



File No. <b>50,563</b>	15. Formation Code: <b>330</b>	Drainage Basin: <b>MILL CREEK</b>	County: <b>WS</b>	Special Use:	Stream:																
16. Points of Diversion										17. Rate and Quantity											
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files						
<b>CHK</b>	<b>86736</b>	<b>SW SW NE</b>	<b>24</b>	<b>1</b>	<b>2E</b>	<b>8</b>	<b>2717</b>	<b>2413</b>	<b>Geo-Ctr</b>		<b>800</b>	<b>288</b>	<b>800</b>	<b>0</b>	<b>none</b>						
<b>CHK</b>	<b>86737</b>	<b>SW SW NE</b>	<b>24</b>	<b>1</b>	<b>2E</b>	<b>9</b>	<b>2780</b>	<b>2520</b>	<b>Batt 1 of 3</b>												
<b>CHK</b>	<b>86738</b>	<b>SW SW NE</b>	<b>24</b>	<b>1</b>	<b>2E</b>	<b>10</b>	<b>2650</b>	<b>2300</b>	<b>Batt 1 of 3</b>												
<b>CHK</b>	<b>88739</b>	<b>SW SW NE</b>	<b>24</b>	<b>1</b>	<b>2E</b>	<b>11</b>	<b>2720</b>	<b>2420</b>	<b>Batt 1 of 3</b>												
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
19. Limitation: <u>288</u> af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <u>50417</u> 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 <u>12/31/2021</u> <sup>2023</sup> Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
T 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				
<b>CHK</b>	<b>55018</b>	<b>24</b>	<b>1S</b>	<b>2E</b>	<b>1</b>	40	40	40	40												
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** September 1, 2022

**FROM:** Doug Schemm

**RE:** Application, File No. 50,563

Fragar Farms (ownership has changed since filing – now Global Investment Properties) has filed the referenced new application to appropriate 288 acre-feet of groundwater from a proposed battery of three (3) wells at a rate of 800 gallons per minute for irrigation use. The geocenter of said battery will be located in the Northeast Quarter of Section 24, Township 1 South, Range 2 East, Washington County, Kansas ( Mill Creek Basin). The place of use is comprised of 240 acres in the East Half of Section 24, Township 1 South, Range 2 East, Washington County, Kansas, which creates a complete overlap with Appropriation of Water, File No. 50,417. The place of use is owned by Terry and Sonja Frager, and Gerry and Shirley Frager.

Terry Frager has signed the application form stating he has legal access to the point of diversion. The purpose of this new application is to supply the applicant with another source of water to irrigate their existing place of use. File No. 50,563 will be limited to 288 acre-feet per calendar year when combined with File No. 50,417. 288 acre-feet is the maximum allowable quantity to irrigate the proposed 240 acres in Washington County (1.2 AF per acre x 240 acres = 288 AF).

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 well logs for nearby File No. 50,417 show shallow Dakota sandstone and a static water level hovering between 21 and 32 feet.

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.

The applicant did not identify wells of any kind within one-half mile. Review of aerial photography and the WWC-5 database backs this claim. Therefore, no notification letters are required. The nearest non-domestic well is just over ½ mile away and is owned by the applicant (File No. 50,417). The nearest possible domestic well is also over ½ mile away. Therefore, according to the requirements in K.A.R. 5-4-4 for the unconfined Dakota aquifer system, spacing is met.

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 1,214 acre-feet, leaving 997.68 acre-feet of water available. The new application is requesting 288 acre-feet (and no additional water), thus 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.

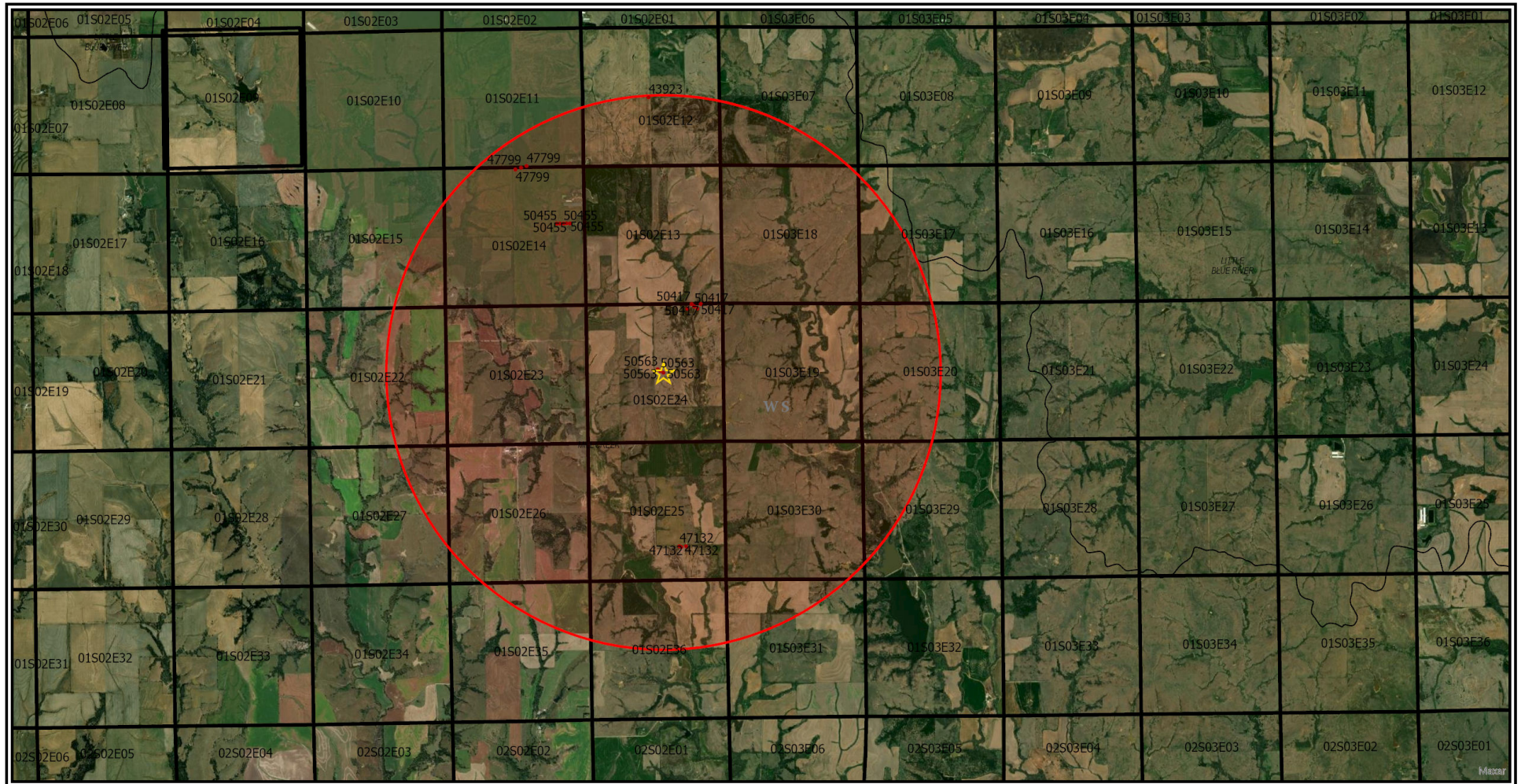
No water commissioner is currently appointed at the Topeka Field Office. New applications are not required to receive a recommendation from the field office for approval.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced new application be approved.



Kris Neuhauser  
New Applications Lead  
Water Appropriations Program

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 24-01S-02E**  
**Footages from SE corner- 2,650 feet North 2,300 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 1,214.00 AF.  
 Total quantity of water available for appropriation is 997.68 AF.

**50563 PASSES SY\***

**LIMITED TO 288 AF WHEN COMBINED WITH 50417**

## 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 01-SEP-2022 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 21 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 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	5314	2216	14	01	02E	3	WR	342.00	342.00	362.50	362.50
Same	IRR	LR	G		NW	NW	NE	5252	2428	14	01	02E	4	WR				
Same	IRR	LR	G		NW	NW	NE	5190	2639	14	01	02E	5	WR				
A 50417 00	IRR	GY	G		NW	NE	NE	5169	1089	24	01	02E	3	WR	288.00	288.00	240.00	240.00
Same	IRR	GY	G		NW	NE	NE	5259	1194	24	01	02E	4	WR				
Same	IRR	GY	G		NW	NE	NE	5257	833	24	01	02E	5	WR				
Same	IRR	GY	G		NW	NE	NE	5080	975	24	01	02E	6	WR				
Same	IRR	GY	G		NE	NW	NE	5081	1354	24	01	02E	7	WR				
A 50455 00	IRR	GY	G		SW	SE	NE	3100	830	14	01	02E	7	WR	86.40	86.40	362.50	0.00
Same	IRR	GY	G		SW	SE	NE	3100	705	14	01	02E	8	WR				
Same	IRR	GY	G		SE	SE	NE	3100	580	14	01	02E	9	WR				
Same	IRR	GY	G		SW	SE	NE	3100	955	14	01	02E	10	WR				
Same	IRR	GY	G		SW	SE	NE	3100	1080	14	01	02E	11	WR				
<del>A 50563 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>SW</del>	<del>SW</del>	<del>NE</del>	<del>2717</del>	<del>2413</del>	<del>24</del>	<del>01</del>	<del>02E</del>	<del>8</del>	<del>WR</del>	<del>288.00</del>	<del>0.00</del>	<del>240.00</del>	<del>0.00</del>
Same	IRR	AY	G		SW	SW	NE	2780	2520	24	01	02E	9	WR				
Same	IRR	AY	G		SW	SW	NE	2650	2300	24	01	02E	10	WR				
Same	IRR	AY	G		SW	SW	NE	2720	2420	24	01	02E	11	WR				

# 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. 50,563** of the applicant

**GLOBAL INVESTMENT PROPERTIES  
PO BOX 382  
WINDOM, MN 56101**

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 **March 31, 2021**.
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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
24	1S	2E	40	40	40	40													240

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of Three (3) wells, with a geographical center located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 24, more particularly described as being near a point 2,717 feet North and 2,413 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, 2023** 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, 2027** 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 acceptable water flow meters shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These water flow meters 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.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,417, will provide a total **not to exceed 288 acre-feet** of water per calendar year for irrigation use on the land described herein.

Ordered this 4 day of October, 2022, in Manhattan, Riley County, Kansas.

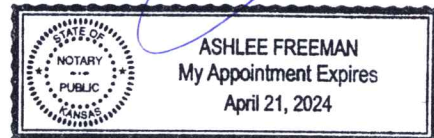
*Lane P. Letourneau*

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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 4 day of October, 2022, by Lane P. Letourneau, P.G., Water Appropriation 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

October 11, 2022

GLOBAL INVESTMENT PROPERTIES  
PO BOX 382  
WINDOM, MN 56101

RE: Appropriation of Water, File No. 50,563

Dear Applicant:

Enclosed is a permit 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 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](http://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](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB: kjn  
Enclosure(s)

pc: Topeka Field Office



## 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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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.

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

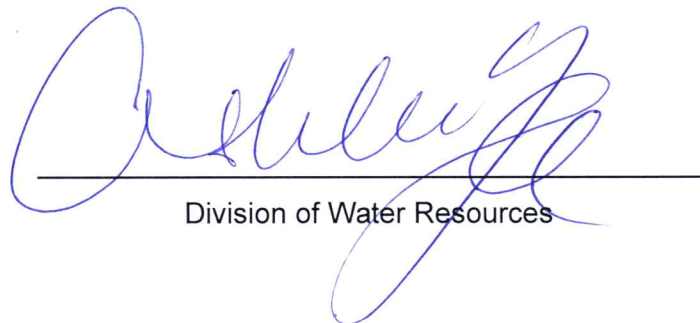
## CERTIFICATE OF SERVICE

On this 11 day of October, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,563, dated 4 October, 2022, was mailed postage prepaid, first class, US mail to the following:

GLOBAL INVESTMENT PROPERTIES  
PO BOX 382  
WINDOM, MN 56101

With photocopies to:

Topeka Field Office



Division of Water Resources