

# CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 45144

Field Office No. 1

GMD No. \_\_\_\_\_

1. **Plugging agreement obtained for GMD?** Yes  No  Non Applicable

2. **Is Landowner correct as currently shown in WRIS?** Yes  No  **Address Change?** \_\_\_\_\_  
If applicable, list Place of Use Overlap File Nos. \_\_\_\_\_

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes  No  **Address Change?** \_\_\_\_\_  
Name of Former WUC \_\_\_\_\_ Name of New WUC \_\_\_\_\_

4. a. **Point of diversion computer ID No(s).** 2 **for point(s) being changed.**  
b. **Show feet distances from the** \_\_\_\_\_ **SE** \_\_\_\_\_ **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	77581	NO	24	1S	2E	5065	1625	Washington	NE NW NE
ENT		YES	24	1S	2E	5130	1203	Washington	NW NE NE
ENT		NO	24	1S	2E	5242	1276	Washington	NW NE NE
ENT		NO	24	1S	2E	5167	953	Washington	NW NE NE
ENT		NO	24	1S	2E	5033	1169	Washington	NW NE NE
ENT		NO	24	1S	2E	5081	1414	Washington	NE NW NE

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**  
 Old PDIV ID \_\_\_\_\_ Authorized Rate \_\_\_\_\_ gpm/cfs Additional Rate \_\_\_\_\_ gpm/cfs Authorized Quantity \_\_\_\_\_ af/mgy Additional Quantity \_\_\_\_\_ af/mgy

d. **Name of Drainage Basin** Mill Creek **Is this correctly shown in WRIS?**  Yes  No

e. **Formation Name & No.** (330) Dakota Aquifer (Unconfined) **Special Use Area** \_\_\_\_\_

5. **Distances from the previous/original p/d:** \_\_\_\_\_ ' N \_\_\_\_\_ ' E

**6. WATER RIGHT ACTION TRAIL COMMENTS**

11/15/2017 Change Application Received (date accepted for priority)  
11/27/2017 Change Approved  
 Notice and Proof by 12/31/2018  
---/--/----- Completion Requirement Removed (Change No. C. \_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

11/27/2017 DWR Meter Required by 12/31/2018

8. Base Acres \_\_\_\_\_ Year \_\_\_\_\_ Minimum Reasonable Quantity \_\_\_\_\_

Date Created **11/27/17** by **LHH/TFO**  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 45144

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL ACRES	
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
NO CHG	54075	55018				Acres Authorized													
						New Acres													
NO CHG	54077	55018				Acres Authorized													
						New Acres													
						Acres Authorized													
						New Acres													
						Acres Authorized													
						New Acres													

Names and Address:

1. _____ Person ID # _____	2. _____ Person ID # _____	3. _____ Person ID # _____
_____	_____	_____
_____	_____	_____
_____	_____	_____

GENERAL INSTRUCTIONS

- Give to Applicant:
    - Original application/approval
    - Original receipt (one for each application)
    - Information packet containing:
      - Notice and Proof form
      - Water Meter Specifications
      - Acceptable Meter list
      - Water level measurement tube specifications
      - Check Valve specifications
      - Pink Sheet - K.S.A. 82a-728 letter
      - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
  - Send to headquarters:
    - Good, microfilmable copy of application and/or approval and this check sheet
    - Original check and copy of receipt
    - Test hole log
    - GMD recommendation, if any
    - Map or aerial photograph, if any
  - Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. 

CONDITIONS

    - Insert notice and proof date.
    - Type or print applicant's/owner's name on line.
    - Complete notary statement.
  - Date stamp received and approved.
  - Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

November 28, 2017

TERRY L & SONJA FRAGER  
2782 KING RD  
MORROWVILLE KS 66958

Re: Appropriation of Water,  
File Nos. 45,144 and 47,122

Dear Sir and Madam:

Enclosed are the orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. A condition of these orders requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

<http://agriculture.ks.gov/meters>

These orders also require that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2018 and reported to the Division of Water Resources using the enclosed Notice of Completion of Diversion Works form. The form is also available on our website at: <http://agriculture.ks.gov/wa-forms> . 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.

**These documents are summary orders by this agency regarding this matter.** These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of these orders.

If 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,

  
Katherine A. Tietsort  
Water Commissioner

KAT:lh  
Enclosures  
PC: Gerry D & Shirley Frager

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. 45144

RECEIVED

NOV 15 2017  
 3:01 PM  
 Topeka 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: FRAGER FARMS

2782 KING RD MORROWVILLE KS 66958

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Same as applicant

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: GERRY D & SHIRLEY FRAGER / TERRY L & SONJA FRAGER

ADDRESS: 1234 26TH RD MORROWVILLE KS 66958 / 2782 KING RD MORROWVILLE KS 66958

(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	
24	1S	2E	40	40	40	40													240

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 \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_



5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the NE Quarter  
 of Section 24, Township 1 South, Range 2 EAST,  
 in Washington County, Kansas, 5065 feet North 1625 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:  
**Proposed point of diversion: (Complete only if change is requested) SEE ATTACHMENT "A"**  
 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 800 GPM Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

**\*\* IT IS REQUESTED THAT THE AUTHORIZED RATE BE REDUCED TO 800 GPM IN CONJUNCTION WITH APPROVAL OF A BATTERY OF FOUR WELLS.\*\***

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:  
**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 \_\_\_\_\_ (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. Why do you need a new point of diversion? Multiple wells are necessary to achieve a reasonable rate and quantity.

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

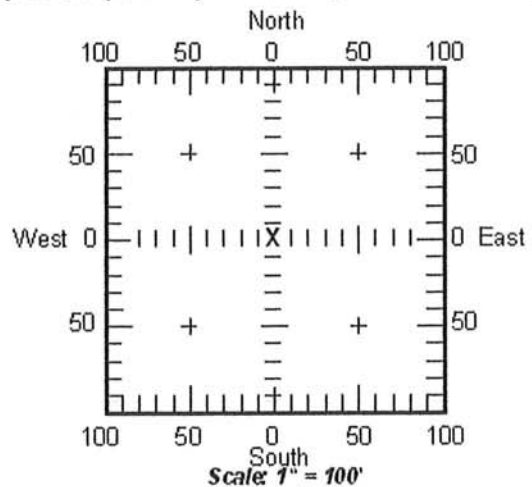
9. When do you propose to complete the new point of diversion?  
Upon approval of the application

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by Lloyd Hemphill 10-20-17

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

**APPLICATION TO CHANGE THE POINT OF DIVERSION**  
**ATTACHMENT "A"**  
**FILE NO. 45144**

Proposed Points of Diversion – Battery of 4 Wells

GEO CTR (NW NE NE) Sec 24-T1S-R2E 5130'N & 1203'W

One Well – (NW NE NE) Sec 24-T1S-R2E 5242'N & 1276'W

One Well – (NW NE NE) Sec 24-T1S-R2E 5167'N & 953'W

One Well – (NW NE NE) Sec 24-T1S-R2E 5033'N & 1169'W

One Well – (NE NW NE) Sec 24-T1S-R2E 5081'N & 1414'W

\*\* To meet the definition of a battery, this application requests a rate reduction to 800 gallons per minute.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Morrowville, Kansas, this 4 day of Nov, 2017.

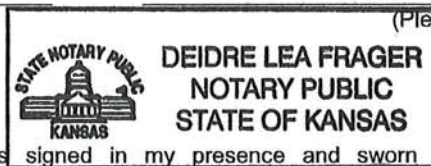
[Signature]  
 (Owner)  
Jerry Frager  
 (Please Print)  
[Signature]  
 (Owner)  
Berry Frager  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)

[Signature]  
 (Spouse)  
Sonya Frager  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)

(Please Print)

(Please Print)

State of Kansas }  
 County of Washington } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of November, 2017.

[Signature]  
 Notary Public

My Commission Expires 9/21/2021.

**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



Dated at Washington, Kansas, this 6<sup>th</sup> day of November 2017, ~~2011~~

Berry Frager  
(Owner)

Shirley Frager  
(Spouse)

Berry Frager  
(Please Print)

Shirley Frager  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

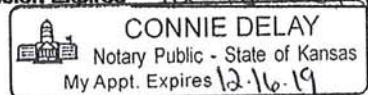
(Please Print)

State of Kansas )  
County of Washington ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6<sup>th</sup> day of November, 2017.

Connie Delay  
Notary Public

My Commission Expires 12-16-2019



**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:

- Application to change a point of diversion 300 feet or less ..... \$10
- Application to change a point of diversion more than 300 feet ..... \$20
- Application to change the place of use ..... \$20
- Application to change the use made of the water ..... \$30

Make check payable to Kansas Department of Agriculture.





**Approval of Application for Change in Point of Diversion  
File No. 45,144**

**Additional Conditions**

- 1) That this approval is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and shall be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).
  
- 2) As per the request of the applicant on the DWR Field Office Application for Approval to Change the Point of Diversion, the authorized rate under Appropriation of Water, File No. 45,144 shall be reduced from 2,200 gallons per minute to 800 gallons per minute.

## CERTIFICATE OF SERVICE

On this 28<sup>th</sup> day of November, 2017, I hereby certify that the attached APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION, Appropriation of Water, File No. 45,144, dated November 27, 2017 was mailed postage prepaid, first class, US mail to the following:

TERRY L & SONJA FRAGER  
2782 KING RD  
MORROWVILLE KS 66958

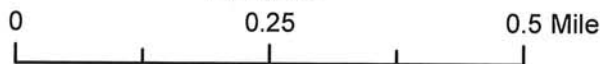
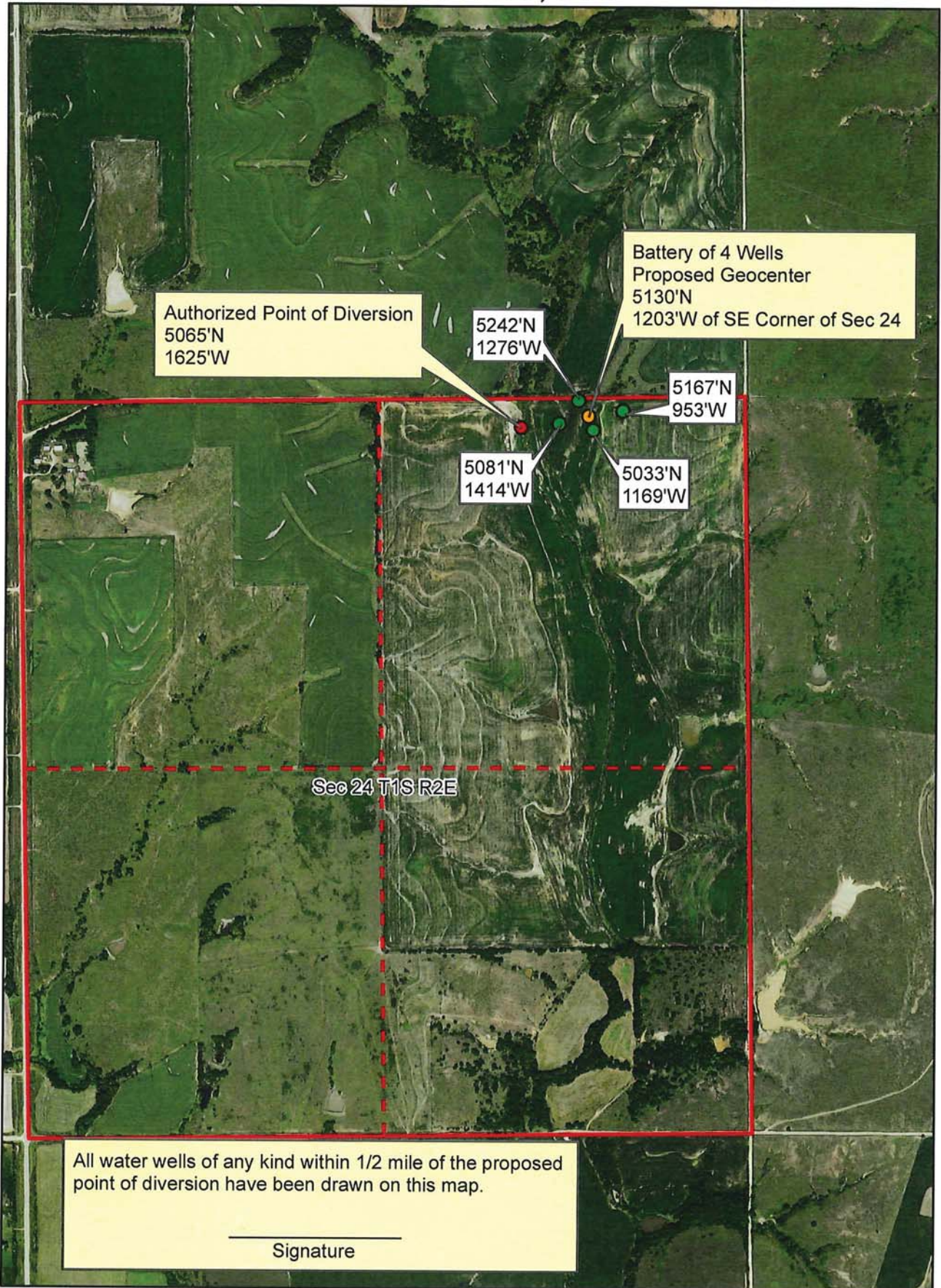
With Photocopies to:

GERRY D & SHIRLEY FRAGER  
1234 26TH RD  
MORROWVILLE KS 66958

  
\_\_\_\_\_  
Staff

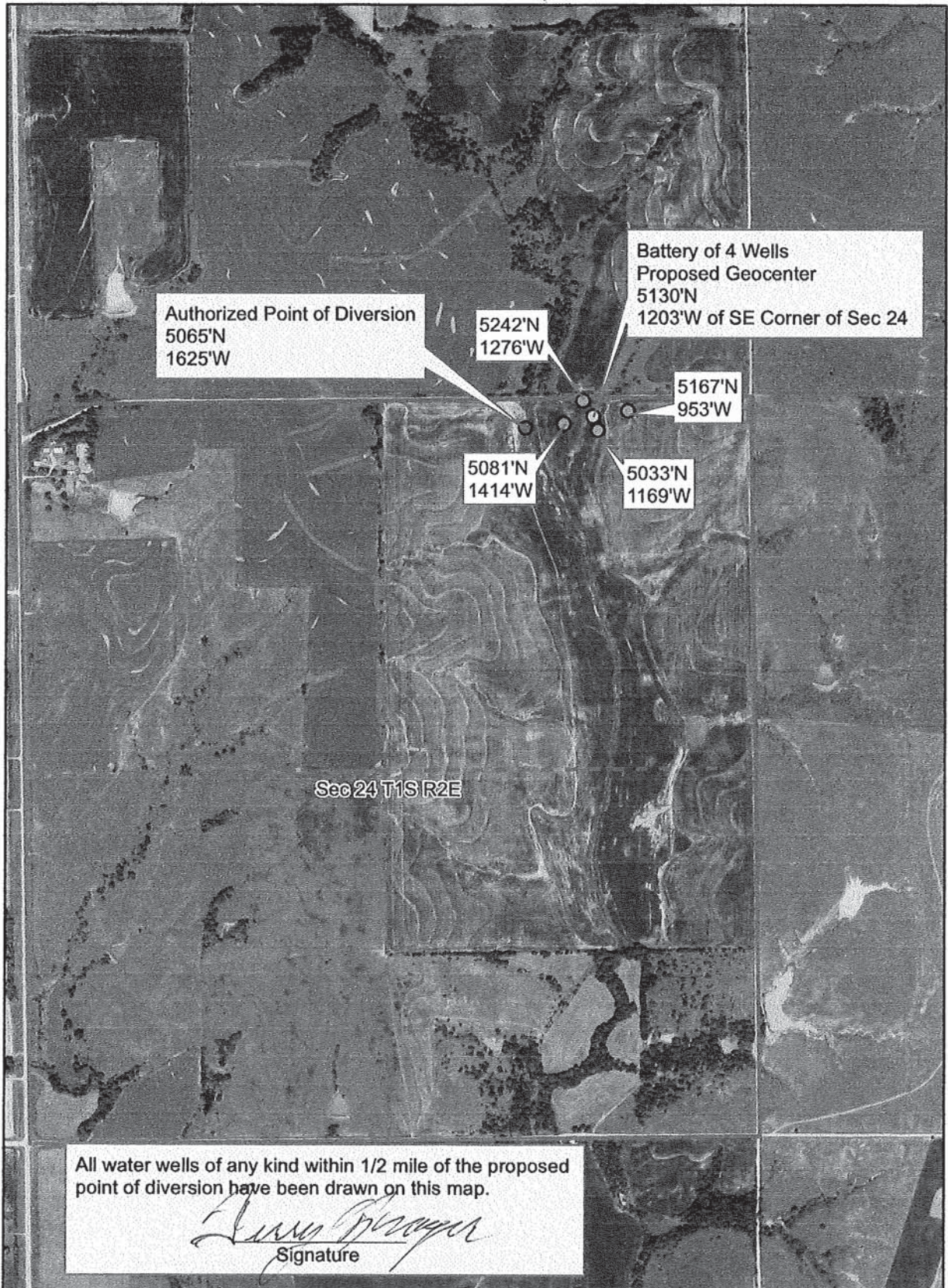


# Point of Diversion Change File No. 45,144





# Point of Diversion Change File No. 45,144



N  
▲

1:12,000



~~Wetland App.~~

45,144

4 well Battery



United States Department of Agriculture  
Farm Service Agency

Farm: 6202  
Tract: 302

**Washington County**  
1:6,014

March 09, 2010



24

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.