

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature _____

| | | | | |
|---|--|--|---|---|
| 1. File Number: 13377 | 2. Status Change Date: 5/23/2017 | 3. Change Num: C4 | 4. Field Office: 03 | 5. GMD: 04 |
| 6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | | 7. Filing Date of Change: 10-APR-2017 |
| 8a. Applicant(s) New to system <input type="checkbox"/> JAMES L FRITZ TRUST 7102 ROAD 8 GOODLAND KS 67735-8731 | | Person ID 5691 Add Seq# <u>1</u> | 8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 8b. Landowner(s) New to system <input checked="" type="checkbox"/> JAMES L FRITZ TRUST 7102 ROAD 8 GOODLAND KS 67735-8731 | | Person ID 5691 Add Seq# _____ | 8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 8e. WUC New to system <input type="checkbox"/> JAMES L FRITZ TRUST 7102 ROAD 8 GOODLAND KS 67735-8731 No Change | | Person ID 5691 Add Seq# <u>1</u> | | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/17</u> <input type="checkbox"/> N & P Date to Comply: _____ | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter | | | | |
| <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | | |
| 10. Use Made of Water From: _____ To: _____ | | | | |
| Date Prepared: 05/16/17 By: RAK Date Entered: 5/24/2017 By: LLM | | | | |

File No. **13377** 11. County: **SH** Basin **BEAVER CREEK** Stream: Formation Code: **211** Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | | | | | | |
|-------------------------|-----|-----|------|-----------|-----|-----|-----|----|----|-------------------|---------|----------|-------------|----------------|-------------|------------------|-----|-----|----|
| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files | | | |
| MOD | | | | 71086 | SE¼ | SW¼ | NW¼ | 11 | 7 | 42W | 2 | 2868 | <u>4411</u> | 5YR ALLOCATION | 570 | 250 | 570 | 250 | NO |

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

14. **KEEP** Limitation: 5YR ALLOCATION 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 | | | | | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files |
|------------------|-----|-----|-------|----|---|-----|----|-------|-------|-------|-------|-------|------|------|-------|------|------|-------|-------|-------|------|------|------|----|--|-------|-------|------|---------------|
| MOD | DEL | ENT | PUSE | S | T | R | ID | 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 | | | 36407 | 2 | 7 | 42W | 1 | | | | | | | | | 9.50 | 9.50 | 37.50 | 37.50 | 94.00 | | 8B | NO | NO | | | | | |
| MOD | | | 28318 | 11 | 7 | 42W | 1 | 29.00 | 38.00 | 31.00 | 34.00 | 37.00 | 6.5 | 6.50 | 37.00 | | | | | | | | | | | | | | |

Comments: **DATA ENTRY NO CHANGES TO CURRENT 5 YR ALLOCATION OTHER THAN PU CHANGES AND BETTER DESCRIBE PD SPECIAL CONDITIONS YES 5 YR ALLOCATION**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 16, 2017

FROM: Richelle A. Krueger

RE: Water Right
File No. 13,377

James L. Fritz, on behalf of James L. Fritz Trust, filed an application for approval to change the authorized place of use under the referenced file, authorized groundwater for irrigation use.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number has no overlaps in the authorized point of diversion or 242 acre place of use located in Sections 2 and 11, Township 7 South, Range 42 West, Sherman County, in the Beaver Creek Basin. The referenced file number is authorized 250 acre-feet per calendar year and is presently enrolled in a five year allocation of 1,250 acre-feet pursuant to K.A.R 5-5-11(b)(3). The water right owner now proposes to add 71 acres in the Northeast Quarter (NE¼) of Section 11 for a total of 313 acres to be irrigated pursuant to K.A.R 5-5-11(b)(3) in same sections. The proposed change will add a third pivot. The five year allocation will continue as presently authorized.

- Northwest Kansas Groundwater Management District No. 4 will assume monitoring responsibility.
- Base acres are 190 acres as indicated in a June 15, 1995 memorandum to the files by Gene Morgenthaler, former Environmental Scientist of the Change Application Unit, so the applicants have proposed a net increase of 123 acres above the "base acres".
- There has been no recent pattern of water use significantly in excess of the maximum annual quantity authorized.
- Limitations: Since the K.A.R 5-5-11(b)(3)(E)(i) calculation results in a five year allocation exceeding the five year quantity authorized by the right, the five year allocation will remain limited to 1,250 acre-feet.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the reversion acres at the location specifically set forth in the change approval.

The same local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated May 5, 2017, received in the office of the Chief Engineer on May 11, 2017, Ray Luhman, Manager of the Northwest Kansas Groundwater Management District No. 4, recommended the application be approved.

The authorized well will be better described with feet distances obtained during an August 14, 2015 DWR compliance investigation.

In an e-mail dated May 15, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objection to the approval of the referenced application.

A water flow meter is required. A check valve is required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.



Richelle A. Krueger
Environmental Scientist



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

May 25, 2017

FILE COPY

JAMES L FRITZ TRUST
7102 ROAD 8
GOODLAND KS 67735-8731

RE: Water Right, File No. 13,377

Dear Mr. Fritz:

Enclosed is the 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.

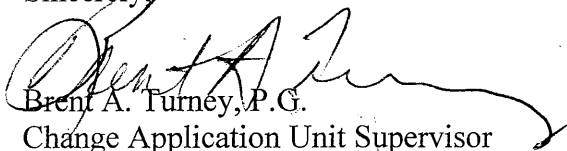
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the installation of the required meter as soon as these actions are completed.

Approval of the application for File No. 13,377 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 13,377 is limited to a fixed allocation, 1,250 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 250 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 AND ORDER BETTER DESCRIBING THE LOCATION OF THE
 AUTHORIZED POINT OF DIVERSION
 WATER RIGHT
 FILE NO. 13,377**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of James Fritz, Trustee, on behalf of the James L. Fritz Trust, 7102 Road 8, Goodland, Kansas, 67735, received in this office on April 10, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 21, 1995 and August 19, 1998, approving applications to change the place of use, by the Order of the Chief Engineer dated December 2, 2004, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated November 13, 2012, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

| 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 | |
| 2 | 7S | 42W | | | | | | | | | | | | | 9.50 | 9.50 | 37.50 | 37.50 | 94.00 |
| 11 | 7S | 42W | 29.00 | 38.00 | 31.00 | 34.00 | 37.00 | 6.50 | 6.50 | 37.00 | | | | | | | | | 219.00 |

a total of 313.00 acres in Township 7 South, Range 42 West, Sherman County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE¼ SW¼ NW¼) of Section 11, more particularly described as being near a point 2,868 feet North and 4,411 feet West of the Southeast corner of said section, in Township 7 South, Range 42 West, Sherman County, Kansas.

By this order, this water right is subject to the following conditions:

- That the quantity of water authorized under Water Right, File No. 13,377 shall not exceed 1,250 acre-feet per five (5)-year period; the first period being calendar years 2015 through 2019, ad infinitum.
- That the quantity of water authorized under Water Right, File No. 13,377 shall not exceed 250 acre-feet per calendar year, provided that 1,250 acre-feet per five (5)-year period is not exceeded.

3. That use of water in excess of 1,250 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

| 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 | |
| 2 | 7S | 42W | | | | | | | | | | | | | 9.50 | 9.50 | 37.50 | 37.50 | 94.00 |
| 11 | 7S | 42W | 13.00 | 31.00 | 17.00 | | 23.00 | | | 12.00 | | | | | | | | | 96.00 |

a total of 190.00 acres in Township 7 South, Range 42 West, Sherman County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. That if Northwest Kansas Groundwater Management District No. 4 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5); by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 3, above, starting the calendar year following the year of termination.

All 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 13,377, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 1975, as modified and amended by the aforementioned orders.

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. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) 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.

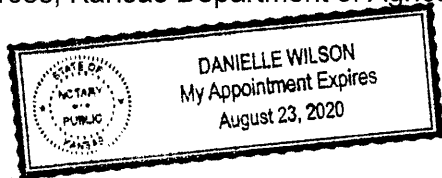
Ordered this 23rd day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 23rd day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 25th day of May, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 13,377, dated May 23rd, 2017 was mailed postage prepaid, first class, US mail to the following:

JAMES L FRITZ TRUST
ATTN JAMES FRITZ TRUSTEE
7102 ROAD 8
GOODLAND KS 67735

With photocopies sent to:

Stockton Field Office
Groundwater Management District No. 4

Danielle Wilson

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

**WATER RESOURCES
RECEIVED**

APR 10 2017

1:06

KS DEPT OF AGRICULTURE

File No. 13377

2. Name of applicant: JAMES L FRITZ

Address: 7102 ROAD 8

City, State and Zip: GOODLAND, KS 67735

Phone Number: (785)399-2446 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): TO COVER

AN ADDITIONAL PIVOT

The change(s) (was) (will be) completed by COMPLETE

(Date)

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source GIS County SH By Atw Date 4/10/17
Code CPU Fee \$ 200 TR # _____ Receipt Date 4/10/17 Check # 9181

5 11 17
RAIC

SCANNED

Assisted by: RL GMD #4

4/13/2017 UCM

4. The presently authorized place of use is:

Owner of Land — NAME: JAMES L FRITZ TRUST

ADDRESS: 7102 ROAD 8 GOODLAND, KS 67735

| 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 | |
| 2 | 7 | 42 | | | | | | | | | | | | | 9.5 | 9.5 | 37.5 | 37.5 | 94 |
| 11 | 7 | 42 | 13 | 31 | 17 | | 37 | 6.5 | 6.5 | 37 | | | | | | | | | 148 |

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

| 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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: JAMES L FRITZ TRUST

ADDRESS: 7102 ROAD 8 GOODLAND, KS 67735

| 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 | |
| 2 | 7 | 42 | | | | | | | | | | | | | 9.5 | 9.5 | 37.5 | 37.5 | 94 |
| 11 | 7 | 42 | 29 | 38 | 31 | 34 | 37 | 6.5 | 6.5 | 37 | | | | | | | | | 219 |

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

| 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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE PT/DIV
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 11, Township 7 South, Range 42 W, in SHERMAN County, Kansas, 2868 feet North ^{* 4425} ~~4411~~ feet West of Southeast corner of section.
 Authorized Rate 570 GPM Authorized Quantity 250 AF
 (DWR use only: Computer ID No. 2 * GPS 2868 feet North 4411 feet West)
 This point will not be changed This point will be changed as follows: * per WR25 * per DWR 4/19/17 + 8/14/17 per Compliance investigation
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 10 2017 SCANNED

12. The presently authorized use of water is for IRR _____ purposes.

It is proposed that the use be changed to NO CHANGE _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-11; CURRENTLY IN A 5 YEAR LTD QTY OF 1250 AF/ 5 YR PERIOD ; THIS WILL CONTINUE UNCHANGED.
REVERSION ACREAGE DESCRIBED ON REVERSION MAP.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA _____ gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

CHANGE PL/USE ONLY; NO IMPAIRMENT WILL OCCUR

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

ALL REGS ARE MET

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

CHANGE PL/USE

13377

1 : 24000

CTR 2-7-42

*Pass We do not do
well

*well
File No 13377
2868 N 4125 W 2840
CGPS 25CS N 4111 W

CTR 11-7-42

PRESENT PL/USE

PROPOSED PL/USE

WATER RESOURCES
RECEIVED

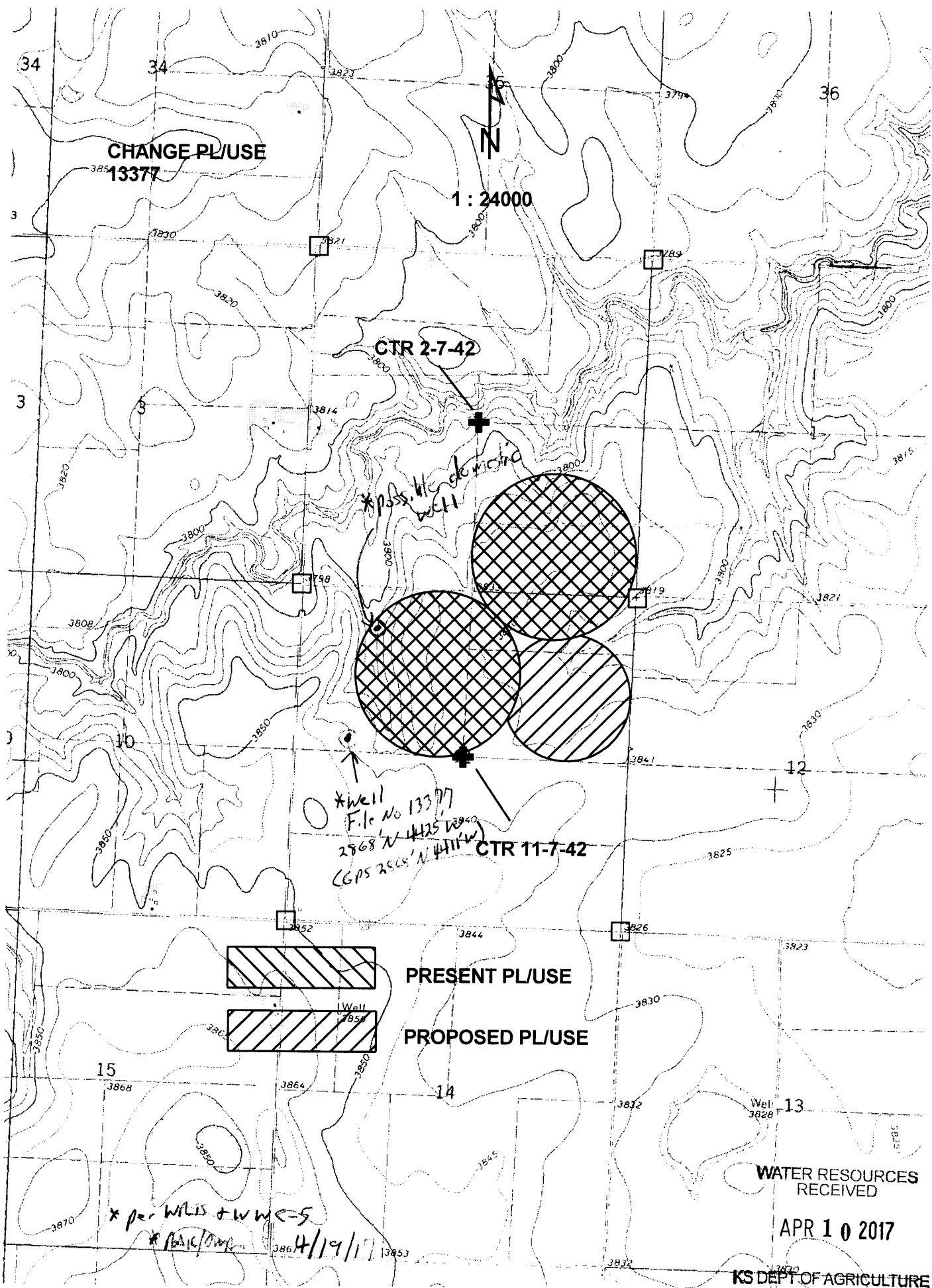
APR 10 2017

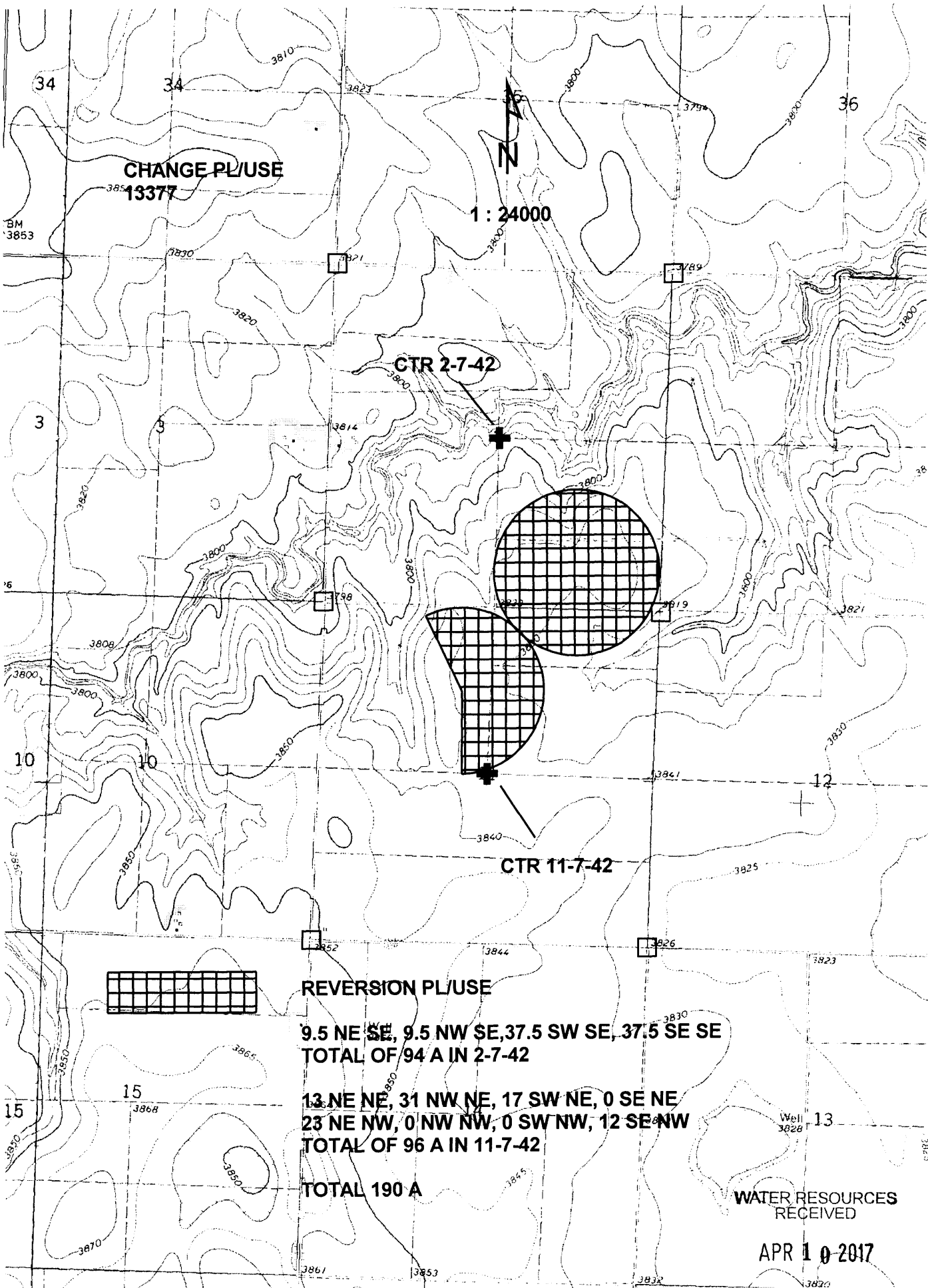
KS DEPT OF AGRICULTURE

SCANNED

* per WMS + WMS-5
* BAC/OW

3864/19/17





**CHANGE PL/USE
13377**

1 : 24000

CTR 2-7-42

CTR 11-7-42



REVERSION PL/USE

**9.5 NE SE, 9.5 NW SE, 37.5 SW SE, 37.5 SE SE
TOTAL OF 94 A IN 2-7-42**

**13 NE NE, 31 NW NE, 17 SW NE, 0 SE NE
23 NE NW, 0 NW NW, 0 SW NW, 12 SE NW
TOTAL OF 96 A IN 11-7-42**

TOTAL 190 A

**WATER RESOURCES
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APR 10 2017

**KS DEPT OF AGRICULTURE
SCANNED**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at SHERMAN County, KS, Kansas, this 5th day of April, 2017.

James Frite
(Owner)

(Spouse)

James Frite
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of SHERMAN } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of April, 2017.



Brenda S. Ross
Notary Public

My Commission Expires July 8, 2017.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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APR 10 2017

KS DEPT OF AGRICULTURE
SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Monday, May 15, 2017 9:54 AM
To: Krueger, Richelle; Turney, Brent
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in PU File No. 13377 James Fritz Trust

Richelle,

I have no objection to the approval of this application.

Kelly

From: Krueger, Richelle
Sent: Thursday, May 11, 2017 4:28 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU File No. 13377 James Fritz Trust

Hi Kelly,

Attached is a draft memorandum for the referenced file number, do you recommend approval?

Thanks,
Richelle



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

WATER RESOURCES
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MAY 11 2017

KS DEPT OF AGRICULTURE

May 5, 2017

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 13,377
James Fritz

Dear Richelle

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve above referenced application under KAR 5-5-11 with a maximum 5-year limited quantity of 1250 acre-feet. Appropriate monitoring per GMD4/DWR MOU will be conducted.

If any additional information is required, please advise.

Sincerely

Ray Luhman
Manager

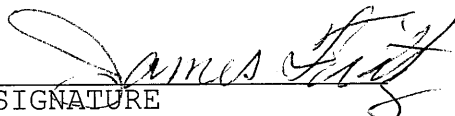
pc: Stockton Field Office

SCANNED

Water Right File Number: 13377
Base Acreage: 190 Acres
Annual Allocation: 250 Acre-Feet
5 Year Allocation: 1250 Acre-Feet

Pursuant to KAR 5-5-11, I understand that the above referenced water right will be subject to the following restrictions and that the landowner assumes the following responsibilities upon approval of the change in place of use that I have filed.

1. I understand that all wells covered by the above referenced water right will be required to have flow meters properly installed.
2. I understand that the above referenced water right will be limited to a maximum 5 year total quantity of 1250 acre-feet.
3. I understand that the approval of this change does not allow me to pump more than my annual allocation in any one calendar year.
4. I understand that if more than 1250 acre-feet is diverted in each successive 5 year block period the right to divert water under the above referenced water right will be totally suspended for a period of two years.
5. I understand that if more than 1250 acre-feet is diverted in each successive 5 year block period the total authorized place of use for the above referenced water right will be reduced to a total not to exceed the base acreage.
6. I understand that GMD 4 personnel will conduct at least one field compliance check each year to verify that the flow meter is operating, to record the amount of water that has been pumped, and to compare the amount pumped to both the authorized annual amount and the 5 year allocation. GMD 4 will report their findings to the landowner and to the Division of Water Resources.
7. I understand that these restrictions and responsibilities will be permanent and will continue to apply to the water right referenced above unless changes that alter the restrictions and responsibilities are approved by DWR. These restrictions and responsibilities will also continue to apply to the right upon sale, lease, inheritance, or any other mode of transfer or disposal.


SIGNATURE

5-1-17
DATE

WATER RESOURCES
RECEIVED

MAY 11 2017

SCANNED

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

April 19, 2017

NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

Re: Water Right, File No. 13,377

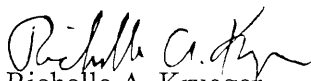
Dear Ray:

We are enclosing a copy of the application to change the place of use under the referenced file number.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
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April 19, 2017

NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

Re: Water Right, File No. 13,377


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Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

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

April 11, 2017

JAMES L FRITZ
7102 ROAD 8
GOODLAND, KS 87735

RE: File No. 13377

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD 4