

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 12,564	2. Status Change Date:	4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: Filing Date: 01/22/2025
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID 67265 <input type="checkbox"/> Address Change Add Seq# 1 ZACH FREDERICK 601 PONDEROSA LANE STERLING, KS 67579	5b. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 16134 <input type="checkbox"/> Address Change Add Seq# 1 SELLERS FARMS INC ATTN: STEVE SELLERS 1346 AVENUE N LYONS, KS 67554	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq# STEPHEN L SELLERS AND JUDITH K SELLERS 1435 14TH RD LYONS, KS 67554	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	
6. Change No.: 1 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: --- Previous UMW: Not changing MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- Applies: --- Rule No.: --- Rule Type: --- Justification: --- Rule SubType: ---		
Comments		Processed 01/22/25 JNE Reviewed
		Entered

File No. **12,564** 13. County: **RC** Basin: **56 - COW CREEK** Stream:
 Structures File No: Aquifer Code: **120 - WISCONSINAN STAGE** Special Use Area: --- ---

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	10417	CW SW	19	20	8W	1				240	240	1,205	1,205				
ENT		NC SW	19	20	8W		1,360	3,906		240	240	1,205	1,205				

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering YES Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/25

17. Place of Use																		Total	Owner(s)	Chg? Overlaps				
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
NO CHG	5214	19	20	8W	1									40.0	40.0	40.0	40.0					160.0	5c	<input checked="" type="checkbox"/>
																								<input type="checkbox"/>
																								<input type="checkbox"/>
																								<input type="checkbox"/>
																								<input type="checkbox"/>
																								<input type="checkbox"/>

18. Point of Diversion and Place of Use Overlaps

* + # ^	** ++ ## ^^
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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 **WATER METER REQUIRED**



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. 12,564

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: Zach Frederick

601 Ponderosa Lane, Sterling, KS 67579

Phone Number: (620) 278-6547 Email address: fredzach.18@gmail.com

Name and address of Water Use Correspondent: Steve Sellers

1346 Avenue N, Lyons, KS 67554

Phone Number: (620) 562-7838 Email address: steve.l.sellers@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Stephen L Sellers and Judith K Sellers

ADDRESS: 1435 14th Rd, Lyons, KS 67554

(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	
19	20	8W									40.0	40.0	40.0	40.0					160.0

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: NO CHANGE

(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</u> TR # _____ Receipt Date _____ Check # <u>4128</u>
--

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ CW SW _____ Quarter
 of Section _____ 19 _____, Township _____ 20 _____ South, Range _____ 8 _____ WEST,
 in Rice _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 1,205 GPM Authorized Quantity 240 AF Depth of well 62 (feet)
(DWR use only: Computer ID No. 1 GPS 1,372 feet North 3,936 feet West) GPS from aerial view Google Earth
 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 _____ NC SW _____ Quarter
 of Section _____ 19 _____, Township _____ 20 _____ South, Range _____ 8 _____ WEST,
 in Rice _____ County, Kansas, 1,360 feet North 3,906 feet West of Southeast corner of section.
 Proposed Rate 1,205 GPM Proposed Quantity 240 AF Proposed well depth (feet) 80.
 This point is: Additional Well Geo Center List other water rights that will use this point NONE.

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) Well is failing. Applicant desires to
move the well 12 feet South and 30 feet East.

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

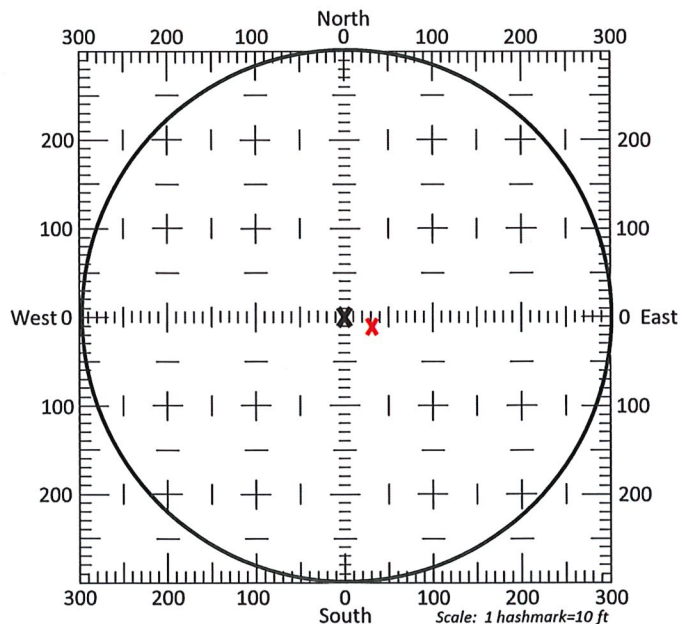
9. The change(s) (was)(will be) completed by?
As soon as approved

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug it
 (b) When will this be done? As soon as new well is drilled

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by JNE // SFO

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.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Staffords, Kansas, this 22nd day of January, 2025.

<u>Zachary L. Fredrick</u> (Owner)	 (Spouse)
<u>Zachary L. Fredrick</u> (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)

State of Kansas }
 County of STAFFORD } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of January, 2025.

My Commission Expires _____



Jessica Engelbrecht
 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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. 12,564.

- 1. A change application was received on January 22, 2025 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 83 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, 2025**, 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, 2025**, or within any authorized extension of time. By March 1, 2026 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: [Signature]
Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lauterman
Division of Water Resources - Kansas Department of Agriculture

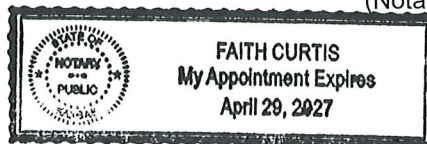
Date of Issuance: 01/22/2025

State of Kansas)
County of Stafford) SS

Acknowledged before me on 1/22/2025
by Faith Curtis

Signature: [Signature]
Notary Public

My commission expires: _____ (Notary Seal)



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

January 22, 2025

Zach Frederick
601 Ponderosa Lane
Sterling, KS 67579

Re: Water Right, File No(s). 12564

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.5

CERTIFICATE OF SERVICE

On this **22nd** day of **January, 2025**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **12564**, dated **January 22, 2025** was mailed via First Class U.S. mail to the following:

Zach Frederick
601 Ponderosa Lane
Sterling, KS 67579

A copy of the letter was sent via electronic mail to the following:

GMD 5



Staff

INPUTS	
Target Section Definition	
Section	19
Township	20
Range	8
Range Direction	W
Target Point Coordinates (<i>NAD27</i> or <i>NAD83</i>)	
Target Longitude	-98.252535
Target Latitude	38.293511

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

P/D Change, File No. 12,564
Current P/D from aerial view

Loaded Section Data From LEOBASE using <i>NAD83</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	38.28977489	-98.25711580
NW	38.30433174	-98.25702360
NE	38.30422462	-98.23869774
SE	38.28974472	-98.23881995
Degrees Longitude per Foot		3.48425608E-06
Degrees Latitude per Foot		2.74595125E-06
Target Point Distances from Corners using <i>NAD83</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1361	-1315
NW	-3941	-1288
NE	-3902	3971
SE	1372	3936

Loaded Section Data From LEOBASE using <i>NAD27</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	38.28976400	-98.25677500
NW	38.30432100	-98.25668300
NE	38.30421400	-98.23835800
SE	38.28973400	-98.23848000
Degrees Longitude per Foot		3.48425557E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using <i>NAD27</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1365	-1217
NW	-3937	-1190
NE	-3898	4069
SE	1375	4034

INPUTS	
Target Section Definition	
Section	19
Township	20
Range	8
Range Direction	W
Target Point Coordinates (<i>NAD27</i> or <i>NAD83</i>)	
Target Longitude	-98.252430
Target Latitude	38.293480

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

P/D Change, File No. 12,564
Proposed Point of Diversion

Loaded Section Data From LEOBASE using <i>NAD83</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	38.28977489	-98.25711580
NW	38.30433174	-98.25702360
NE	38.30422462	-98.23869774
SE	38.28974472	-98.23881995
Degrees Longitude per Foot		3.48425608E-06
Degrees Latitude per Foot		2.74595125E-06
Target Point Distances from Corners using <i>NAD83</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1349	-1345
NW	-3952	-1318
NE	-3913	3941
SE	1360	3906

Loaded Section Data From LEOBASE using <i>NAD27</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	38.28976400	-98.25677500
NW	38.30432100	-98.25668300
NE	38.30421400	-98.23835800
SE	38.28973400	-98.23848000
Degrees Longitude per Foot		3.48425557E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using <i>NAD27</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1353	-1247
NW	-3948	-1221
NE	-3909	4039
SE	1364	4004

DRILLER'S TEST LOG

Customer Name: Drew Fredrick Date: 12/3/2024
 Address _____ Test No: #1-24
 County: Rice Quarter: SW Section: 19 Township: 20 Range: 8

Drilled Footage

From	To	Description of Strata	Indicate Test Location by an X
0	3	Top soil	
3	6	Brown clay	
6	35.5	Sand & gravel - small, med, clean, coarse, loose	
35.5	36	Gray clay streak	
36	65	Sand & gravel - fine, small to some med, clean, loose	
65	80	Gray clay	
Static Water Level: <u>17</u> Ft			Remarks: <u>Test hole was plugged.</u> Garmin GPS: NAD 83 Latitude: 38.29348 N Longitude: 98.25243 W Elevation: _____ Driller: <u>Luis Luna</u> Spot Location: <u>SW/ SW/ NE/ SW</u>