

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

1. File Number: 9982	2. Status Change Date: <i>12/28/2018</i>	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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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: 9/24/2018
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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 66550
 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: *LM*

File No. **9982** 11. County: **ME** Basin: **CROOKED CREEK** Stream: **NA** Formation Code: Special Use:

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

NO CHANGE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use											NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT	15015	19	31	28W	1												40	L-3 36.51	L-4 36.51	40	40	40	40	40	313.02	8A	No	**		
ENT	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	**		
MOD	21563	26	31	29W	1																32	32	2	2	68	8A	NO	**		
MOD	26876	24	31	29W	5									40	40	40	40								160	8A	NO	**		
MOD	677	25	31	29W	4					40	40	40	40	40	37	3	4	40	40	5	6				335	8A	NO	**		

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

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*.

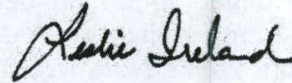
Historically the 1,473.51 acres developed an irrigation ration of 1.88 acre-foot per acre with the 2,778 acre-feet authorized by the referenced files. The change will result in the in an irrigation ratio of 2.20 acre-foot per acre. This exceeds the standard 2.00 acre-foot per acre as allowed by K.A.R. 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.

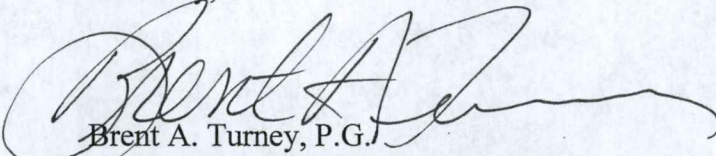
Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this 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.

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

Page 2

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
WATER RIGHT, FILE NO. 9,982**

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 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, as modified and amended by the Order of the Chief Engineer dated February 17, 2000, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	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			14.00	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. 9,982, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 16, 2000, as modified and amended by the aforementioned order.

Ordered this 28th 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 28th 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 31st day December, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 9,982 dated, December 28th, 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:

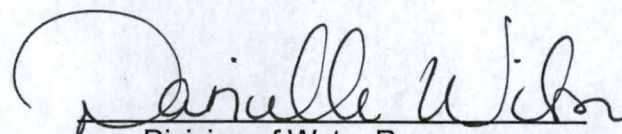
Twist Family Farms LLC
Jeff Twist
130 Iroquois Rd
Boulder, CO 80303-4214

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

Ireland, Leslie [KDA]

FILE No. 9982

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

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
www.agriculture.ks.gov

Ireland, Leslie [KDA]

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

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
www.agriculture.ks.gov

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

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.

From: Meyer, Mike [KDA]
Sent: Friday, November 16, 2018 6:56 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

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

Mike

From: Ireland, Leslie [KDA]
Sent: Thursday, November 15, 2018 4:23 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

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>
Cc: Meyer, Mike [KDA] <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
www.agriculture.ks.gov

From: Meyer, Mike [KDA]
Sent: Thursday, November 15, 2018 11:44 AM
To: Turney, Brent [KDA] <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

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

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>
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.

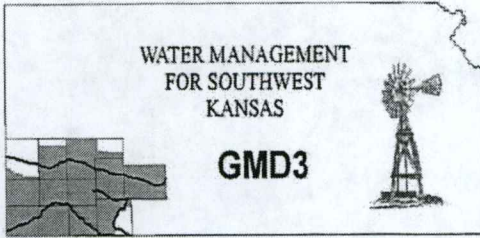
Looks like File Nos. 3149, 25031 & 28580 were developed together with 13158. But 13,158-D1 will contribute 159.52 base acres.

File Nos. 9982 & 14309 have theirs...

File No. 30950 developed some, but had it incomplete overlap with File No13,158 & 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
www.agriculture.ks.gov



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

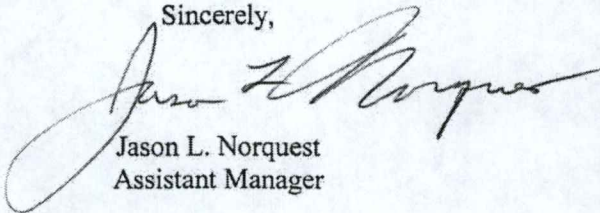
RE: Application for Change in place of Use
Water Right, File Nos. 3149, 9982, 13158 D1, 14309, 25031, 28580 & 30950

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", is 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.



RECEIVED

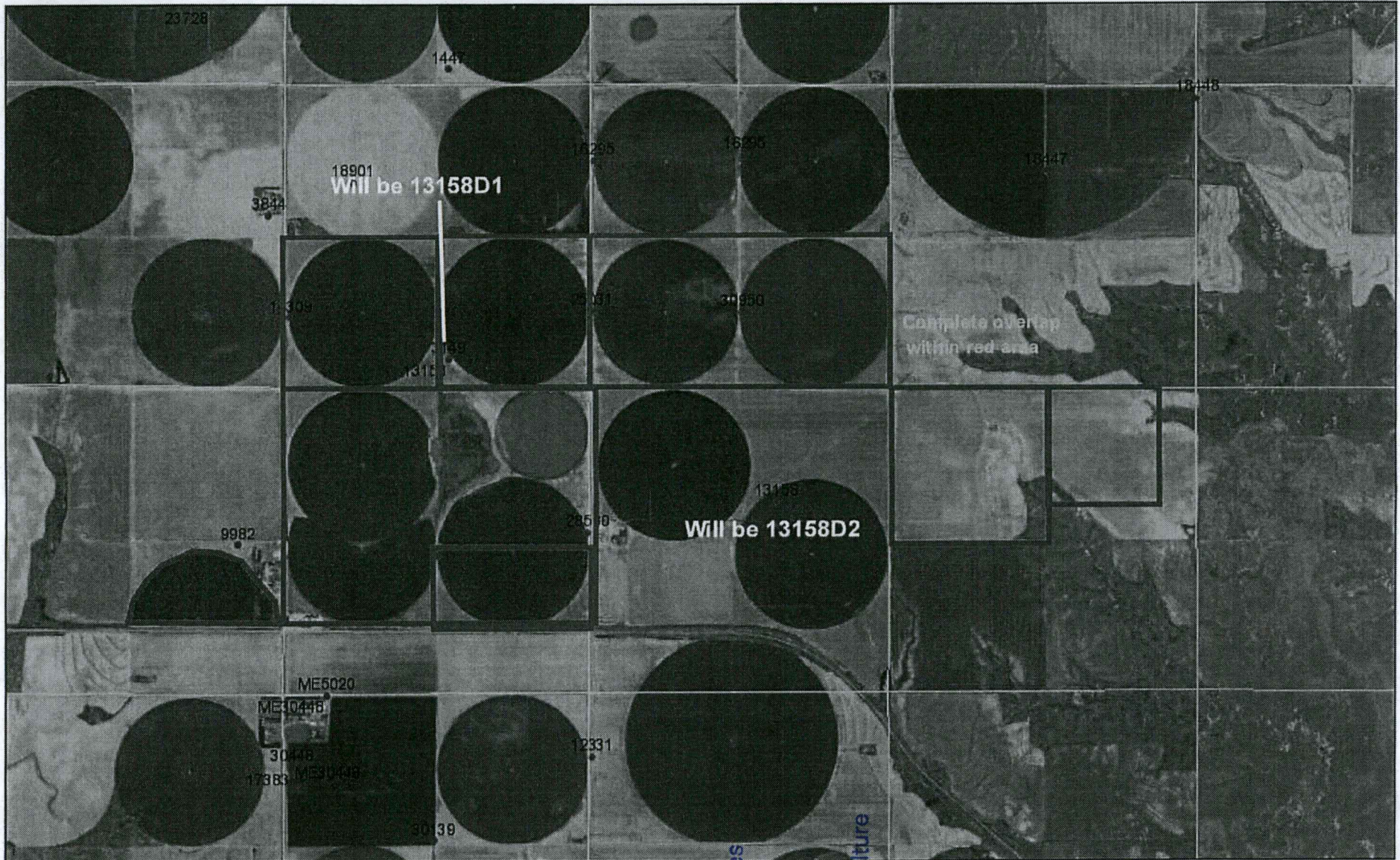
KS Dept. of Agriculture

OCT 27 2019

Received
Water Resources

Change PU (complete overlap) and Division

SCANNED

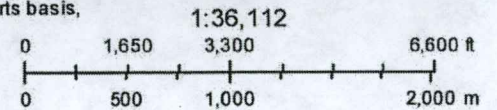


October 23, 2018
16:37 PM

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
Received
OCT 24 2018
KS Dept Of Agriculture



RECEIVED

K2 Dept Of Agriculture

OCT 24 2018

RECEIVED

Water Resources

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.

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.

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

neopost FIRST-CLASS MAIL
10/19/2018
US POSTAGE \$000.47



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
67059365502 > 5000

BC: 66502500020

*0328-00573-19-42



Ireland, Leslie [KDA]

From: Jeff Twist <jeff.twist@gmail.com>
Sent: Monday, October 22, 2018 1:52 PM
To: Ireland, Leslie [KDA]
Subject: Re: Address?? Water Right File No. 13,158

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Perfect,

Thank you.

On Mon, Oct 22, 2018 at 12:37 PM Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov> wrote:

The update to our record will show the address below unless otherwise directed.

Twist Family Farms LLC

Jeff Twist

130 Iroquois Rd

Boulder CO 80303-4214

Thanks again,

Leslie Ireland, Environmental Scientist II

Kansas Department of Agriculture

Division of Water Resources - Change Unit

(785) 564-6633

Leslie.Ireland@ks.gov

www.agriculture.ks.gov

From: Jeff Twist <jeff.twist@gmail.com>
Sent: Monday, October 22, 2018 12:47 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: Re: Address?? Water Right File No. 13,158

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Can it come to me in Boulder. If so it is

130 Iroquois Rd, Boulder, CO 80303

Otherwise the PO box 99 will work although all mail is forwarded to me.

On Mon, Oct 22, 2018 at 11:38 AM Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov> wrote:

Jeff,

Sorry to bother you again, but will the PO Box 99 in Meade remain the address? The address in our records is where the order for the division will be sent (need to be recorded with Meade Co register of deeds) and also this would be the address for the mailing of annual water use report sent in January that is required to be returned to us by March 1, or filed on line,.

Looks like your file number, after the division will be 13,158-D2, and held as Twist Family Farms LLC.

Leslie Ireland, Environmental Scientist II

Kansas Department of Agriculture

Division of Water Resources - Change Unit

(785) 564-6633

Leslie.Ireland@ks.gov

www.agriculture.ks.gov

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,

A handwritten signature in cursive script that reads "Leslie Ireland".

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

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

9982 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

9982 00 IRR

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

2590 Feet North and 820 Feet West of the Southeast Corner of Section 26 T 31S R 29W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 3149	00	IRR	NK	G*	4904	--	SW	SW	SE	475	2453	24	31	29W	4	258.00	258.00	AF
A__ 5020	00	IRR	NK	G	3062	--	NE	NW	NW	5190	4571	36	31	29W	5	559.00	559.00	AF
A__ 9982	00	IRR	NK	G*	0	--	NW	NE	SE	2590	820	26	31	29W	1	460.00	460.00	AF
A__ 13158	00	IRR	NK	G*	4904	--	SW	SW	SE	475	2453	24	31	29W	4	373.00	373.00	AF
A__ 14309	00	IRR	NK	G*	4179	--	--	CW	SW	1324	5212	24	31	29W	1	640.00	640.00	AF
A__ 17383	00	IRR	NK	G	3985	--	--	CW	NW	3980	5170	36	31	29W	2	453.00	453.00	AF
A__ 30448	00	IRR	NK	G	3985	--	--	CW	NW	3980	5170	36	31	29W	2	105.00	105.00	AF
Same					3062	--	NE	NW	NW	5190	4571	36	31	29W	5	133.00	133.00	AF

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) =	2981.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2981.00	.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:

2590 Feet North and 820 Feet West of the Southeast Corner of Section 26 T 31S R 29W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- =====
 File Number Use ST SR
 A__ 3149 00 IRR NK G
 > DEAN & KAY BERGHAUS LIVING TRUSTS
 >
 > PO BOX 602
 > MEADE KS 67864
 >-----
 A__ 5020 00 IRR NK G
 > MCCUNE FARMS INC
 >
 > 12020 13 RD
 > MEADE KS 67864
 >-----
 A__ 9982 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__ 17383 00 IRR NK G

> MCCUNE FARMS INC

>

> 12020 13 RD

> MEADE KS 67864

>-----

A__ 30448 00 IRR NK G

> MCCUNE FARMS INC

>

> 12020 13 RD

> 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 9982

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

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
- (Check one or more) Point of Diversion
- Use Made of Water

RECEIVED

SEP 20 2018

Garden City Field Office
Division of Water Resources

File No. 9982

Water Resources
Received

SEP 24 2018

1:17
KS Dept Of Agriculture

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: _____

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. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use 100 Source G / S County ME By DAW Date 9/24/18
Code CPU Fee \$ 200 TR # _____ Receipt Date 9/24/18 Check # 1615

*LF/own 10/18/18 FURNISHMENT EMAIL
APPLICATION COMPLETE
12/3/18
Reviewer LF

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	
24	31	29w									40	40	40	40					160
25	31	29w					40	40	40	40	40	37	3	4	40	40	5	6	335
26	31	29w													28	40	2	2	72

List any other water rights that cover this place of use. 9982 14309

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

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

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

Owner of Land — NAME: 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	40									180
25	31	29w			27*	40	40	40	40	40									240

Water Resources Received

SEP 24 2018

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

LI/DWR MODIFICATIONS BY K. BERGHAUS KS Dept Of Agriculture ON 4/16/18.

SCANNED

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

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the nw Quarter of the ne Quarter of the se Quarter of Section 26 , Township 31 South, Range 29 W, in Meade County, Kansas, 2590 feet North 820 feet West of Southeast corner of section.
 Authorized Rate 1725 Authorized Quantity 460
 (DWR use only: Computer ID No. 1 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. 9982
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	318.51
29	31	28w	34	40	20	20													114
				12															12*

Owner of Land ---- NAME: MARC W & JEANNE M BERGHAUS & TERESA COOK
ADDRESS: PO BOX 838 MEADE KS 67864 & 2248 N CHADSWORTH ST WICHITA 12849 W HENDRYX CT. WICHITA KS 67235

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	40*															80
				12															52*
																			TOTAL 1264.02*

Water Resources
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SEP 24 2018

* L5/OWR
From 13,158-D1 CUG MODIFICATION BY K. BERGHAUS 11/16/18
Page _____

SCANNED
File No. _____

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to nc 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 nc (acre-feet or million gallons).

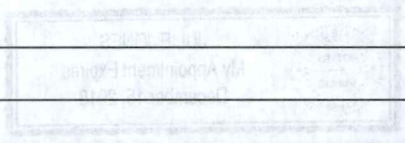
15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

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). 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 change 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 6th day of September, 20 18.

<input checked="" type="checkbox"/> 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)
_____	_____	(Spouse)
_____	_____	(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 6th day of September, 20 18.



Julie Jones
Notary Public

My Commission Expires

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.

8105 AS 932
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.

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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 Meado, Kansas, this 14th day of September, 20 18.

Charles Jeffrey Trust
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

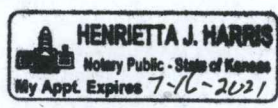
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Meado } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of September, 20 18.



Henrietta J. Harris
Notary Public

My Commission Expires 7-16-2021

FEE SCHEDULE

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- (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

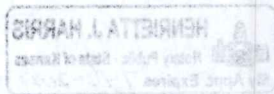
SEP 24 2018

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Handwritten text, possibly a signature or name, located in the upper right quadrant.

Handwritten text, possibly a signature or name, located in the lower left quadrant.

Handwritten text, possibly a signature or name, located in the lower right quadrant.



Water Resources
Received

SEP 24 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.

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Dated at Meado, Kansas, this 14th day of September, 2018.

X Marc Berghaus
(Owner)

Marc Berghaus
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Jeanne Berghaus
(Spouse)

Jeanne Berghaus
(Please Print)

(Spouse)

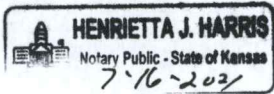
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Meado } SS

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



Henrietta J. Harris
Notary Public

My Commission Expires 7-16-2021

FEE SCHEDULE

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- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

**Water Resources
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SEP 24 2018
SCANNED
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.

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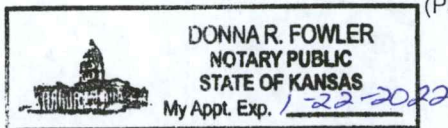
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Dated at Wichita, Kansas, this 17th day of September, 2018.

<u>X</u> <u>Teresa Cook</u> (Owner)	_____	(Spouse)
<u>Teresa Cook</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
(Please Print)	_____	(Spouse)
_____	_____	(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 17th day of Sept, 2018.

Donna R. Fowler
Notary Public

My Commission Expires 1-22-2018

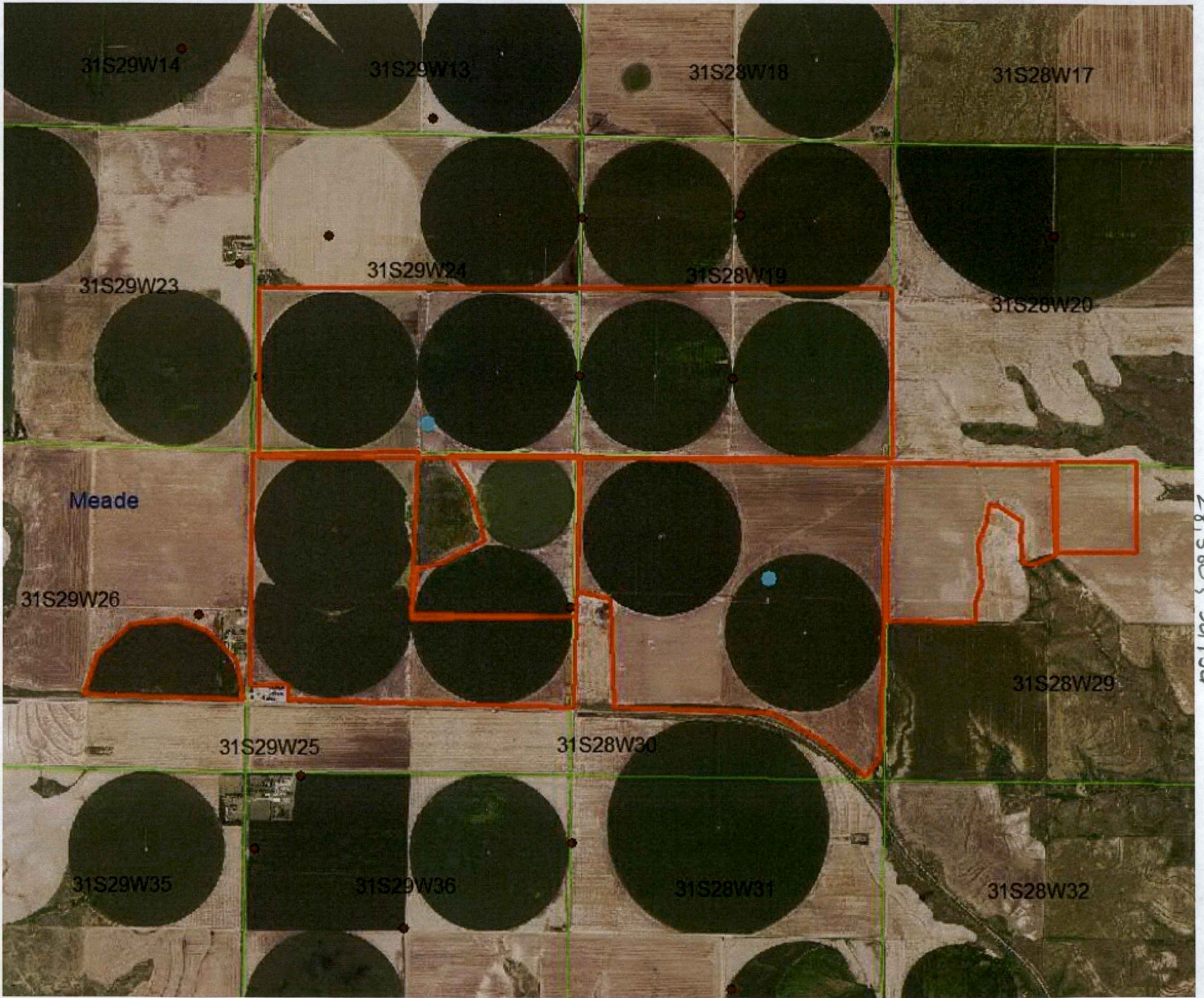
FEE SCHEDULE

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

Water Resources
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KS Dept Of Agriculture
SCANNED



BASE ACRES MAP
31 49, 9982, 13, 158-01, 14, 309, 25, 631;
28, 580 & 30, 950.