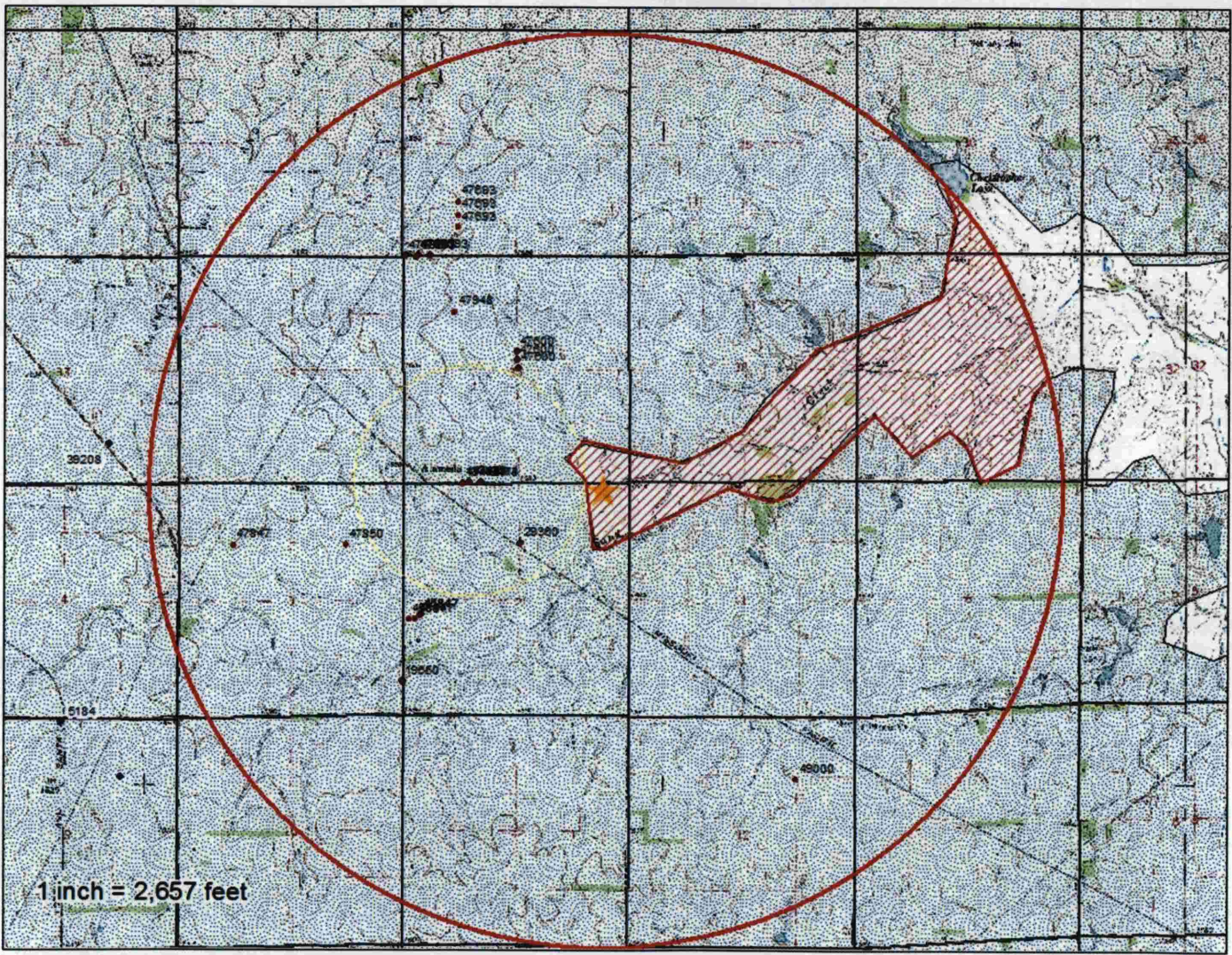
BAT: dlw  
pc: STAFFORD Field Office  
GMD

SCANNED

\*

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NWNENENE 02-29S-07W

5200'N 4 560'W



5 AF  
65.3

1800 -  
2200' NE  
on project /  
No 1/2 mile spacing  
NO notifications  
Foot

1 inch = 2,657 feet

**Analysis Results**

-----  
The selected PD is in an area to new appropriations.  
The safe yield, based on the variables listed below is 65.30 AF.  
Total prior appropriation in the circle is 0.00 AF.  
Total quantity of water available for appropriation is 65.30 AF.

**Safe Yield Variables**

-----  
The area used for the analysis is set at 641 acres.  
Potential annual recharge of the area is estimated to be 1.63 inches.  
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 03-OCT-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 0 water right(s) and 0 point(s) of diversion within the circle.

=====

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
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25 min + 200.0



**29S07W02**

Requesting 60 days to locate

S200N

1 inch = 1,000 feet

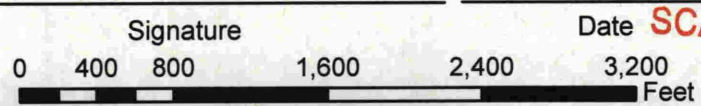


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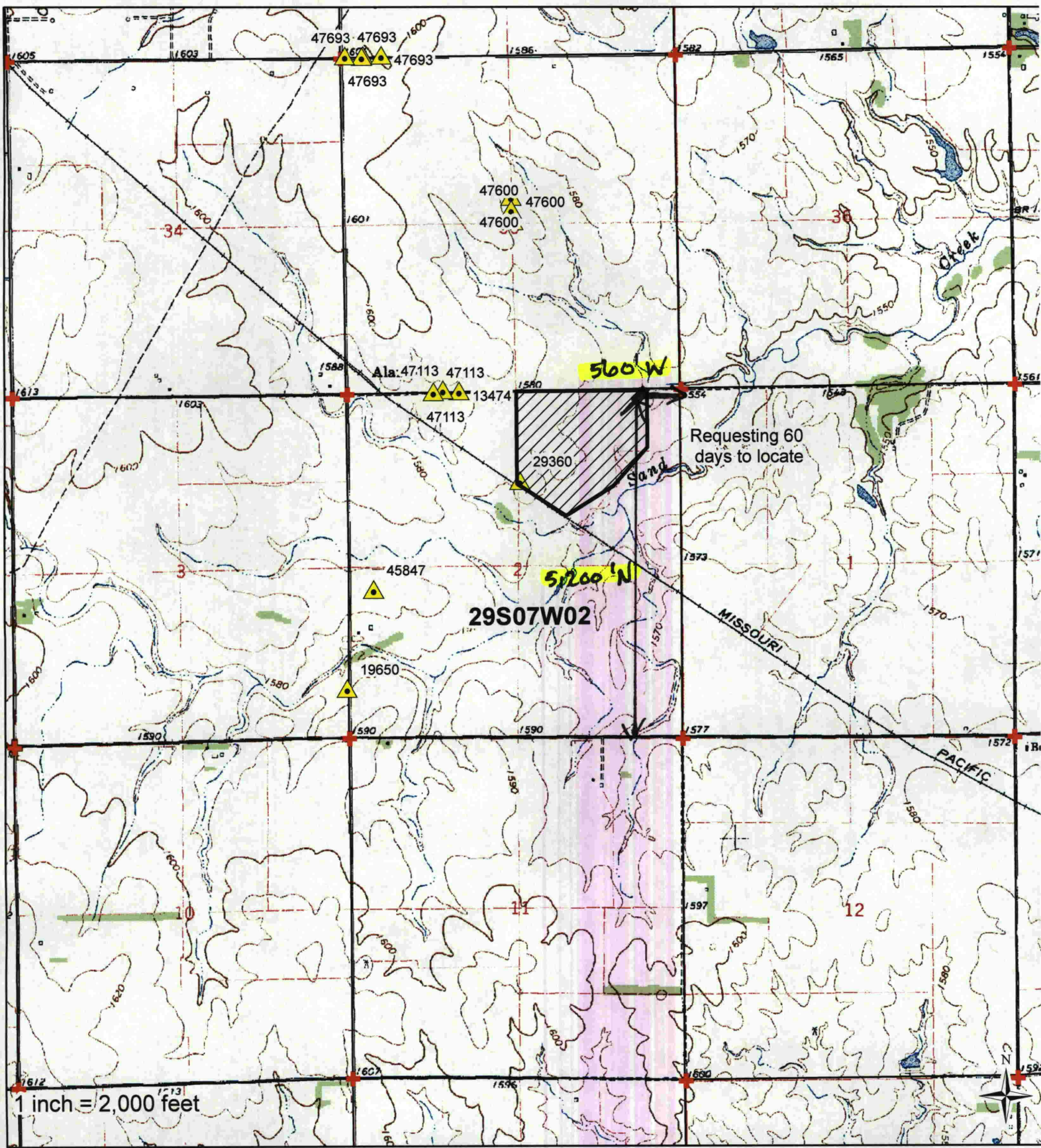
- ★ Domestic Wells
- ⊕ Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

**WATER RESOURCES RECEIVED**

Date **SCANNED** OCT 03 2016



File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map. WATER RESOURCES RECEIVED

- ★ Domestic Wells
- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

Signature \_\_\_\_\_ Date \_\_\_\_\_

0 800 1,600 3,200 4,800 6,400 Feet

SCANNED OCT 03 2016  
 KS DEPT OF AGRICULTURE