

File No. **11005** 11. County: **GY** Basin: **CROOKED CREEK** Stream: _____ Formation Code: **211/331** Special Use: _____

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

DEL 7702

ENT NW SW SE 11 29S 30W 1191 2635 1260 320 1260 320 NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK 20326																				

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: _____

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

October 19, 2022

FRY FAMILY FARMS LC
Attn: AG MANAGEMENT CONSULTANTS
PO BOX 1013
GARDEN CITY, KS 67846

RE: Filed Office Application for Change
Water Right, File No. 11005

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures 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 and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:

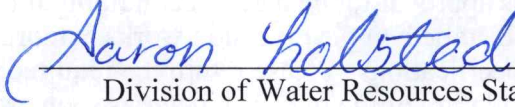
CERTIFICATE OF SERVICE

On this 19th day of October, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 11,005 dated 19th day of October, 2022 was mailed postage prepaid, first class, US mail to the following:

FRY FAMILY FARMS LC
Attn: AG MANAGEMENT CONSULTANTS
PO BOX 1013
GARDEN CITY, KS 67846

Pc:

LUTHER/ARDIS FRY REVOCABLE TRUST
1614 BLUFF ST
GARDEN CITY, KS 67846-3507


Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 11005

RECEIVED
 11:30 AM
 OCT 12 2022

Garden City Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: FRY FAMILY FARMS
PO BOX 1013 GARDEN CITY, KS. 67846
 Phone Number: (620) 275-1013 Email address: _____
 Name and address of Water Use Correspondent: FRY FAMILY FARMS
PO BOX 1013 GARDEN CITY, KS. 67846
 Phone Number: (620) 275-1013 Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: NO CHANGE
 ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: NO CHANGE
 ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code _____ Fee \$ <u>100.00</u> TR # _____ Receipt Date <u>10-12-22</u> Check # <u>13477</u>
--

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ CW _____ Quarter of the _____ SE _____ Quarter
 of Section _____ 11 _____, Township _____ 29 _____ South, Range _____ 30 _____ W,
 in GRAY _____ County, Kansas, _____ 1310 _____ feet North _____ 2580 _____ feet West of Southeast corner of section.
 Authorized Rate 1260 GPM Authorized Quantity 320 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ NW _____ Quarter of the _____ SW _____ Quarter of the _____ SE _____ Quarter
 of Section _____ 11 _____, Township _____ 29 _____ South, Range _____ 30 _____ W,
 in GRAY _____ County, Kansas, _____ 1191 _____ feet North _____ 2635 _____ feet West of Southeast corner of section.
 Proposed Rate 1260 gpm Proposed Quantity 320 AF Proposed well depth (feet) 500'
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons?
 (please be specific) Lack of production on current location

8. If a well, is the test hole log attached? Yes No

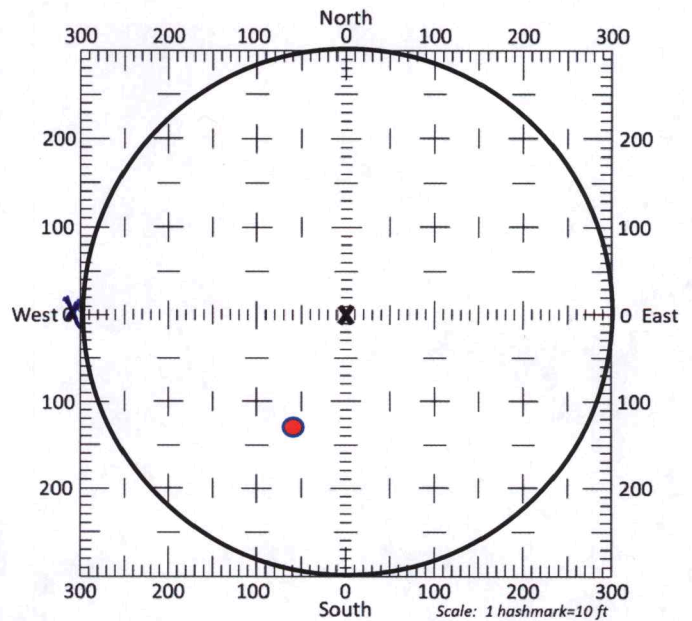
9. The change(s) (was)(will be) completed by?

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
to be plugged
 (b) When will this be done? Soon as possible

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CAC _____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 11005.

1. A change application was received on October 12, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2023**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2023**, or within any authorized extension of time. By March 1, 2024 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Austin McColloch
Duly Authorized Designee of the Chief Engineer
(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: October 19, 2022
State of Kansas)
County of FINNEY) SS
Acknowledged before me on 19 Oct 2022
by AUSTIN MCCOLLOCH
Signature: [Signature]

My commission expires: _____



WELL LOG

DATE: 11/6/2018

Downey
Drilling Inc.



1191' N / 2635' W
NW SW SE

1195' / 55' W
131' depth

CUSTOMER NAME: FRY FAMILY FARMS

TEST HOLE #1

LEGAL: SE 11-29S-30W

WR # 11005

COUNTY: GRAY

GPS: 37.536253

-100.57037

DRILLER: CHRIS P

WO: 18-212

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	2	TOP SOIL	SOFT	DARK	FAST		SMOOTH
	2	34	SILTY CLAY AND MEDIUM SILT	SOFT	TAN	FAST		SMOOTH
	34	43	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM GRAVEL	SOFT	RED	FAST		SLIGHT CHATTER
	43	66	CLAY AND SILTY CLAY	SOFT	TAN	FAST		SMOOTH
	66	78	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM GRAVEL	SOFT	RED	FAST		SLIGHT CHATTER
	78	89	SILTY CLAY	SOFT	TAN	FAST		SMOOTH
	89	115	FINE-MEDIUM-COARSE SAND, FINE-MEDIUM-COARSE GRAVEL, AND A TRACE OF CLAY	SOFT	RED	FAST		CHOPPY
	115	140	FINE-MEDIUM-COARSE SAND, FINE-MEDIUM GRAVEL, AND A TRACE OF CLAY	SOFT	RED	FAST		CHATTER
	140	180	FINE-MEDIUM-COARSE SAND, FINE GRAVEL, AND A TRACE OF CLAY	SOFT	RED	FAST		CHATTER
	180	205	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM GRAVEL	SOFT	RED	FAST		CHATTER
	205	216	FINE-MEDIUM SAND AND A TRACE OF CLAY	SOFT	RED	FAST		SMOOTH
	216	300	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM GRAVEL	SOFT	RED	FAST		CHATTER
	300	328	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM-TRACE OF COARSE GRAVEL	SOFT	RED	FAST		CHATTER
	328	356	SILTY SANDY CLAY, TR. GRAVEL LENSES	SOFT	TAN	FAST		CHOPPY AT TIMES
	356	413	MEDIUM-COARSE SAND W/ SANDY CLAY LENSES	SOFT	TAN	FAST		CHOPPY
	413	426	SILTY SANDY CLAY W/ FINE SAND LAYERS	FIRM	TAN	SLOW		SMOOTH
	426	454	CLAY W/SILTY CLAY	FIRM	GRAY	SLOW		SMOOTH
	454	465	FINE SAND, TR SANDSTONE	SOFTER	GRAY DARK GRAY	FASTER		SLIGHT CHATTER
	465	500	SHALE	FIRM	GRAY	SLOW		VERY SMOOTH

2018
SWL - 224'

FRY FAMILY FARMS

SE 11-29S-30W GRAY CO.

Legend

WR # 11005

305'

TH #2 ELEV=2778'

IRR WELL ELEV=2781'

TH #1 ELEV=2781'

300'

POSSIBLE TH #3 (300' SOUTH) ELEV=2781'

Google Earth

300 ft

