

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

*{ Older in matter of priority -  
 (ADDITIONAL LIMITATION)*

1. File Number: <b>25031</b>	2. Status Change Date: <i>2/28/2018</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>9/24/2018</b>
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8a. Applicant(s) Person ID 1171  
 New to system  Add Seq# \_\_\_\_\_

**DEAN & KAY BERGHAUS LIVING TRUSTS  
 PO BOX 602  
 MEADE KS 67864**

8d. Landowner(s) Person ID 60550  
 New to system  Add Seq# \_\_\_\_\_

**TWIST FAMILY FARMS LLC  
 JEFF TWIST  
 130 IROQUOIS RD  
 BOULDER CO 80303-4214**

**OWNERSHIP UPDATE FOR  
 ROY & BETTY JO TWIST WHO ARE  
 DECEASED**

8b. Landowner(s) Person ID 61658  
 New to system  Add Seq# \_\_\_\_\_

**TERESA COOK  
 12845 W Hendryx Court  
 WICHITA KS 67235-1724  
 Address update**

8c Landowner(s) Person ID 61657  
 New to system  Add Seq# \_\_\_\_\_

**MARC W & JEANNE M BERGHAUS  
 PO BOX 838  
 MEADE KS 67864**

8e. WUC Person ID 1171  
 New to system  Add Seq# \_\_\_\_\_

**DEAN & KAY BERGHAUS LIVING TRUSTS  
 PO BOX 602  
 MEADE KS 67864**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/2019 Date to Comply: \_\_\_\_\_

Anti-Reverse Meter  Meter Seal  Check Valve  N & P Form  Water Tube  Driller Copy  H & E Letter

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: \_\_\_\_\_ To: \_\_\_\_\_

Date Prepared: **12/10/18** By: LI  
 Date Entered: *1/4/2019* By: *LLM*

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

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

**TO:** File

**DATE:** December 10, 2018

**FROM:** Leslie Ireland

**RE:** Water Right File Nos. 3,149; 9,982; 13,158-D1;  
14,309; 25,031 28,580 & 30,950

Kay Berghaus, Trustee, of the Dean Berghaus Living Trust and Kay Berghaus Living Trust, along with Marc and Jeanne Berghaus, Tereda Cook and Charles Jeffery Twist as owners submitted applications on September 24, 2018, to change the irrigated place of use. The signature of Charles Jeffery Twist was determined to be on behalf of Twist Family Farms, LLC per the documents submitted and Meade County register of Deeds. While the Twist signature of does not appear to be needed after the division of File No. 13,158, resulting in their portion to be held separately under 13,158-D2, a portion of Section 30 is also authorized by File Nos. 3,149 and 28,580.

The referenced water rights appear to be in compliance with K.S.A. 82a-732 and the applications comply with K.A.R. 5-5-2a, with the updates to the ownership and addresses supplied by the applicants.

The referenced files are authorized separate portions with several complete and incomplete overlaps in place of use with a total of 1,473.51 acres authorized. The only additional limitation is on the rate of diversion under File No. 13,158-D1 that the rate is limited to 1,190 gallons per minute with File No. 3,149. Originally the apps proposed a total of 1,475.51 acres to be irrigated eliminating all incomplete overlaps, but with no acres that had not been authorized, but didn't take into account the base acres. The place of use will remain within what is currently authorize but eliminating the incomplete overlaps as there is no justification of K.A.R. 5-3-5n, *Authorized place of use*. Additionally, the division of File No. 13,185, will also eliminate a large incomplete overlap, allowing these separate owners to operate independently. The applications required a modification due to the referenced files base acres totaling 1,224.5 acres. A review of the base acres by Mike Meyer, Water Commissioner, Garden City Field Office determined 1,224.5 acres under File Nos. 3,149; 9,982; 13,158-D1; 14,309; 25,031; 28,580 & 30,950. As allowed per K.A.R. 5-5-11(b)(1), each right base acres can be increased ten acres or ten percent whichever is less as allowed. As four different base acres were developed that would allow ten acres to be added each was afforded its ten acres or a total of 1,264.5 acres to be proposed by the complete overlap of the referenced files.

The November 27, 2018, modifications to the applications by Kay Berghaus will propose a total of 1,264.02 acres authorized complying with of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. No increase in the consumptive should occur thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

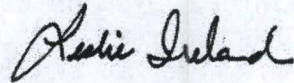
Historically the 1,473.51 acres developed an irrigation ration of 1.88 acre-foot per acre with the 2,778 acre-feet authorized by the referenced files. The change will result in the in an irrigation ratio of 2.20 acre-foot per acre. This exceeds the standard 2.00 acre-foot per acre as allowed by K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. To allow flexibility an additional limitation will be placed on File Nos. 25,031; 28,580 and 30,950 limiting the 2,778 acre-feet authorized to a maximum annual quantity of 2,528.04 acre-feet when combined with the senior files.

In a letter dated October 25, 2018, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, recommend approval of the applications, if they complied with K.A.R. 5-5-11.

Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated December 3, 2018, he recommended approval of the change applications.

Water flowmeters will be required for the change approvals. The water use correspondent will be updated to Kay Berghaus Living Trust for all of the referenced files. A check valve will be required, if chemigating. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

Based on the above discussion, that the change to the place of use authorized by all of the referenced files will make a complete overlap and not substantially increase the acres above what is currently authorized and with no increase in the historical consumptive use, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

**FILE COPY**

DEAN & KAY BERGHAUS LIVING TRUST January 9, 2019  
KAY BERGHAUS, TRUSTEE  
PO BOX 602  
MEADE, KS 67864

RE: Water Right, File Nos. 3,149; 9,982; 13,158-D1; 14,309; 25,031; 28,580 & 30,950

Dear Mrs. Berghaus:

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

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate. As detailed in the Certificate of Service, a true and correct copy of the orders has been sent to individuals who remain owners of a portion of the place of use authorized by the referenced files.

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in these approvals for change. The total quantity of water is limited to 2, 528.04 acre-feet with an additional limitation on Water Right, File Nos. 25,031; 28,580 & 30,950. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

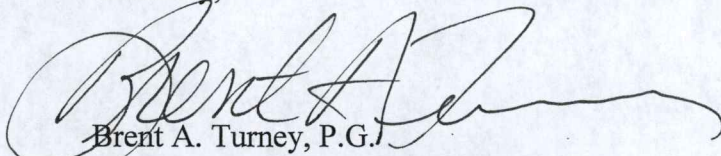
Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. As requested the water use correspondent for the referenced files has been updated to Kay Berghaus at the address listed above. If an annual water use report is not received by the deadline, a fine may be assessed and all water use under such right may be suspended. Please file your annual water use report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

RE: Water Right, File Nos. 3,149; 9,982; 13,158-D1;  
14,309; 25,031; 28,580 & 30,950

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If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 566-6633, or Michael Meyer, Water Commissioner, Garden City Field Office at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.  
Change Applications Unit Supervisor

BAT:LI:li  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3  
Marc W. and Jeanne M. Berghaus  
Teresa Cook  
Jeff Twist



**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 IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER  
 WATER RIGHT, FILE NO. 25,031**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kay Berghaus, Trustee, of the Dean Berghaus Living Trust and Kay Berghaus Living Trust, PO Box 602, Meade, Kansas 67864, along with Marc and Jeanne Berghaus, PO Box 838, Meade, Kansas 67864, along with Charles Jeffery Twist on behalf of Twist Family Farms LLC, 130 Iroquois Road, Boulder, Colorado 80303-4214, and Teresa Cook, 12845 W. Hendryx Court, Wichita, Kansas 67235-1724, received in the office of the Chief Engineer on September 24, 2018, 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, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The quantity of water authorized under this water right is further limited to the quantity which combined with Water Right, File Nos. 3,149; 9,982; 13,158-D1 & 14,309; , will provide a total not to exceed 2,528.04 acre-feet of water per calendar year.

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
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19 31 28W									40.00	Lot 3 36.51	Lot 4 36.51	40.00	40.00	40.00	40.00	40.00	313.02
29 31 28W		12.00			40.00	40.00	40.00	3.00									109.00
24 31 29W									40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	320.00
25 31 29W	40.00	12.00	27.00	40.00	40.00	40.00	40.00	40.00	40.00	37.00	3.00	4.00	40.00	40.00	5.00	6.00	454.00
26 31 29W													32.00	32.00	2.00	2.00	68.00

a total of 422.02 acres in Sections 19, and 29, in Township 31 South, Range 28 West, and a total of 842.00 acres in Sections 24, 25 and 26, in Township 31 South, Range 29 West, all in Meade County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.

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. 25,031, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 4, 1987.

Ordered this 28<sup>th</sup> day of December, 2018, at Manhattan, Riley County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
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 28<sup>th</sup> day of December, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

**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, KS 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, KS 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 31<sup>st</sup> day December, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 25,031 dated, December 28<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

Dean & Kay Berghaus Living Trust  
Kay Berghaus, Trustee  
PO Box 602  
Meade, KS 67864

With photocopies sent to:

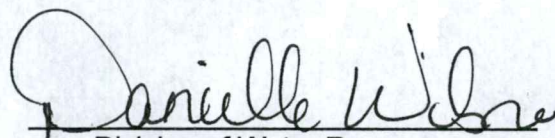
Twist Family Farms LLC  
Jeff Twist  
130 Iroquois Rd  
Boulder, CO 80303-4214

With true and correct copies to:

Marc W. and Jeanne M. Berghaus  
PO Box 838  
Meade, KS 67864

Garden City Field Office  
Groundwater Management District No. 3

Teresa Cook  
12845 W. Hendryx Court  
Wichita, KS 67235-1724

  
Division of Water Resources



File No. **25031**      11. County: **ME**      Basin: **CROOKED CREEK**      Stream: **NA**      Formation Code:      Special Use:

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)  
 Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm/cfs      af/mgy      gpm/cfs      af/mgy      Overlap PD Files

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: 2528.04 af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) 3149; 9982; 13,158-D1 & 14,309  
 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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	15015	19	31	28W	1									40	L-3 36.51	L-4 36.51	40	40	40	40	40	313.02	8A	No	**
MOD	8353	24	31	29W	4												40	40	40	40	160	8B 8C	No	**	
ENT	39721	25	31	29W	1	40	12	27	40												119	8A 8B 8C	NO	**	
ENT	7967	29	31	28W	1		12			14	40	40	3								109	8A	NO	**	
ENT	21563	26	31	29	1												32	32	2	2	68	8A	NO	**	
ENT	26876	24	31	29W	5									40	40	40	40				160	8A	NO	**	
ENT	677	25	31	29W						40	40	40	40	40	37	3	4	40	40	5	6	335	8A	NO	**

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, December 3, 2018 5:13 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Change in Place of Use, File Nos. 3149xxx Berghaus

Approve  
Thank you

*Mike*

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**From:** Ireland, Leslie [KDA]  
**Sent:** Monday, December 3, 2018 11:52 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation for Change in Place of Use, File Nos. 3149xxx Berghaus

Mike,

This is the Berghaus changes. There will be quantity limitations placed on File Nos. 25,031; 28,580 and 30,950, so they can utilize all of the developed quantity between the six wells.

My memo didn't say anything about the term permit under File No. 20189043, on top of 30950 with the quantity being offset by File No. 25031. It is to expire shortly.

Please let me know if you could recommend these changes. As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

**Ireland, Leslie [KDA]**

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**From:** Ireland, Leslie [KDA]  
**Sent:** Monday, November 19, 2018 9:06 AM  
**To:** Turney, Brent [KDA]  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Mainly the logistics in my email OK with you. Mike can keep the original initial & date, with us working from a scan that is printed for each file that is scanned at the end for the record... that is what I proposed in the email to Mike.

Leslie

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**From:** Turney, Brent [KDA]  
**Sent:** Monday, November 19, 2018 8:20 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** FW: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950  
**Importance:** High

Does this work?

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

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**From:** Meyer, Mike [KDA]  
**Sent:** Friday, November 16, 2018 4:55 PM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Cc:** Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950  
**Importance:** High

Okay I met with kay berghause  
Here is what we agreed on for amending the place of use changes  
Please reivew, if you agree, I will have these forms signed/initialed and dated by the owner.  
She need a good map and description first to review before she signs off on it.

Can you use this to amend all the applications if they agree?

*Mike*

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**From:** Ireland, Leslie [KDA]  
**Sent:** Friday, November 16, 2018 8:49 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Yes. The 1733 acres includes Twist in Section 30. Does your proposal from last week have a bearing on what was developed as base?

It would seem taking the acres in Sections 24 and 19 to just pivots at 136 each would work. And then two wipers in Section 29? Gave 1239.02 so some could be added back somewhere.

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**From:** Meyer, Mike [KDA]  
**Sent:** Friday, November 16, 2018 6:56 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

The goal is to get total proposed acres down to 1733 acres, or reduce the proposed changes down to 1264.5 acres correct?

*Mike*

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**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, November 15, 2018 4:23 PM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

What time is your meeting?  
The division stands as proposed.

Still need to work on the map. No more than 1,264.5 acres under 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950. I'll work on the maps and tables get them to you this is what I have so far.

---

**From:** Turney, Brent [KDA]  
**Sent:** Thursday, November 15, 2018 12:11 PM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Cc:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** FW: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Hey, what do we need to have Mike do when he sits down with the applicant??? Your out of office reminder is still on.

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

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**From:** Meyer, Mike [KDA]  
**Sent:** Thursday, November 15, 2018 11:44 AM  
**To:** Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** FW: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

I assume leslie is gone

To amend the apps and maps down to base etc, what do you need from the landowner, I am meeting with her tomorrow

*Mike*

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**From:** Turney, Brent [KDA]  
**Sent:** Wednesday, November 7, 2018 11:11 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Ireland, Leslie <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

No, Mike the base is  $1,224 + 40 + 1,264.5$  acres.  
Total base for all water rights is 1,733  
Subtract 508.48 from 1,733 = 1,264.5 (FOR THE DIVISION)  
 $1,264.5 + 40 = 1,264.5$

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**Brent.Turney@ks.gov**  
**www.agriculture.ks.gov**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, November 7, 2018 10:36 AM  
**To:** Ireland, Leslie <Leslie.Ireland@ks.gov>  
**Cc:** Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

I can contact them  
(your sentence, 1264.5 acres (base + 40 add)??)

*Mike*

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**From:** Ireland, Leslie  
**Sent:** Wednesday, November 7, 2018 10:19 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Mike,

Got to look at these with Brent. The division will go as proposed. So no need to contact Twist.

The changes from the proposed modification to the changes you sent last week total 1313.02 acres are still 49 acres over the max base 1264.5 acres. The proposed changes should total 1264.5 acres (base + 40 additional). I looks from the aerial there are acres not irrigated and could be removed. Do you want to contact Berghaus or should we?

Leslie

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, November 6, 2018 9:02 AM  
**To:** Ireland, Leslie <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Good morning  
Where are we at with these?

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, October 30, 2018 12:08 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Yes. 1475 for files listed above including what would be assigned to the 13158-D1 and then the 508.48 acres for the 13158-D2 that is jettison by the changes.

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 30, 2018 12:06 PM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** Re: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

So 1475 plus d2 would be total base needed on paper correct?

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Ireland, Leslie [KDA]" <Leslie.Ireland@ks.gov>  
**Date:** 10/30/18 12:02 PM (GMT-06:00)  
**To:** "Meyer, Mike [KDA]" <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

13158 D2 twist.

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 30, 2018 12:01 PM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

What is proposed that authorizes the SE 30?

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, October 30, 2018 12:00 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Don't know.. The division was done by Charlotte.... I have Twist's email if stuff needs to be changed. as I had him email me the trust & LLC documents.

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 30, 2018 11:58 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Yep and who in the heck knows how thom came up with that...

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, October 30, 2018 11:55 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

The division assigned 508.48 base acres for D2 in Section 30  
The D1 portion was assigned 159.52 base acres.

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 30, 2018 11:54 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Correct, but I am trying to figure base acres for all files since there were intertwined...  
We need to know base for D2

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, October 30, 2018 11:50 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

No.. All the acres in Section 30 go to the D2 and are not proposed to change. I sent 3149 as it overlaps with 13158 and you can see the acres in 30 are not of the proposed. The change on file for 13158 will be modified to show as 13158-D1 and then D2 will go to Twist Family Farms will be on their own in Section 30.

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 30, 2018 11:41 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

isn't there more acres that 1475 proposed? Isn't it 1900 acres (with the division request?)

*Mike*

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Monday, October 29, 2018 10:41 AM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** Base Acres File Nos. 3,149; 9,982; 14,309; 25,031; 28,580 & 30,950

Mike,

I looked at this again. Because the changes are not creating an identical overlap they should be looked involving the base acres.

Could you please let me know the base acres.

I've given it a go, but don't want to confuse you with my numbers. The changes propose a complete overlap of 1,475.51 acres.

Looks like File Nos. 3149, 25031 & 28580 were developed together with 13158. But 13,158-D1 will contribute 159.52 base acres.

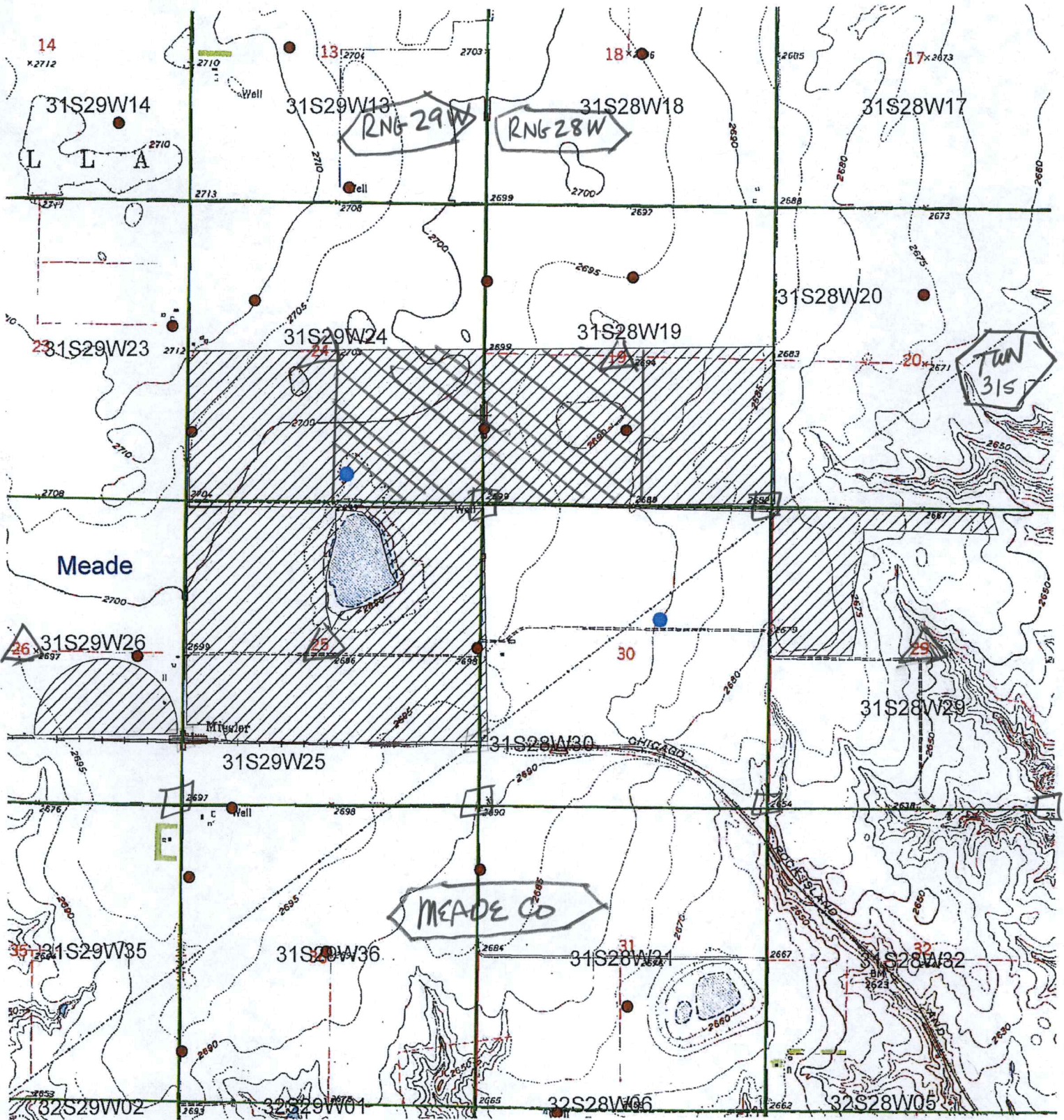
File Nos. 9982 & 14309 have theirs...

File No. 30950 developed some, but had it incomplete overlap with File No 13,158 & 25301

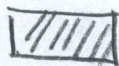
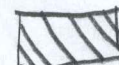
Might be like old times as you did the certificate work with Jim Congrove.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)





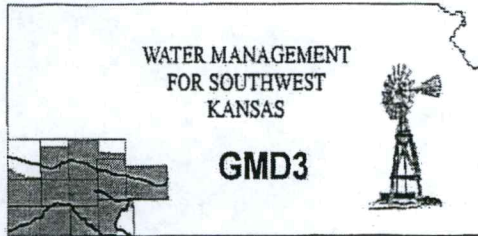
*Amended 11-16-78*

-  - REQUESTED PLACE OF USE *KCB*
-  - AUTHORIZED PLACE OF USE *11-27-18 \* L51/DW 12/3/18*

RECEIVED

NOV 29 2018

Garden City Field Office  
Division of Water Resources



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

October 24, 2018

Leslie Ireland  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

**OCT 24 2018**

KS Dept Of Agriculture

RE: Application for Change in place of Use  
Water Right, File Nos. 3149, 9982, 13158 D1, 14309, 25031, 28580 & 30950

Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use create a complete overlap and is within their base acres criteria set for in K.A.R. 5-5-11. It is therefore recommended that the application be approved at this time. The division request for Water Right 13158, will keep place of use separated while allowing the overlap with the other water rights.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, which appears to read "Jason L. Norquest". The signature is fluid and cursive, written over the typed name and title.

Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

File No(s): 3149, 9982, 13158D1, 14309, 25031, 28580 & 30950.

DWR office: HQ/GC

App filed to change: PU & 13158 division to D1 & D2.

Is Landowner(s) correct in WRIS: Dean & Kay Berghaus Living Trust.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s)    being changed.

Water Resources  
Received

**OCT 24 2018**

KS Dept Of Agriculture

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs?   .

Is Proposed PU overlapping existing WRs? Applications will create a complete overlap.

Land Owner(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Neighboring certified well(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Domestic well(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

**The division of WR 13158 meets the rules and is not in need of a waiver.**

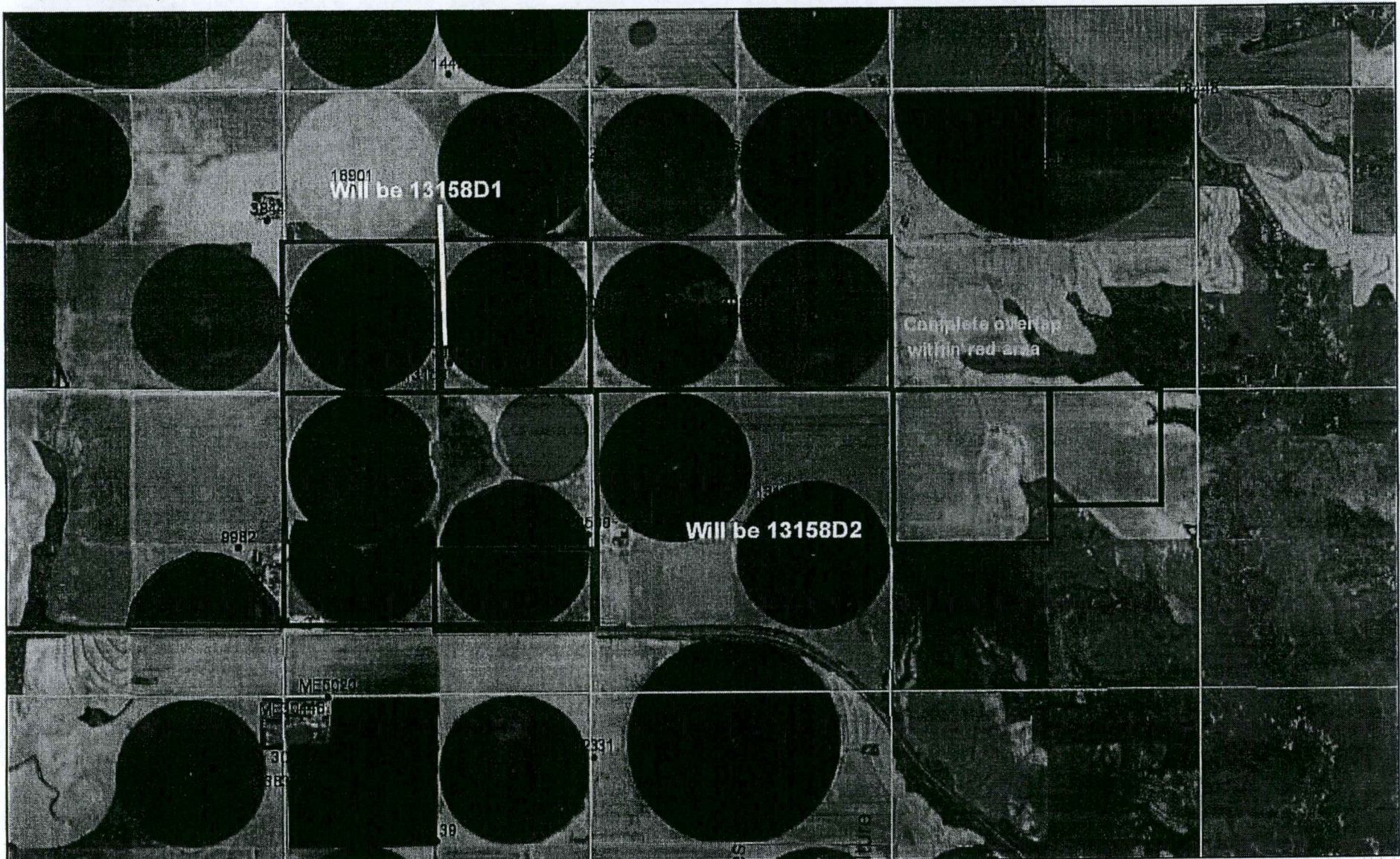
**The proposed change in PU will create a complete overlap to correct an impartial overlap that is currently authorized.**

Is a waiver needed: NO.

Final Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.



# Change PU (complete overlap) and Division



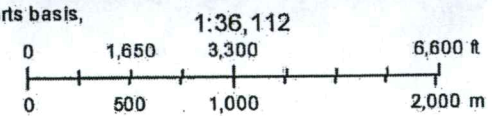
October 23, 2018  
16:37 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

**Wells**

+	CON	■	FPR	▲	MUN	⚡	THX		
?	Other	☒	DEW	⊕	HYD	⊞	REC	?	Empty
•	IRR	▲	DOM	★	IND	⊙	STK	□	Sections

Water Resources  
 Receiver  
**OCT 24 2018**  
 KS Dept Of Agriculture



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

Address List  
Dated October 19, 2018

RE: Water Right, File Nos. 3,149; 9,982; 13,158-D1; 14,309; 25,031; 28,580 & 30,950

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications for Water Right, File Nos. 3,149; 9,982; 13,158-D1; 14,309; 25,031; 28,580 & 30,950, propose a change in the authorized places of use to overlap all their irrigated acres. These changes will not alter the quantity of water or rate of diversion authorized for irrigation use. The applications will not increase the number of acres authorized for irrigation use, and the place of use as a whole will remain as authorized. The 1,473.51 acres authorized in Sections 19 & 29, in Township 31 South, Range 28 West, and in Sections 24, 25 & 26 in Township 31 south Range 29, West, Meade County, Kansas would be authorized by each of the referenced files.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Garden City Field Office  
Groundwater Management District No. 3

NOTICE FILE NOS. 3149, 9982, 13158-D1, 14309, 25031, 28580, 30950

Domestics

1)

✓ ROY & BETTY JO TWIST REV TRUST  
PO BOX 99 MEADE  
KS 67864

2)

✓ COOPERATIVE ELEVATOR & SUPPLY COMPANY  
PO BOX 220  
MEADE KS 67864

3)

BERGHAUS LIVING TRUST  
PO BOX 602  
MEADE, KS 67864

4)

✓ MERTILLA TOWNSHIP  
% LARRY KANE  
6211 13 ROAD  
MEADE, KS 67864

5)

LOREN R REISS  
10081 13 ROAD  
MEADE, KS 67864

6)

LOREN R REISS  
10081 13 ROAD  
MEADE KS 67864

7)

MCCUNE REAL ESTATE TRUST  
12020 13 ROAD  
MEADE KS 67864

8)

✓ MCCUNE FARMS INC AND/OR  
MCCUNE REAL ESTATE TRUST  
12020 13 ROAD  
MEADE KS 67864

✓ File No. 16127

✓ A J STEGMAN  
815 S VAN BUREN ST  
HUGOTON KS 67951-2301

✓ File No. 21286

✓ RICHARD A MATHES  
500 MILNER  
KINSLEY KS 67547

✓ BRUCE MATHES

RT 1  
HAVILAND KS 67059

✓ File No. 24423

✓ WILLIAM D KRUG TRUST  
C/O THE PEOPLES BANK  
PO BOX 307  
SMITH CENTER KS 66967

✓ LEONARD R BRIM TRUST

LEONARD R BRIM  
869 S JUNIPER TER  
GARDNER KS 66030-1468

✓ File No. 16295

✓ MICKEY G ROSS  
16022 18 RD  
MEADE KS 67864-9031

✓ File No. 18901 & 3844 & DOMESTIC?

✓ LOREN R REISS  
10081 13 RD  
MEADE KS 67864

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 19, 2018

*RETURNED NOTICE*

BRUCE MATHES  
RT 1  
HAVILAND KS 67059

RE: Water Right, File Nos. 3,149; 9,982; 13,158-D1; 14,309; 25,031; 28,580 & 30,950

Dear Sir or Madam:

This letter is to provide notice as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

STATE OF KANSAS *1606-006*  
DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502-5000

neopost<sup>®</sup> FIRST-CLASS MAIL  
10/19/2018  
**US POSTAGE \$000.47<sup>0</sup>**



ZIP 66506  
041M12251549

WATER RESOURCES  
RECEIVED

OCT 25 2018

KS DEPT OF AGRICULTURE

*IA*

WATER RESOURCES  
RECEIVED

OCT 25 2018

KS DEPT OF AGRICULTURE

NIXIE 672 DE 1 0010/23/18

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

IA  
07053834702>5000

BC: 66502500020 \*0328-00573-19-42





AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 25031 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 25031 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

1345 Feet North and 5230 Feet West of the Southeast Corner of Section 19 T 31S R 28W

GROUNDWATER ONLY

*NOTICE*

=====

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1447	00	IRR	NK	G	4903	--	SW	SW	SE	285	2450	13	31	29W	4		1586.00	1586.00	AF
A__ 3149	00	IRR	NK	G*	2593	--	SW	SW	SE	475	2453	24	31	29W	4		258.00	258.00	AF
A__ 13158	00	IRR	NK	G*	4592	--	NC	SW	NE	3300	1980	30	31	28W	1		724.00	724.00	AF
Same					2593	--	SW	SW	SE	475	2453	24	31	29W	4		373.00	373.00	AF
A__ 14309	00	IRR	NK	G*	5215	--	--	CW	SW	1324	5212	24	31	29W	1		640.00	640.00	AF
A__ 16295	00	IRR	NK	G	3769	--	SW	NW	NE	4050	2550	19	31	28W	1		353.00	353.00	AF
Same					2612	NC	W2	W2	NW	3960	5150	19	31	28W	2		281.00	281.00	AF
A__ 18901	00	IRR	NK	G	4694	NC	N2	S2	NW	3540	4125	24	31	29W	3		407.00	407.00	AF
A__ 25031	00	IRR	NK	G*	0	--	--	--	--	1345	5230	19	31	28W	4		626.00	626.00	AF
A__ 28580	00	IRR	NK	G*	3854	--	SE	SE	NE	2775	75	25	31	29W	2		309.00	309.00	AF
A__ 30950	00	IRR	NK	G*	2576	--	--	CW	SE	1320	2600	19	31	28W	5		112.00	112.00	AF
T_20189043	00	IRR	GY	G	2576	--	--	CW	SE	1320	2600	19	31	28W	5		130.00	.00	AF

*APPLICANT*

*APPLICANT*

*SIGNER OF APPS*

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	5669.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	5669.00	.00

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:  
 1345 Feet North and 5230 Feet West of the Southeast Corner of Section 19 T 31S R 28W  
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
A__ 1447	00	IRR	NK G
> AG MANAGEMENT CONSULTANTS			
>			
> PO BOX 1013			
> GARDEN CITY KS 67846			
>-----			
A__ 3149	00	IRR	NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS			
>			
> PO BOX 602			
> MEADE KS 67864			
>-----			

A\_\_ 13158 00 IRR NK G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

A\_\_ 14309 00 IRR NK G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

A\_\_ 16295 00 IRR NK G  
> MICKEY G ROSS  
>  
> 16022 18 RD  
> MEADE KS 67864

*Notify*

A\_\_ 18901 00 IRR NK G  
> LOREN R REISS  
>  
> 10081 13 RD  
> MEADE KS 67864

A\_\_ 25031 00 IRR NK G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

A\_\_ 28580 00 IRR NK G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

A\_\_ 30950 00 IRR NK G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

T\_\_ 20189043 00 IRR GY G  
> DEAN & KAY BERGHAUS LIVING TRUSTS  
>  
> PO BOX 602  
> MEADE KS 67864

=====  
#####

**Turney, Brent [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, October 2, 2018 8:40 AM  
**To:** Turney, Brent [KDA]  
**Subject:** 30950 et al

Brent, a series of applications came in the door. Can you correct the applicant. It should be Kay Berghause and not Mick Ross. Address is correct, but phone number should be changed to 620-873-2463

thanks

*Mike*

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

MICK ROSS  
PO BOX 602  
MEADE, KS 67864

September 26, 2018

RE: File No 25031

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,

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

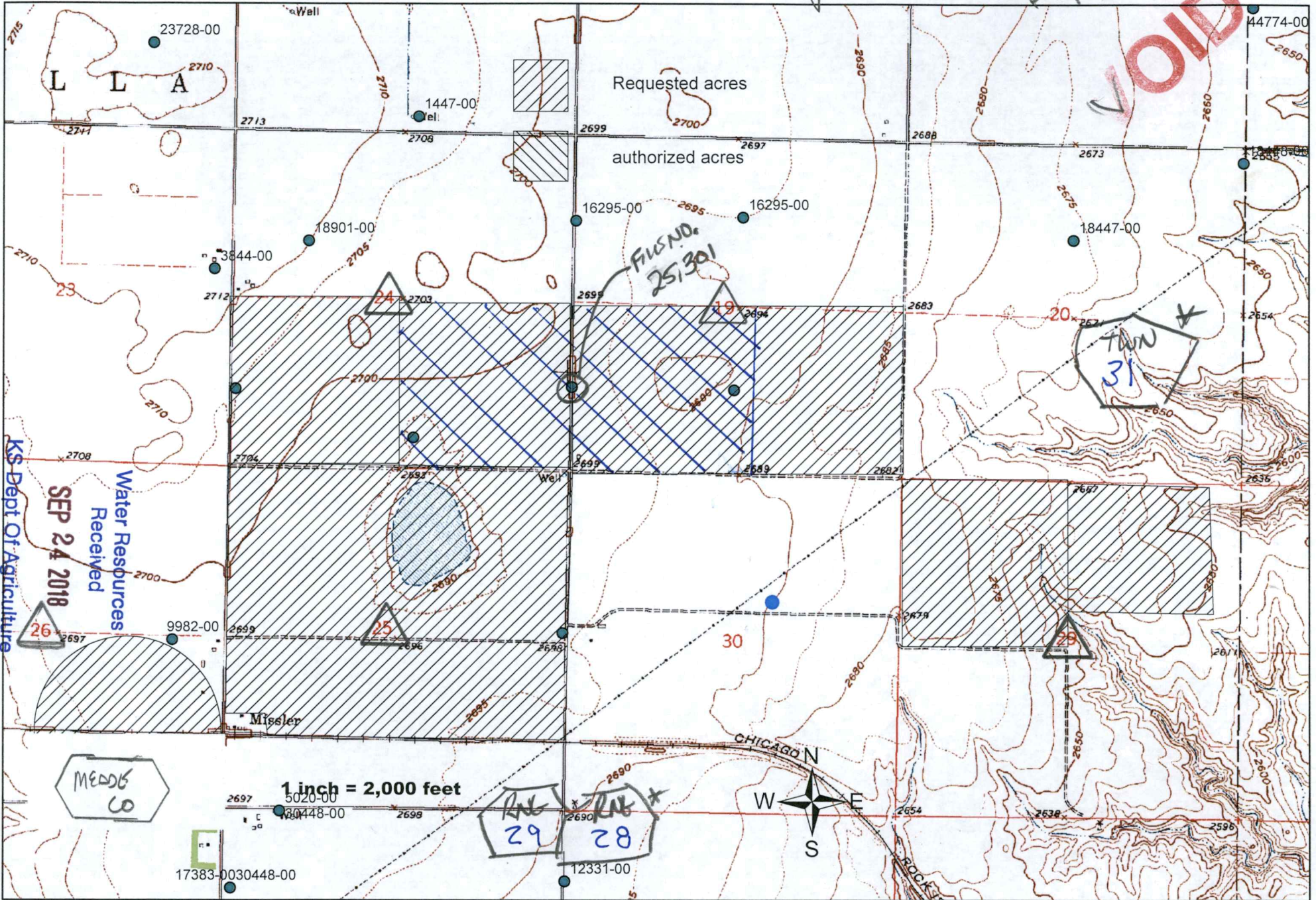
BAT: DLW  
pc: GARDEN CITY Field Office    GMD3

SCANNED

25031

VOID SEE 11/16/18  
MAP MODIFICATION  
LI/DWR 12/3/18

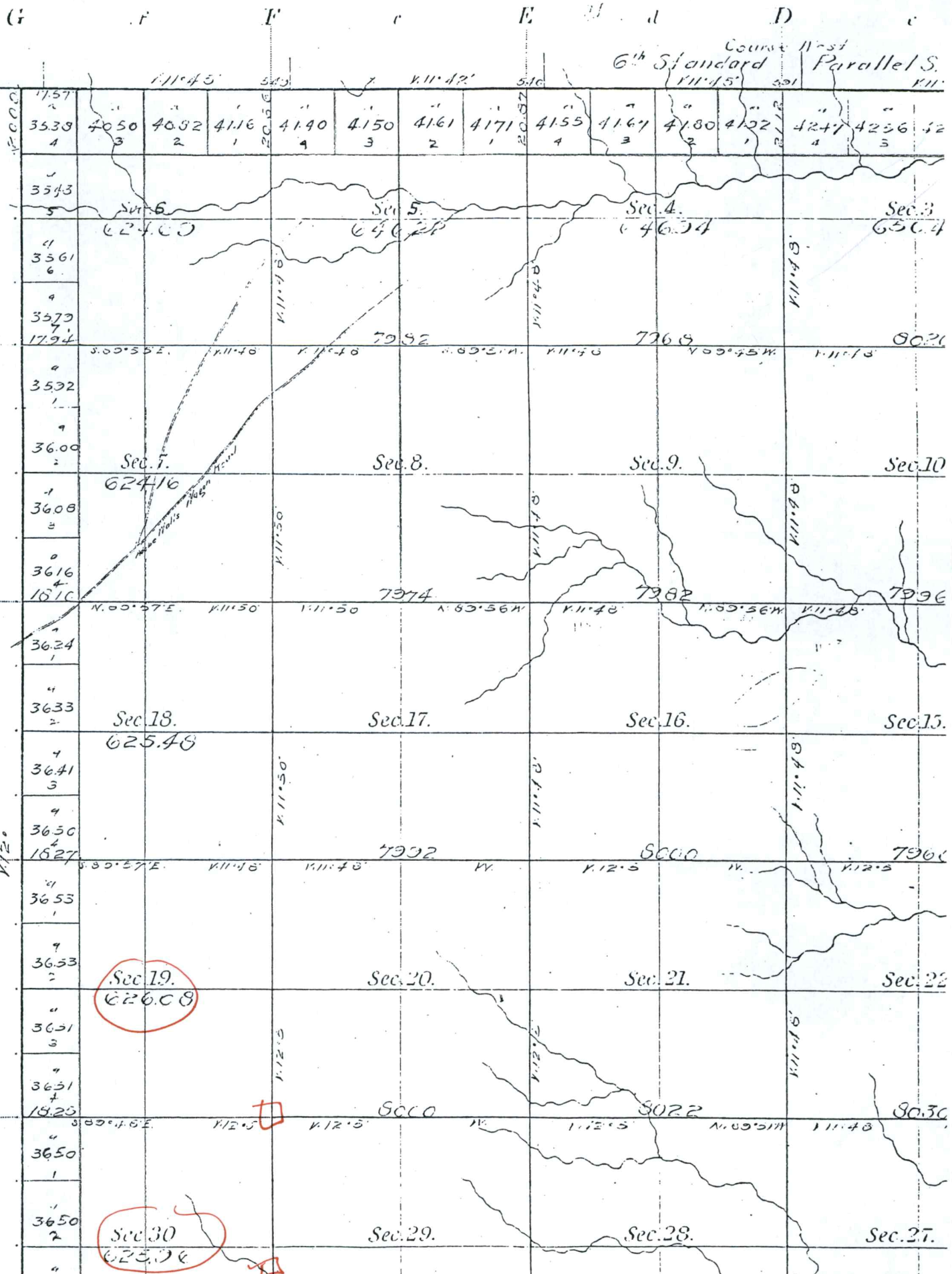
VOID



\*LI/DWR 10/18/18

SCANNED

TOWNSHIP N° 31 SOUTH RANGE N° XXVIII WEST



4. The presently authorized place of use is:

Owner of Land — NAME: KAY BERGHAUS LIVING TRUST

ADDRESS: PO BOX 602 MEADE KS 67864

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19	31	28w									40	36.51	36.51	40					153.02
24	31	29w													40	40	40	40	160

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

Owner of Land — NAME: KAY BERGHAUS LIVING TRUST

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: DEAN BERGHAUS LIVING TRUST

ADDRESS: PO BOX 602 MEADE KS 67864

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	31	29w									40	40	40	40					160
25	31	29w									40	37	3	4	40	40	5	6	175
26	31	29w													32	32	2	2	68

List any other water rights that cover this place of use. 3148, 9982, 13158, 14309, 25031, 28580, 30950

Owner of Land — NAME: KAY BERGHAUS LIVING TRUST

ADDRESS: PO BOX 602 MEADE KS 67864

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	
29	31	28w					14	40	40	3									160
25	31	29w			27	40	40	40	40	40									240

Water Resources Received

SEP 24 2010

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

\* LI/DWR MODIFIED PER K. BERGHAUS 11/16/18 REQUEST

TOTAL 727 CONT \*\*

SCANNED

6. The presently authorized point(s) of diversion is 1 well  
(Provide description and number of points)

7. The proposed point(s) of diversion is 1 well  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 19, Township 31 South, Range 28 W,  
 in Meade County, Kansas, 1345 feet North 5230 feet West of Southeast corner of section.  
 Authorized Rate 1190 Authorized Quantity 373  
 (DWR use only: Computer ID No. 4 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 \_\_\_\_\_  
 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 \_\_\_\_\_ (E/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 \_\_\_\_\_ (E/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 \_\_\_\_\_ (E/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 \_\_\_\_\_ (E/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. na



APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 25031 *Y*  
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

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			

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				

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					

4. *Continued:* 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: \_\_\_\_\_  
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					

Owner of Land ---- NAME: Dean Berghaus Living Trust  
ADDRESS: PO BOX 602 MEADE KS 67864

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
19	31	28w									40	36.51	36.51	40	40	40	40	40	40	40	316.51	<i>313.62</i>	
29	31	28w	<i>34</i>	<i>40</i>	<i>20</i>	<i>20</i>																<i>1172</i>	

Owner of Land ---- NAME: MARC W & JEANNE M BERGHAUS & TERESA COOK  
ADDRESS: PO BOX 838 MEADE KS 67864 & 2243 N CHADSWORTH ST WICHITA

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	31	29w																					160
25	31	29w	40	<i>40</i>																			<i>80</i>
																							<i>1473.51*</i>

12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
no change proposed to increase pumping, or acres irrigated and no change to irrigation wells  
\_\_\_\_\_  
\_\_\_\_\_

(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 \_\_\_\_\_ 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](http://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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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.

no chagne is proposed to source of supply  
\_\_\_\_\_  
\_\_\_\_\_

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.

na  
\_\_\_\_\_

**Water Resources  
Received**

**SEP 24 2018**

12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to irrigation purposes.

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

no change proposed to increase pumping, or acres irrigated and no change to irrigation wells

(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 \_\_\_\_\_ 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](http://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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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.

no chagne is proposed to source of supply

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.

na

Water Resources  
Received

SEP 24 2018

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 Garden City, Kansas, this 6<sup>th</sup> day of September, 2018.

X DEAN BERGHAUS LIVING TRUST  
 (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
Kay Berghaus, Trustee  
 (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

KAY BERGHAUS LIVING TRUST  
 (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
Kay Berghaus, Trustee  
 (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
 (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas }  
County of Finney } 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 September, 2018.



My Commission Expires \_\_\_\_\_

Julie Jones  
Notary Public

**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**.

SEP 4 2018  
KS Dept Of Agriculture

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 Meade, Kansas, this 14<sup>th</sup> day of September, 2018.

Pauler J. Just  
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

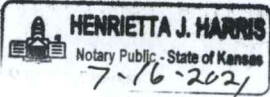
(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14<sup>th</sup> day of September, 2018.



Henrietta J. Harris  
Notary Public

My Commission Expires 7-16-2021

**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

Water Resources

Received

SEP 24 2018

KS Dept Of Agriculture

SCANNED

Make check payable to Kansas Department of Agriculture.

KS Dept Of Agriculture  
Received  
Water Resources  
SEP 24 2018

HENRIETTA J. HARRIS  
7-11-2018

Handwritten signature: *Henrietta J. Harris*

Handwritten signature: *Henrietta J. Harris*

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 Meads, Kansas, this 14<sup>th</sup> day of September, 2018.

Marc Bergmans  
(Owner)

Jeanne Bergmans  
(Spouse)

Marc Bergmans  
(Please Print)

Jeanne Bergmans  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

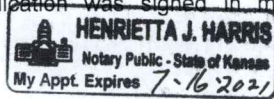
(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Meads } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14<sup>th</sup> day of September, 2018.



Henrietta J. Harris  
Notary Public

My Commission Expires 7-16-2021

**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

Water Resources  
Received

Make check payable to Kansas Department of Agriculture.

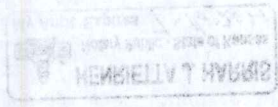
SEP 24 2018

KS Dept Of Agriculture  
SCANNED

2011/12  
KS Dept of Agriculture

SEP 24 2010  
Received  
Water Resources

11-19-2010



Wanda L. ...

Wanda L. ...

Wanda L. ...

Wanda L. ...

Wanda L. ...



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 Wichita, Kansas, this 17<sup>th</sup> day of September, 20 18.

Terresa Cook (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

Terresa Cook (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas }  
County of Sedgewick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17<sup>th</sup> day of Sept, 20 18.

Donna R. Fowler  
Notary Public

My Commission Expires 1-22-2022

**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**  
**Received**  
**SEP 24 2018**  
**KS Dept Of Agriculture**  
**SCANNED**

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 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)

File No. 25031

RECEIVED

SEP 20 2018

Garden City Field Office  
Division of Water Resources

2. Name of applicant: KAY BERGHAUS LIVING TRUST (Mick Ross) \*

Address: PO BOX 602

City, State and Zip: MEADE KS 67864

Phone Number: (620)482-4120 620 873-2463\* E-mail address: \_\_\_\_\_

Water Resources  
Received

SEP 24 2018

1:20  
KS Dept Of Agriculture

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

Name of water use correspondent: KAY BERGHAUS LIVING TRUST

Address: PO BOX 602

City, State and Zip: MEADE KS 67864

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific):  
to correct partial overlaps

The change(s) (was) (will be) completed by upon approval (Date)

For Office Use Only:														
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>RR</u>	Source	<u>G / S</u>	County	<u>ME</u>	By	<u>DAW</u>	Date	<u>9/24/18</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>9/24/18</u>	Check #	<u>1013</u>							

~~APPLICATION COMPLETE~~  
# LF/own 10/18/18 PER MIN EMAIL  
12/3/18  
Reviewer LF

Assisted by: TSCANNED  
9/26/2018 CM



BASE ACRES MAP  
3149, 9982, 13158-01, 14, 309, 25, 631;  
28, 585 & 30950.