

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,417	2. Status Change Date: 3/2/2021	3. Field Office: 1	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **54073**
New to system Add Seq# _____

FRAGER FARMS
2782 KING RD
MORROWVILLE, KS 66958

7b. Landowner(s) Person ID **54077**
New to system Add Seq# _____

TERRY L & SONJA FRAGER
2782 KING RD
MORROWVILLE KS 66958

7c. Landowner(s) Person ID **54075**
New to system Add Seq# _____

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

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____

OTHER: _____

10. Completion Date: ~~12/31/2021~~ **22** 11. Perfection Date: ~~12/31/2025~~ **26** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **9/10/2020** By: **DWS**
Date Entered: **3/3/2021** By: **L Moody**

File No. 50,417	15. Formation Code: 330	Drainage Basin: MILL CREEK	County: WS	Special Use:	Stream:																																																																																																									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:55%;">16. Points of Diversion</td> <td colspan="5" style="width:45%;">17. Rate and Quantity</td> </tr> <tr> <td style="font-size: small;">T MOD DEL ENT</td> <td style="font-size: small;">PDIV</td> <td style="font-size: small;">Qualifier</td> <td style="font-size: small;">S</td> <td style="font-size: small;">T</td> <td style="font-size: small;">R</td> <td style="font-size: small;">ID</td> <td style="font-size: small;">'N</td> <td style="font-size: small;">'W</td> <td style="font-size: small;">Geo-Ctr</td> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity af</td> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity af</td> <td style="font-size: small;">Overlap PD Files</td> </tr> <tr> <td>MOD</td> <td>86461</td> <td>NW NE NE</td> <td>24</td> <td>1</td> <td>2E</td> <td>3</td> <td>5169</td> <td>1089</td> <td>Geo-Ctr</td> <td>800</td> <td>288</td> <td>800</td> <td>288</td> <td>45,144*</td> </tr> <tr> <td>MOD</td> <td>86462</td> <td>NW NE NE</td> <td>24</td> <td>1</td> <td>2E</td> <td>4</td> <td>5259</td> <td>1194</td> <td>Batt 1 of 4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOD</td> <td>86463</td> <td>NW NE NE</td> <td>24</td> <td>1</td> <td>2E</td> <td>5</td> <td>5257</td> <td>833</td> <td>Batt 1 of 4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOD</td> <td>86464</td> <td>NW NE NE</td> <td>24</td> <td>1</td> <td>2E</td> <td>6</td> <td>5080</td> <td>975</td> <td>Batt 1 of 4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOD</td> <td>86465</td> <td>NE NW NE</td> <td>24</td> <td>1</td> <td>2E</td> <td>7</td> <td>5081</td> <td>1354</td> <td>Batt 1 of 4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Geo-Ctr	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	MOD	86461	NW NE NE	24	1	2E	3	5169	1089	Geo-Ctr	800	288	800	288	45,144*	MOD	86462	NW NE NE	24	1	2E	4	5259	1194	Batt 1 of 4						MOD	86463	NW NE NE	24	1	2E	5	5257	833	Batt 1 of 4						MOD	86464	NW NE NE	24	1	2E	6	5080	975	Batt 1 of 4						MOD	86465	NE NW NE	24	1	2E	7	5081	1354	Batt 1 of 4					
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																														
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																																																																																														
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2021 Date Acceptable Meter Installed _____																																																																																																														
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files																																																																																									
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Comments: ***FILE NO. 45,144 TO BE VOLUNTARILY DISMISSED.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 10, 2020

FROM: Doug Schemm

RE: Application, File No. 50,417 and
Appropriation of Water, File No. 45,144

Fragar Farms has filed the referenced new application to appropriate 288 acre-feet of groundwater from a proposed battery of wells, at the rate of 800 gallons per minute for irrigation use in Washington County, within the Mill Creek Drainage Basin. The battery of wells is currently authorized under File No. 45,144, however the applicant failed to complete the wells, and has voluntarily requested that File No. 45,144 be dismissed. The place of use is owned by Terry and Sonja Frager, and Gerry and Shirley Frager. It comprises a total of 240 acres. The applicant has signed the application form stating he has access to the point of diversion. The purpose of this new application is to replace File No. 45,144 and complete the battery of wells. There are no other files overlapping in Place of Use (after the dismissal of File No. 45,144). The requested quantity of water, 288 acre-feet, is the maximum allowable to irrigate the proposed 240 acres (1.2 Acre-Feet per acre is the maximum allowed in Washington County).

As noted this new application replaces Appropriation of Water, File No. 45,144, which was approved for the same quantity of water and rate of diversion. A Findings and Order dismissing Appropriation of Water, File No. 45,144 has been prepared and will be processed in conjunction with the approval of the new application.

The applicant did not identify any wells of any kind within one-half mile. Therefore, no notification letters are required. The nearest non-domestic well is over 8,000 feet away, which clearly complies with the minimum well spacing criteria to all existing non-domestic wells of 2,640 feet per the requirements in K.A.R. 5-4-4 for the unconfined Dakota aquifer system. The nearest possible domestic well is over 6,000 feet away, which exceeds the required spacing to domestic wells of 1,320 feet. Note that well locations were modified based on well logs included in the Comp Check for File No. 45,144

Per the definition in K.A.R. 5-1-1(iiii) the "Unconfined Dakota aquifer system" means that portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. The applicant has drilled multiple test holes and wells within the local area, and typically the well logs describe gray, brown and yellow clays (with some shallow sandstone units) extending to depths over 100 feet below ground surface, underlain by interbedded sandstone and clay layers extending to total depths of 400 feet below ground surface. The well log provided for nearby File No. 48,144 shows that the primary aquifer in this area appears to be a sandstone formation between 138 feet and 193 feet below ground surface. There are some thinner sandstone units at deeper depths. Static water level was listed at 166 feet below ground surface. Static water level is well below the top of the sandstone formation (138' depth). The well log for File No. 43,923 notes that the depth groundwater was first encountered was 190 feet below ground surface, the same as the static water level, also indicating that the aquifer in this area is not under pressure. Since the static water level does not extend above the top of the aquifer, the aquifer is in equilibrium with atmospheric pressure (i.e. unconfined).

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

Per K.A.R. 5-3-11, an evaluation of safe yield includes the entire 2-mile area of consideration around the point of diversion within the limits of the unconfined aquifer. For this specific file, based on area well logs, it appears that the unconfined Dakota aquifer system extends across the entire two-mile circle, providing an area of consideration of 8,042 acres. With a recharge of 3.3 inches, and 100% available for appropriation, this results in a safe yield of 2,211.68 acre-feet. There are multiple water rights within the area of consideration that have appropriated 1,159.6 acre-feet, leaving 1,052.08 acre-feet of water available. The new application is requesting 288 acre-feet, and it meets safe yield.

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

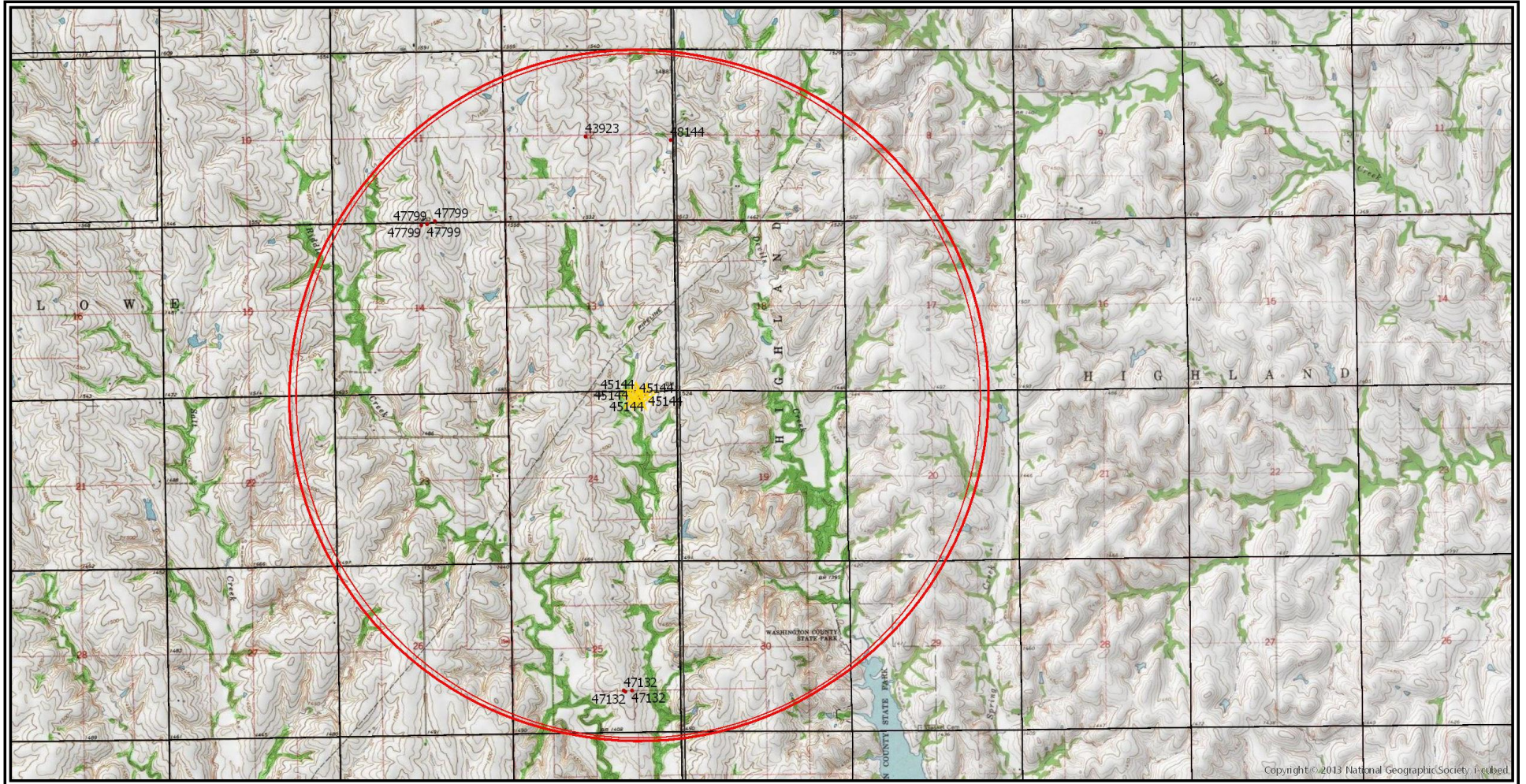
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R.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

In a September 9, 2020 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, the application is replacing a previous file that failed to complete, and approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved in conjunction with the dismissal of Appropriation of Water, File No. 45,144 as voluntarily requested by the applicant.



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Safe Yield Report Sheet
Water Right- A5041700
Point of Diversion in 24-01S-02E
Footages from SE corner- 5,130 feet North 1,203 feet West



Analysis Results

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

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

Total prior appropriations in the circle is 1,735.60 AF. - 288 AF - 288 AF = 1,159.6 AF

Total quantity of water available for appropriation is ~~476.08~~ AF.
1,052.08 AF

Application File No. 50,417 - Requesting 288 AF
Meets Safe Yield - dws/dwr 9/9/20

Safe Yield Variables

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

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

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 09-SEP-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 6 water rights and 14 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 43923 00	IRR	NK	G				NC	2618	2706	12	01	02E	4	WR	212.00	212.00	524.00	524.00
A 45144 00	IRR	KE	G		NW	NE	NE	5130	1203	24	01	02E	3	WR	-288.00	288.00	240.00	240.00
Same	IRR	KE	G		NW	NE	NE	5242	1276	24	01	02E	4	WR			To be Voluntarily Dismissed	
Same	IRR	KE	G		NW	NE	NE	5167	953	24	01	02E	5	WR				
Same	IRR	KE	G		NW	NE	NE	5033	1169	24	01	02E	6	WR				
Same	IRR	KE	G		NE	NW	NE	5081	1414	24	01	02E	7	WR				
A 47132 00	IRR	KE	G		NE	SW	SE	1250	1900	25	01	02E	1	WR	285.60	285.60	238.00	238.00
Same	IRR	KE	G		NE	SW	SE	1250	1530	25	01	02E	3	WR				
Same	IRR	KE	G		NW	SW	SE	1250	1715	25	01	02E	4	WR				
A 47799 00	IRR	LR	G		NW	NW	NE	5225	2262	14	01	02E	3	WR	342.00	342.00	285.00	285.00
Same	IRR	LR	G		NW	NW	NE	5225	2449	14	01	02E	4	WR				
Same	IRR	LR	G		NW	NW	NE	5225	2456	14	01	02E	5	WR				
Same	IRR	LR	G		NW	NW	NE	5225	2630	14	01	02E	6	WR				
A 48144 00	IRR	LR	G		NE	NE	SE	2610	30	12	01	02E	3	WR	320.00	320.00	524.00	0.00
A 50417 00	IRR	AY	G		NW	NE	NE	5130	1203	24	01	02E	3	WR	-288.00	-288.00	240.00	0.00
Same	IRR	AY	G		NW	NE	NE	5242	1276	24	01	02E	4	WR				
Same	IRR	AY	G		NW	NE	NE	5167	953	24	01	02E	5	WR				
Same	IRR	AY	G		NW	NE	NE	5033	1169	24	01	02E	6	WR				
Same	IRR	AY	G		NE	NW	NE	5081	1414	24	01	02E	7	WR				

Limitations

File Number	Seq Num	Limitations
A 48144 00	1	616.8AF/YR COM/W #43923 & 44093



LEOWEB V11.000

[Lat/Long \(D.dddd\)](#) |
 [Lat/Long \(DMS\)](#) |
 [Lat/Long \(DM.mm\)](#) |
 [TRS_FT](#) |
 [TRS Q Calls](#) |
 [UTM](#) |
 [Help](#) |
 [About LEOWEB](#) |
 [REST Service](#)

Enter Latitude and Longitude as Decimal Degrees

Datum: |
 Corner: |
 Session No: 1260308495454

Latitude:

Longitude:

Results String
 Input Decimal Degrees Lat = 39.959012 Long = -97.14831
 DD Lat: 39.959012 Long: -97.14831 Datum: NAD83
 Kansas TRS: 01S02E24
 Township: 1S Range : 2 E Section: 24
 Reference Corner: SE
 Spot Footage: 5259' N of South line 1194' W of East line
 Spot: Center of NW NW NE NE
 Section is approximately 637 acres
 Length of north line = 5227 Ft
 Length of south line = 5215 Ft

Submit

Go Actions

Latitude	Longitude	Datum	TRS	Footage NS	Footage EW	Footage Corner	Town- ship	Township Direction	Range	Range Direction	Section	UTM Northing	UTM Easting	UTM Zone	UTM Units	S
39.959012	-97.14831	NAD83	01S02E24	5259	1194	SE	1	S	2	E	24	4424849.65	658159.08	14	Meters	
39.959012	-97.14831	NAD83	01S02E24	5259	1194	SE	1	S	2	E	24	4424849.65	658159.08	14	Meters	
39.959012	-97.14831	NAD83	01S02E24	5259	1194	SE	1	S	2	E	24	4424849.65	658159.08	14	Meters	
39.958524	-97.147529	NAD83	01S02E24	5080	975	SE	1	S	2	E	24	4424796.86	658226.91	14	Meters	
39.959011	-97.147024	NAD83	01S02E24	5257	833	SE	1	S	2	E	24	4424851.82	658268.93	14	Meters	

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,417** of the applicant

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

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **July 22, 2020**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24 1S 2E	40	40	40	40									40	40			240

3. That the authorized source from which the appropriation shall be made is groundwater from the unconfined Dakota aquifer system, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section 24, more particularly described as being near a point 5,169 feet North and 1,089 feet West of the Southeast corner of said section, in Township 1 South, Range 2 East, Washington County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **288 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2026 or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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

Ordered this 2 day of march, 2021, in Manhattan, Riley 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 2 day of march, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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



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

Mike Beam, Secretary

Laura Kelly, Governor

March 4, 2021

FRAGER FARMS
2782 KING RD
MORROWVILLE, KS 66958

RE: Appropriation of Water, File Nos. 50,417 and 45,144

Dear Mr. Frager:

Enclosed is a permit (File No. 50,417) authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

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

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

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

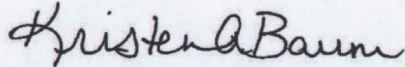
Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 45,144 as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on July 27, 2020. Appropriation of Water, File No. 50,417 essentially replaces this current appropriation.

Fragger Farms
File Nos. 50,417 and 45,144
Page 2

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

Sincerely,



Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Terry L & Sonja Frager
Gerry D & Shirley Frager

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

CERTIFICATE OF SERVICE

On this 4 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,417, dated 2 March, 2021, was mailed postage prepaid, first class, US mail to the following:

FRAGER FARMS
2782 KING RD
MORROWVILLE, KS 66958

With photocopies to:

TERRY L & SONJA FRAGER
2782 KING RD
MORROWVILLE, KS 66958

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

Topeka Field Office


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