

File No. **50,455** 15. Formation Code: **330** Drainage Basin: **MILL CREEK** County: **WS** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			88431	SW SE NE	14	1	2E	7	3100	830 (Geo-Ctr)
MOD			88432	SW SE NE	14	1	2E	8	3100	705 (Batt 1 of 4)
MOD			88433	SE SE NE	14	1	2E	9	3100	580 (Batt 1 of 4)
MOD			88434	SW SE NE	14	1	2E	10	3100	955 (Batt 1 of 4)
MOD			88435	SW SE NE	14	1	2E	11	3100	1080 (Batt 1 of 4)

17. Rate and Quantity				
Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
800	86.4	800	86.4	NONE

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 12/31/2022 Date Acceptable Meter Installed _____

21. Place of Use											Total	Owner	Chg? NO	Overlap Files													
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	NE ¼	NW ¼	SW ¼	SE ¼				
MOD			52851	13	1S	2E	1							32	40									75	7a. 7d YES	NO 47799	NONE
ENT			59887	23	1	2E	1	5.5	39.5					35										45	7C	NO	47799
ENT			52850	14	1	2E	2	21	35	39	25									34	39.5	38	11	242.5	7a	NO	47799

Comments: **File No. 47799 changing PU.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: November 17, 2020

FROM: Doug Schemm

SEE UPDATED 3/24/2021 MEMO ADDING FILE NO. 47799 TO NEW APP

RE: Application, File No. 50,455

Fragger Farms has filed the referenced new application to appropriate 86.4 acre-feet of groundwater from a proposed battery of four wells at the rate of 800 gallons per minute for irrigation use in Washington County, within the Mill Creek Drainage Basin. There are no overlapping files in point of diversion or place of use. The place of use is owned by the applicant, and the application has been signed by a representative of the applicant (Terry Frager) stating he has access to the point of diversion. The requested quantity of water, 86.4 acre-feet, is the maximum allowable to irrigate the proposed 72 acres (1.2 Acre-Feet per acre is the maximum allowed in Washington County).

The applicant did not identify any wells of any kind within one-half mile, so no notification letters are required. The nearest non-domestic well (File No. 47,799 also owned by the applicant) is located 2,682 feet away, which exceeds the minimum well spacing criteria to all existing non-domestic wells of 2,640 feet per the requirements in K.A.R. 5-4-4 for the unconfined Dakota aquifer system. The applicant owns all the irrigation wells within the 2-mile radius circle.

Per the definition in K.A.R. 5-1-1(iiii) the "Unconfined Dakota aquifer system" means that portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. The applicant has drilled multiple test holes and wells within the local area, and typically the well logs describe gray, brown and yellow clays (with some shallow sandstone units) extending to depths over 100 feet below ground surface, underlain by interbedded sandstone and clay layers extending to total depths of 400 feet below ground surface. The well log provided for nearby File No. 47,799 shows that there are two primary aquifers in this local area. A shallow sandstone formation between 145 feet and 163 feet below ground surface, and a deeper sandstone formation from 300 feet to 387 feet below ground surface. Static water level was listed at 131 feet below ground surface, which is a few feet above the top of the sandstone formation (145' depth). Since the static water level extends only a bit above the top of the aquifer, and all other nearby wells are sourcing the unconfined Dakota aquifer system, the aquifer is in equilibrium with atmospheric pressure (i.e. unconfined).

In addition, information regarding Washington County geology provided by the Kansas Geological Survey was reviewed to better define the extent of the unconfined Dakota aquifer system in this area. Based on this review, it appears that the unconfined Dakota aquifer system extends further to the north than had previously been indicated and also appears to be more continuous throughout this immediate area (i.e. less inter-fingering between the confined and unconfined Dakota aquifer systems). This preliminary review indicates that the aquifer is likely to receive more recharge than anticipated and safe yield quantities would also increase with a larger area of consideration.

Per K.A.R. 5-3-11, an evaluation of safe yield includes the entire 2-mile area of consideration around the point of diversion within the limits of the unconfined aquifer. The area of consideration shall not include any portion of the circle located outside the state of Kansas. For this specific file, based on area well logs, it appears that the unconfined Dakota aquifer system extends across the entire two-mile circle, providing an area of consideration of 8,042 acres. With a recharge of 3.3 inches, and 100% available for appropriation, this results in a safe yield of 2,211.68 acre-feet. There are multiple water rights within the area of consideration that have appropriated 2,120.2 acre-feet, leaving 91.48 acre-feet of water available. The new application is requesting 86.4 acre-feet, and the application meets safe yield.

This safe yield calculation is based on the extent of the unconfined Dakota aquifer system in this area, complies with K.A.R. 5-3-11 criteria for determination of safe yield, and is consistent with previous determination of safe yield for appropriations in this same aquifer.

Terry Frager – Memorandum
File No. 50,455
Page 2

See March 24,2021 memo adding File No. 47799. *

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a November 10, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

L/DWR

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, November 10, 2020 11:08 AM
To: Schemm, Doug [KDA]
Subject: FW: 50455 Frager Farms

From: Tietsort, Katie [KDA]
Sent: Tuesday, November 10, 2020 11:02 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: 50455 Frager Farms

Then proceed.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov
785-296-5733

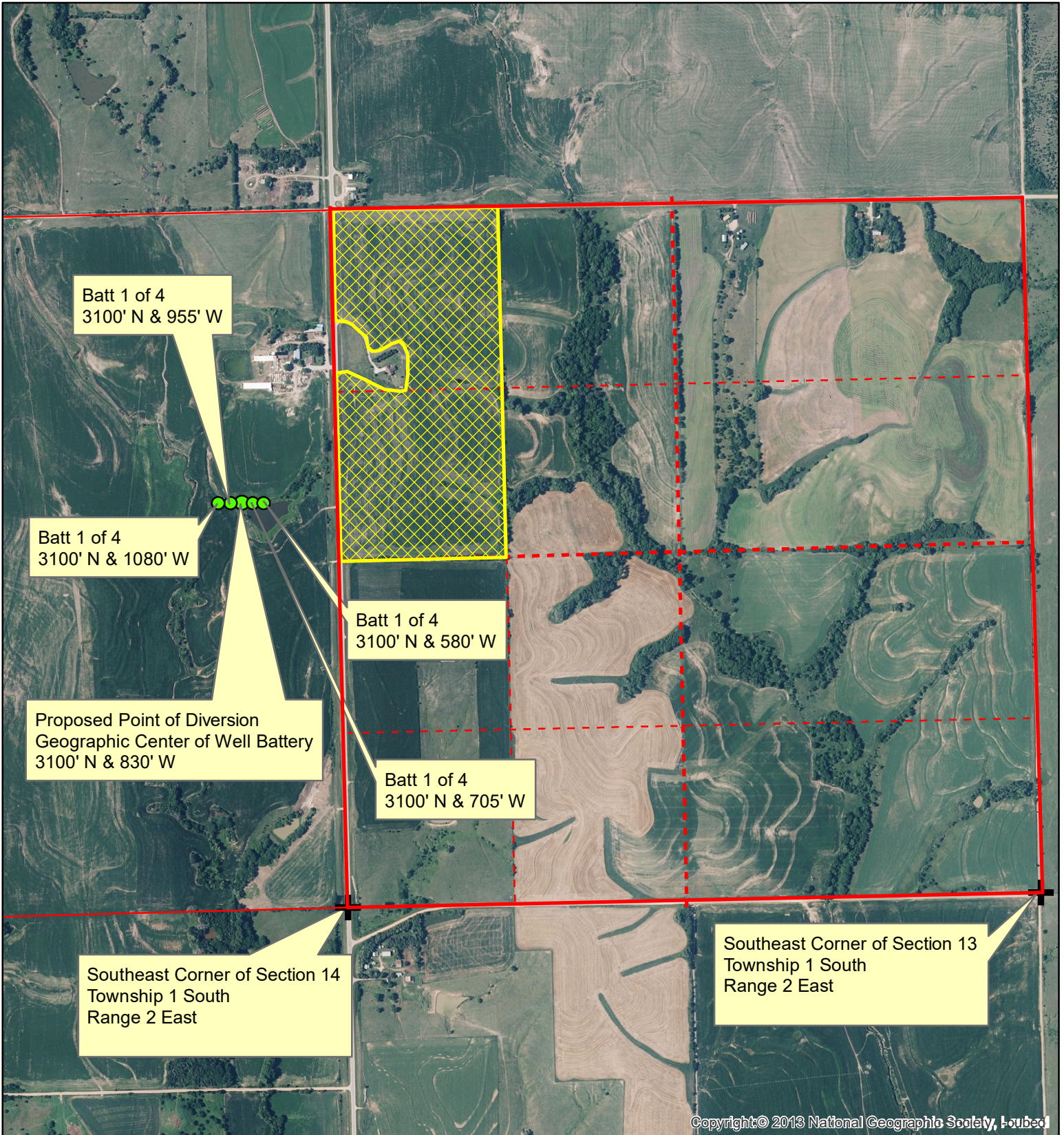
PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, November 10, 2020 7:53 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50455 Frager Farms

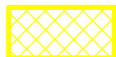
No issues with this one. Complies with all the regs. I've attached map with updated pd location. Please review.

FRAGER FARMS
FILE NO. 50,455 - SITE MAP

1:12,000



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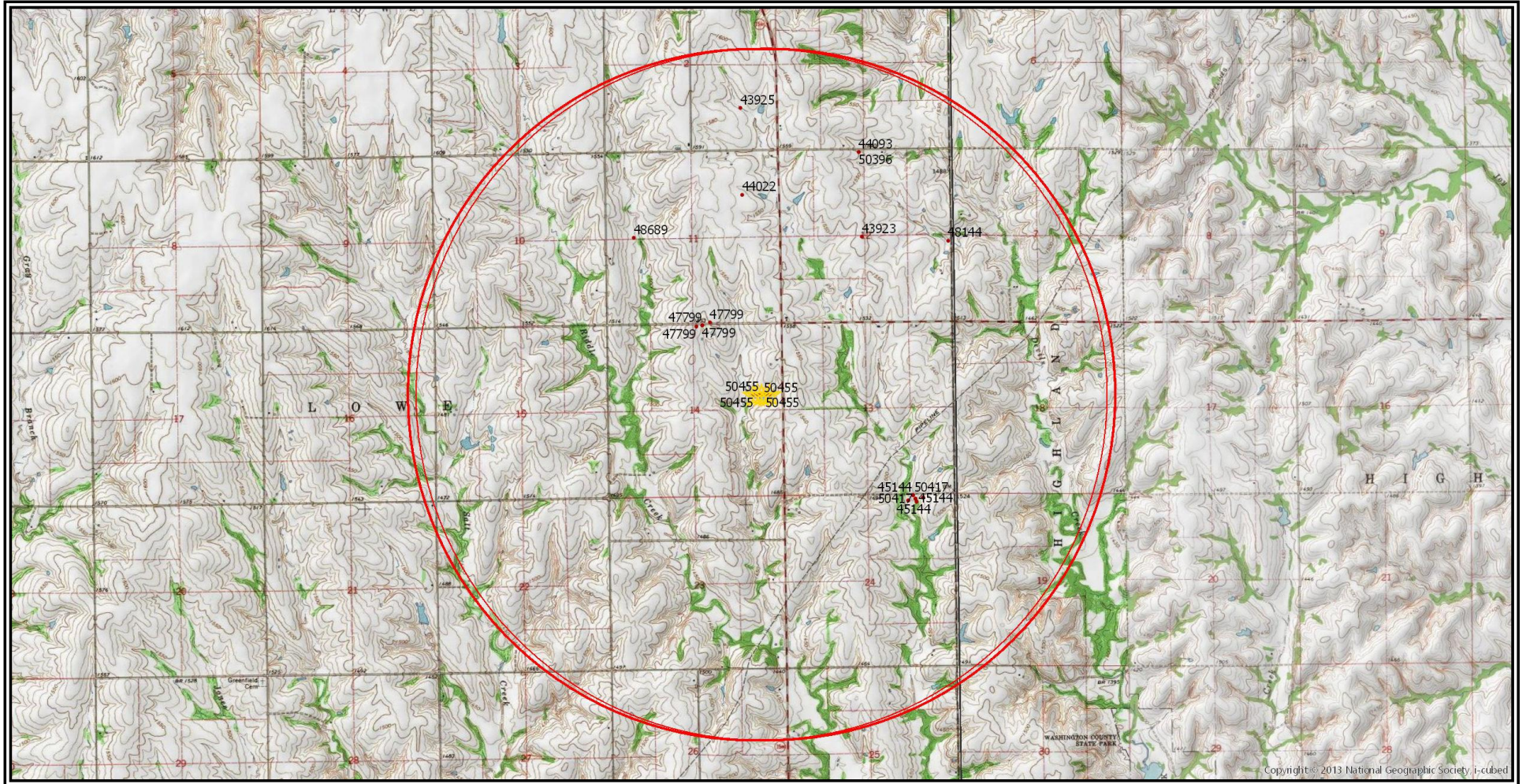


Proposed Place of Use (IRR)



Proposed Point of Diversion

Safe Yield Report Sheet
Water Right- A5045500
Point of Diversion in 14-01S-02E
Footages from SE corner- 3,075 feet North 657 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,211.68 AF.

Total prior appropriations in the circle is 2,151.60 AF. - 86.4 AF + 55 AF = 2,120.2 AF

Total quantity of water available for appropriation is ~~60.08 AF~~.

91.48 AF

APPLICATION FILE NO. 50,455 REQUESTING
86.4 AF MEETS SAFE YIELD dws/dwr 11/9/2020

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.3 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 05-NOV-2020 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 11 water rights and 20 points 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	Tot Acres	Net Acres
A 43923 00	IRR	NK	G				NC	2618	2706	12	01	02E	4	WR	212.00	212.00	524.00	524.00
A 43925 00	IRR	NK	G		NW	SE	SE	1314	1103	02	01	02E	1	WR	212.00	212.00	560.94	560.94
A 44022 00	IRR	NK	G				NC NE	3948	1132	11	01	02E	1	WR	157.00	157.00	560.94	0.00
A 44093 00	IRR	NK	G		NE	NE	NW	5221	2779	12	01	02E	2	WR	212.00	28.00 ✓	524.00	0.00
A 45144 00	IRR	KE	G		NW	NE	NE	5130	1203	24	01	02E	3	WR	288.00	288.00	240.00	240.00
Same	IRR	KE	G		NW	NE	NE	5242	1276	24	01	02E	4	WR				
Same	IRR	KE	G		NW	NE	NE	5167	953	24	01	02E	5	WR				
Same	IRR	KE	G		NW	NE	NE	5033	1169	24	01	02E	6	WR				
Same	IRR	KE	G		NE	NW	NE	5081	1414	24	01	02E	7	WR				
A 47799 00	IRR	LR	G		NW	NW	NE	5225	2262	14	01	02E	3	WR	342.00	342.00	285.00	285.00
Same	IRR	LR	G		NW	NW	NE	5225	2449	14	01	02E	4	WR				
Same	IRR	LR	G		NW	NW	NE	5225	2456	14	01	02E	5	WR				
Same	IRR	LR	G		NW	NW	NE	5225	2630	14	01	02E	6	WR				
A 48144 00	IRR	LR	G		NE	NE	SE	2610	30	12	01	02E	3	WR	320.00	320.00	524.00	0.00
A 48689 00	IRR	HK	G		SE	SW	NW	2660	4476	11	01	02E	2	WR	320.00	218.20 + 55 AF ✓	560.94	0.00
A 50396 00	IRR	AY	G		NE	NE	NW	5221	2779	12	01	02E	2	WR	412.00	0.00 ✓	523.50	0.00
A 50417 00	IRR	AY	G		NW	NE	NE	5130	1203	24	01	02E	3	WR	288.00	288.00	240.00	0.00
Same	IRR	AY	G		NW	NE	NE	5242	1276	24	01	02E	4	WR				
Same	IRR	AY	G		NW	NE	NE	5167	953	24	01	02E	5	WR				
Same	IRR	AY	G		NW	NE	NE	5033	1169	24	01	02E	6	WR				
Same	IRR	AY	G		NE	NW	NE	5081	1414	24	01	02E	7	WR				
A 50455 00	IRR	AY	G		SE	SE	NE	3075	657	14	01	02E	7	WR	-86.40	86.40 --	72.00	72.00
Same	IRR	AY	G		SE	SE	NE	3075	532	14	01	02E	8	WR				
Same	IRR	AY	G		SE	SE	NE	3075	407	14	01	02E	9	WR				
Same	IRR	AY	G		SW	SE	NE	3075	782	14	01	02E	10	WR				

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	AY	G		SW	SE	NE	3075	907	14	01	02E	11	WR				

Limitations

File Number	Seq Num	Limitations
A 44093 00	2	240 AF/YR COM/W #43923
A 48144 00	1	616.8AF/YR COM/W #43923 & 44093
A 48689 00	1	642.2 AF/YR COM/W #43925 & #44022
		212 AF + 28 AF = 240 AF ✓
		212 AF + 157 AF + 218.2 = 587.2 AF ✓

Report Date: Thursday, November 5 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50455 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50455 00 IRR

Water Right and Points of Diversion Within 2.00 of a point defined as:

3075 Feet North and 657 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E

GROUNDWATER ONLY

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File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 43923 00 IRR NK G      5748 -- -- -- NC 2618 2706 12 1 2E 4      212.00 212.00
  AF
A__ 43925 00 IRR NK G      8831 -- NW SE SE 1314 1103 2 1 2E 1      212.00 212.00
  AF
A__ 44022 00 IRR NK G      6170 -- -- -- NC NE 3948 1132 11 1 2E 1      157.00 157.00
  AF
A__ 44093 00 IRR NK G      8027 -- NE NE NW 5221 2779 12 1 2E 2      212.00 28.00
  AF
A__ 45144 00 IRR KE G      5558 -- NE NW NE 5081 1414 24 1 2E 7 B4      288.00 288.00
  AF
Same          5579 -- NW NE NE 5242 1276 24 1 2E 4 B4
Same          5703 -- NW NE NE 5130 1203 24 1 2E 3 G4
Same          5785 -- NW NE NE 5033 1169 24 1 2E 6 B4
Same          5888 -- NW NE NE 5167 953 24 1 2E 5 B4
A__ 47799 00 IRR LR G      2682 -- NW NW NE 5225 2262 14 1 2E 3 B3      342.00 342.00
  AF
Same          2797 -- NW NW NE 5225 2449 14 1 2E 4 G3
Same          2803 -- NW NW NE 5225 2456 14 1 2E 5 B3
Same          2917 -- NW NW NE 5225 2630 14 1 2E 6 B3
A__ 48144 00 IRR LR G      7550 -- NE NE SE 2610 30 12 1 2E 3      320.00 320.00
  AF
A__ 48689 00 IRR HK G      6203 -- SE SW NW 2660 4476 11 1 2E 2      320.00 218.20
  AF
A__ 50396 00 IRR AY G      8027 -- NE NE NW 5221 2779 12 1 2E 2      412.00 .00
  AF
A__ 50417 00 IRR AY G      5558 -- NE NW NE 5081 1414 24 1 2E 7 B4      288.00 288.00
  AF
Same          5579 -- NW NE NE 5242 1276 24 1 2E 4 B4
Same          5703 -- NW NE NE 5130 1203 24 1 2E 3 G4
Same          5785 -- NW NE NE 5033 1169 24 1 2E 6 B4
Same          5888 -- NW NE NE 5167 953 24 1 2E 5 B4
A__ 50455 00 IRR AY G      0 -- SE SE NE 3075 657 14 1 2E 7 G4      86.40 86.40
  AF
Same          125 -- SE SE NE 3075 532 14 1 2E 8 B4
Same          125 -- SW SE NE 3075 782 14 1 2E 10 B4
Same          250 -- SW SE NE 3075 907 14 1 2E 11 B4
Same          250 -- SE SE NE 3075 407 14 1 2E 9 B4
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Total Net Quantities Authorized:      Direct      Storage
Total Requested Amount (AF) =          374.40          .00
Total Permitted Amount (AF) =          506.20          .00
Total Inspected Amount (AF) =          662.00          .00
Total Pro_Cert Amount (AF) =              .00          .00
Total Certified Amount (AF) =           609.00          .00
Total Vested Amount (AF) =              .00          .00
TOTAL AMOUNT (AF) =          2151.60          .00
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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:
 3075 Feet North and 657 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E

Unit	AF	Amount	Source	Batt	Wells	Direct	Storage	Other	AF	Amount	AF	Amount		
A__	43923	00	IRR NK G			5680	2618	2706	12	1	2E	4	212.00	212.00
AF														
A__	43925	00	IRR NK G			8839	1314	1103	2	1	2E	1	212.00	212.00
AF														
A__	44022	00	IRR NK G			6181	3948	1132	11	1	2E	1	157.00	157.00
AF														
A__	44093	00	IRR NK G			7980	5221	2779	12	1	2E	2	212.00	28.00
AF														
A__	45144	00	IRR KE G			5458	5081	1414	24	1	2E	7	288.00	288.00
AF														
Same						5477	5242	1276	24	1	2E	4		
Same						5601	5130	1203	24	1	2E	3		
Same						5684	5033	1169	24	1	2E	6		
Same						5784	5167	953	24	1	2E	5		
A__	47799	00	IRR LR G			2759	5225	2262	14	1	2E	3	342.00	342.00
AF														
Same						2879	5225	2449	14	1	2E	4		
Same						2884	5225	2456	14	1	2E	5		
Same						3003	5225	2630	14	1	2E	6		
A__	48144	00	IRR LR G			7454	2610	30	12	1	2E	3	320.00	320.00
AF														
A__	48689	00	IRR HK G			6282	2660	4476	11	1	2E	2	320.00	218.20
AF														
A__	50396	00	IRR AY G			7980	5221	2779	12	1	2E	2	412.00	.00
AF														
A__	50417	00	IRR AY G			5458	5081	1414	24	1	2E	7	288.00	288.00
AF														
Same						5477	5242	1276	24	1	2E	4		
Same						5601	5130	1203	24	1	2E	3		
Same						5684	5033	1169	24	1	2E	6		
Same						5784	5167	953	24	1	2E	5		
A__	50455	00	IRR AY G			0	3075	532	14	1	2E	8	86.40	86.40
AF														
Same						125	3075	407	14	1	2E	9		
Same						125	3075	657	14	1	2E	7		
Same						250	3075	782	14	1	2E	10		
Same						375	3075	907	14	1	2E	11		

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		748.80	.00
Total Permitted Amount (AF) =		1012.40	.00
Total Inspected Amount (AF) =		1324.00	.00
Total Pro_Cert Amount (AF) =		.00	.00
Total Certified Amount (AF) =		1218.00	.00
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		4303.20	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:
 3075 Feet North and 532 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
>	FRAGER FARMS		
>			
>	2782 KING RD		
>	MORROWVILLE KS 66958		
>	-----		
>	FRAGER FARMS		
>			
>	2782 KING RD		
>	MORROWVILLE KS 66958		

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> FRAGER FARMS
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> 2782 KING RD
> MORROWVILLE KS 66958
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50455 00 IRR
Water Right and Points of Diversion Within 2.00 of a point defined as:
 3075 Feet North and 407 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E
GROUNDWATER ONLY
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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__	43923	00	IRR	NK	G				5615	--	--	--	NC	2618	2706	12	1	2E	4		212.00	212.00
	AF																					
A__	43925	00	IRR	NK	G				8850	--	NW	SE	SE	1314	1103	2	1	2E	1		212.00	212.00
	AF																					
A__	44022	00	IRR	NK	G				6195	--	--	NC	NE	3948	1132	11	1	2E	1		157.00	157.00
	AF																					
A__	44093	00	IRR	NK	G				7934	--	NE	NE	NW	5221	2779	12	1	2E	2		212.00	28.00
	AF																					
A__	45144	00	IRR	KE	G				5359	--	NE	NW	NE	5081	1414	24	1	2E	7	B4	288.00	288.00
	AF																					
Same									5375	--	NW	NE	NE	5242	1276	24	1	2E	4	B4		
Same									5500	--	NW	NE	NE	5130	1203	24	1	2E	3	G4		

Same		5583	--	NW	NE	NE	5033	1169	24	1	2E	6	B4		
Same		5680	--	NW	NE	NE	5167	953	24	1	2E	5	B4		
A__	47799 00 IRR LR G	2839	--	NW	NW	NE	5225	2262	14	1	2E	3	B3	342.00	342.00
	AF														
Same		2963	--	NW	NW	NE	5225	2449	14	1	2E	4	G3		
Same		2969	--	NW	NW	NE	5225	2456	14	1	2E	5	B3		
Same		3092	--	NW	NW	NE	5225	2630	14	1	2E	6	B3		
A__	48144 00 IRR LR G	7358	--	NE	NE	SE	2610	30	12	1	2E	3		320.00	320.00
	AF														
A__	48689 00 IRR HK G	6362	--	SE	SW	NW	2660	4476	11	1	2E	2		320.00	218.20
	AF														
A__	50396 00 IRR AY G	7934	--	NE	NE	NW	5221	2779	12	1	2E	2		412.00	.00
	AF														
A__	50417 00 IRR AY G	5359	--	NE	NW	NE	5081	1414	24	1	2E	7	B4	288.00	288.00
	AF														
Same		5375	--	NW	NE	NE	5242	1276	24	1	2E	4	B4		
Same		5500	--	NW	NE	NE	5130	1203	24	1	2E	3	G4		
Same		5583	--	NW	NE	NE	5033	1169	24	1	2E	6	B4		
Same		5680	--	NW	NE	NE	5167	953	24	1	2E	5	B4		
A__	50455 00 IRR AY G	0	--	SE	SE	NE	3075	407	14	1	2E	9	B4	86.40	86.40
	AF														
Same		125	--	SE	SE	NE	3075	532	14	1	2E	8	B4		
Same		250	--	SE	SE	NE	3075	657	14	1	2E	7	G4		
Same		375	--	SW	SE	NE	3075	782	14	1	2E	10	B4		
Same		500	--	SW	SE	NE	3075	907	14	1	2E	11	B4		

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =     1123.20           .00
Total Permitted Amount (AF) =     1518.60           .00
Total Inspected Amount (AF) =     1986.00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =     1827.00           .00
Total Vested Amount (AF) =         .00           .00
TOTAL AMOUNT (AF) =             6454.80           .00

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:
 3075 Feet North and 407 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E
 GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> FRAGER FARMS
>
> 2782 KING RD
> MORROWVILLE KS 66958
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> FRAGER FARMS
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> 2782 KING RD
> MORROWVILLE KS 66958
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> 2782 KING RD
> MORROWVILLE KS 66958
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> FRAGER FARMS
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> 2782 KING RD
> MORROWVILLE KS 66958
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> FRAGER FARMS

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A_	AF	50417	00	IRR	AY	G	5659	--	NE	NW	NE	5081	1414	24	1	2E	7	B4	288.00	288.00
	AF																			
Same							5683	--	NW	NE	NE	5242	1276	24	1	2E	4	B4		
Same							5807	--	NW	NE	NE	5130	1203	24	1	2E	3	G4		
Same							5888	--	NW	NE	NE	5033	1169	24	1	2E	6	B4		
Same							5993	--	NW	NE	NE	5167	953	24	1	2E	5	B4		
A_		50455	00	IRR	AY	G	0	--	SW	SE	NE	3075	782	14	1	2E	10	B4	86.40	86.40
	AF																			
Same							125	--	SW	SE	NE	3075	907	14	1	2E	11	B4		
Same							125	--	SE	SE	NE	3075	657	14	1	2E	7	G4		
Same							250	--	SE	SE	NE	3075	532	14	1	2E	8	B4		
Same							375	--	SE	SE	NE	3075	407	14	1	2E	9	B4		

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =     1497.60           .00
Total Permitted Amount (AF) =     2024.80           .00
Total Inspected Amount (AF) =     2648.00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =     2436.00           .00
Total Vested Amount (AF) =         .00           .00
TOTAL AMOUNT (AF) =             8606.40           .00
    
```

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

3075 Feet North and 782 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> FRAGER FARMS
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> 2782 KING RD
> MORROWVILLE KS 66958
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> 2782 KING RD
> MORROWVILLE KS 66958
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50455 00 IRR
Water Right and Points of Diversion Within 2.00 of a point defined as:
    3075 Feet North and 907 Feet West of the Southeast Corner of Section 14 Twp 1S Rng 2E
GROUNDWATER ONLY
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File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__	43923	00	IRR	NK	G	5888	--	--	--	NC	2618	2706	12	1	2E	4		212.00	212.00
	AF																		
A__	43925	00	IRR	NK	G	8819	--	NW	SE	SE	1314	1103	2	1	2E	1		212.00	212.00
	AF																		
A__	44022	00	IRR	NK	G	6154	--	--	NC	NE	3948	1132	11	1	2E	1		157.00	157.00
	AF																		
A__	44093	00	IRR	NK	G	8126	--	NE	NE	NW	5221	2779	12	1	2E	2		212.00	28.00
	AF																		
A__	45144	00	IRR	KE	G	5761	--	NE	NW	NE	5081	1414	24	1	2E	7	B4	288.00	288.00
	AF																		
	Same					5788	--	NW	NE	NE	5242	1276	24	1	2E	4	B4		
	Same					5911	--	NW	NE	NE	5130	1203	24	1	2E	3	G4		
	Same					5991	--	NW	NE	NE	5033	1169	24	1	2E	6	B4		
	Same					6099	--	NW	NE	NE	5167	953	24	1	2E	5	B4		
A__	47799	00	IRR	LR	G	2541	--	NW	NW	NE	5225	2262	14	1	2E	3	B3	342.00	342.00
	AF																		
	Same					2644	--	NW	NW	NE	5225	2449	14	1	2E	4	G3		
	Same					2649	--	NW	NW	NE	5225	2456	14	1	2E	5	B3		
	Same					2754	--	NW	NW	NE	5225	2630	14	1	2E	6	B3		
A__	48144	00	IRR	LR	G	7744	--	NE	NE	SE	2610	30	12	1	2E	3		320.00	320.00
	AF																		
A__	48689	00	IRR	HK	G	6051	--	SE	SW	NW	2660	4476	11	1	2E	2		320.00	218.20
	AF																		
A__	50396	00	IRR	AY	G	8126	--	NE	NE	NW	5221	2779	12	1	2E	2		412.00	.00
	AF																		
A__	50417	00	IRR	AY	G	5761	--	NE	NW	NE	5081	1414	24	1	2E	7	B4	288.00	288.00
	AF																		
	Same					5788	--	NW	NE	NE	5242	1276	24	1	2E	4	B4		
	Same					5911	--	NW	NE	NE	5130	1203	24	1	2E	3	G4		
	Same					5991	--	NW	NE	NE	5033	1169	24	1	2E	6	B4		
	Same					6099	--	NW	NE	NE	5167	953	24	1	2E	5	B4		
A__	50455	00	IRR	AY	G	0	--	SW	SE	NE	3075	907	14	1	2E	11	B4	86.40	86.40
	AF																		
	Same					125	--	SW	SE	NE	3075	782	14	1	2E	10	B4		
	Same					250	--	SE	SE	NE	3075	657	14	1	2E	7	G4		
	Same					375	--	SE	SE	NE	3075	532	14	1	2E	8	B4		
	Same					500	--	SE	SE	NE	3075	407	14	1	2E	9	B4		

>
> 2782 KING RD
> MORROWVILLE KS 66958
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> FRAGER FARMS
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> 2782 KING RD
> MORROWVILLE KS 66958
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THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,455** of the applicant

**FRAGER FARMS
2782 KING RD
MORROWVILLE, KS 66958**

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 9, 2020**.
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	
13 1S 2E						35.0	40.0										75.0
14 1S 2E	21.0	35.0	39.0	25.0									34.0	39.5	38.0	11.0	242.5
23 1S 2E	5.5	39.5															45.0

3. That the authorized source from which the appropriation shall be made is groundwater from the unconfined Dakota aquifer system, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) of Section 14, more particularly described as being near a point 3,100 feet North and 830 feet West of the Southeast corner of said section, in Township 1 South, Range 2 East, Washington 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 **86.4 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, 2022** 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, 2026** 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 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.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the wells at the location authorized herein.

Ordered this 28 day of June, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of June, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 1, 2021

FRAGER FARMS
2782 KING RD
MORROWVILLE KS 66958

RE: Appropriation of Water, File Nos. 50,455 and 47,799

Dear Mr. Frager:

Enclosed is a permit (File No. 50,455) authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements. Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

In addition, enclosed is an Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number (File No. 47,799). Your attention is directed to the enclosure and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as this action is completed.

Fragger Farms
File Nos. 50,455 and 47,799
Page 2

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws:li

Enclosure(s)

pc: Topeka Field Office
Gerry & Shirley Frager
Barbara Popelka

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 1st day of July, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,455, dated 28 June, 2021, was mailed postage prepaid, first class, US mail to the following:

FRAGER FARMS
TERRY FRAGER
2782 KING RD
MORROWVILLE KS 66958

With photocopies to:

Topeka Field Office



Division of Water Resources