

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: pu WORKSHEET**

1. File Number: <b>SC 025</b>	2. Status Change Date: <b>9-16-2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>01</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>7/19/2022</b>
--	---

8a. Landowner,  New to system    Person ID **9363**  
 Add Seq# \_\_\_\_\_

**KIMBALL CATTLE CO INC  
 ATTN: K MIKE KIMBALL  
 PO BOX 527  
 ULYSSES, KS 67880**

8c. Landowner(s)  New to system    Person ID **61260**  
 Add Seq# \_\_\_\_\_

**FOUR B FARMS  
 3171 W HIGHWAY 96  
 SCOTT CITY, KS 67871-6089**

8b. Landowner(s)  New to system    Person ID **24499**  
 Add Seq# \_\_\_\_\_

**MIKE & JANET KIMBALL  
 PO BOX 505  
 ULYSSES, KS 67880**

8d. Correspondent, applicant  New to system    Person ID **39173**  
 Add Seq# \_\_\_\_\_

**TERRY BERNING  
 3171 W HWY 96  
 SCOTT CITY, KS 67871-6089**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/22**     N & P 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: **9/13/2022**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **SC 025**      11. County: **SC**      Basin: **WHITEWOMAN**      Stream:      Formation Code:      Special Use:

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

**CHK 31321**

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 <b>CHK</b> <b>MOD</b> <b>DEL</b> <b>ENT</b>	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				
<b>CHK</b>	<b>9347</b>	<b>30</b>	<b>18</b>	<b>32W</b>	<b>03</b>				<b>40</b>									<b>40</b>		<b>40</b>	<b>120</b>	<b>8b</b>	<b>N</b>	<b>8030-D2, 25367, 25248</b>	
<b>MOD</b>	<b>35293</b>	<b>32</b>	<b>18</b>	<b>32W</b>	<b>02</b>	<b>10</b>	<b>35</b>	<b>40</b>	<b>35</b>	<b>10</b>	<b>35</b>	<b>35</b>	<b>40</b>	<b>40</b>	<b>35</b>			<b>35</b>	<b>40</b>	<b>390</b>	<b>8a</b>	<b>N</b>	<b>8030-D2, 25367, 25248</b>		
<b>CHK</b>	<b>40648</b>	<b>29</b>	<b>18</b>	<b>32W</b>	<b>01</b>									<b>40</b>	<b>20</b>	<b>40</b>	<b>40</b>			<b>140</b>	<b>8b</b>	<b>N</b>	<b>8030-D2, 25367, 25248</b>		
<b>ENT</b>	<b>37519</b>	<b>32</b>	<b>18</b>	<b>32W</b>	<b>01</b>										<b>40</b>	<b>40</b>		<b>40</b>	<b>40</b>	<b>160</b>	<b>8c</b>	<b>Y</b>	<b>8030-D2, 25367, 25248</b>		

Base Acres: **160**      Year:      Minimum Reasonable Quantity:  
 Comments:



Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 16, 2022

TERRY BERNING  
3171 W HWY 96  
SCOTT CITY, KS 67871-6089

RE: Field Office Application for Change  
Vested Right, File No. SC 025  
Water Right, File Nos. 8030-D2, 25248, 25367

Dear Sir:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. Conditions of these approvals are that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:  
enclosures

pc: KIMBALL CATTLE (w/enc)  
MIKE & JANET KIMBALL (w/ enc)  
FOUR B FARMS  
GROUNDWATER MANAGEMENT DISTRICT NO. 1

**CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of September 2022, I hereby certify that the foregoing Approvals of Application for Change in Place of Use, Vested Right, File No. SC 025, Water Right, File Nos. 8030-D2, 25248, 25367 dated 16<sup>th</sup> day of September 2022 was mailed postage prepaid, first class, US mail to the following:

TERRY BERNING  
3171 W HWY 96  
SCOTT CITY, KS 67871-6089

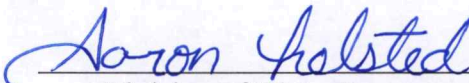
Pc:

KIMBALL CATTLE CO INC  
ATTN: K MIKE KIMBALL  
PO BOX 527  
ULYSSES, KS 67880

MIKE & JANET KIMBALL  
PO BOX 505  
ULYSSES, KS 67880

FOUR B FARMS  
3171 W HIGHWAY 96  
SCOTT CITY, KS 67871-6089

GROUNDWATER MANAGEMENT DISTRICT NO. 1

  
\_\_\_\_\_  
Division of Water Resources Staff



Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.  
 Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.**  
 Fee Schedule is on the third page of this application form.

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. SC-25

**RECEIVED**  
 8:00 am  
 JUL 19 2022

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

Garden City Field Office  
 Division of Water Resources

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: TERRY BERNING

3171 W HWY 96 SCOTT CITY, KS 67871

Phone Number: (620)872-5503                      Email address: deere@wbsnet.org

Name and address of Water Use Correspondent: SAME AS ABOVE

SAME AS ABOVE

Phone Number: (620) 353-8288                      Email address: HKAC@pld.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: KIMBALL CATTLE CO INC

ADDRESS: PO BOX 527 ULYSSES, KS 67880

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	18S	32W	37	40	40	37	40	40	40	40	35	10			10	35			404

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: SAME AS ABOVE

ADDRESS: SAME AS ABOVE

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	18S	32W	10 37	35 40	40	33 37	10 40	35 40	35 40	40	40 38	35 30			35 10	40 30			404
<del>30</del>	<del>18S</del>	<del>32W</del>				40									40			40	<del>120</del>
<del>29</del>	<del>18S</del>	<del>32W</del>								40	20	40	40						<del>140</del>

For Office Use Only: Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 7-19-22 Check # 3053



5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 1 \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) \_\_\_\_\_  
 \_\_\_\_\_

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

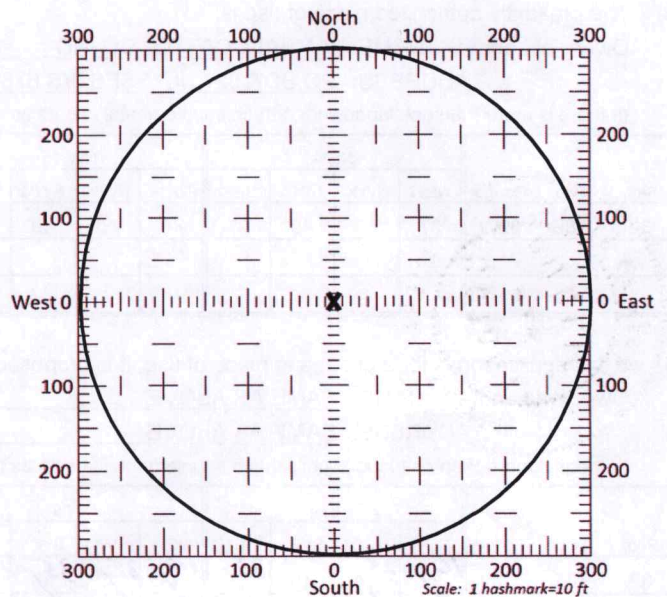
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by JG/GCFO \_\_\_\_\_

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**



APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET

**FILE NO. SC 025, 8030-D2, 25248**

MAKE ADDITIONAL COPIES AS NECESSARY

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

Owner of Land ---- NAME: MIKE & JANET KIMBALL

ADDRESS: PO BOX 505 ULYSSES KS 67880

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	18	32W										40	20	40	40					140	
30	18	32W				40										40				40	120

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: FOUR B FARMS

ADDRESS: 3171 W HIGHWAY 96, SCOTT CITY KS 67871-6089

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			
32	18	32W										40	40			40	40			160	

Owner of Land ---- NAME: MIKE & JANET KIMBALL

ADDRESS: PO BOX 505 ULYSSES KS 67880

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	18	32W										40	20	40	40					140	
30	18	32W				40										40				40	120

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			



Terry

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at 8-2-22 Scott City, Kansas, this 2 day of August, 2022.

Larry Berning partner  
(Owner)  
Terry Berning partner  
(Please Print)

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

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

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

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

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

State of Kansas }  
County of Scott } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of August, 2022.

LOUISE J. BERNING  
Notary Public - State of Kansas  
My Appt. Expires February 4, 2024

[Signature]  
Notary Public

My Commission Expires February 4, 2024

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200



14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
  - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at WY 5502, Kansas, this 27<sup>th</sup> day of May, 2022.

Kimball/Cattle Py-Fuc  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
Mike Kimball  
 (Owner)  
Mike Kimball  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Mike Keel  
 (Spouse) President  
 \_\_\_\_\_  
 (Please Print)  
Janeth Kimball  
 (Spouse)  
Janet K Kimball  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas  
 County of GIRANT } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of May, 2022.

My Commission Expires 12-18-22

Tamera J. Oliver  
 Notary Public  
TAMERA J. OLIVER

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(1) Application to change a point of diversion 300 feet or less	\$100
(2) Application to change a point of diversion more than 300 feet	\$200
(3) Application to change the place of use	\$200



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. SC 025.

1. A change application was received on July 19, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a        foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than        feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2022**, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
 SUMMARY ORDER ISSUED**

By: Michael A. Meyer  
 Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: September 16, 2022

State of Kansas )

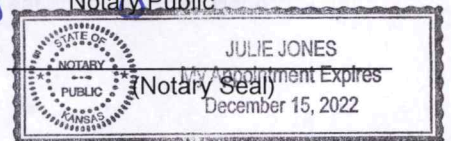
County of Finney ) SS

Acknowledged before me on September 16, 2022

by Michael A. Meyer

Signature: Julie Jones  
 Notary Public

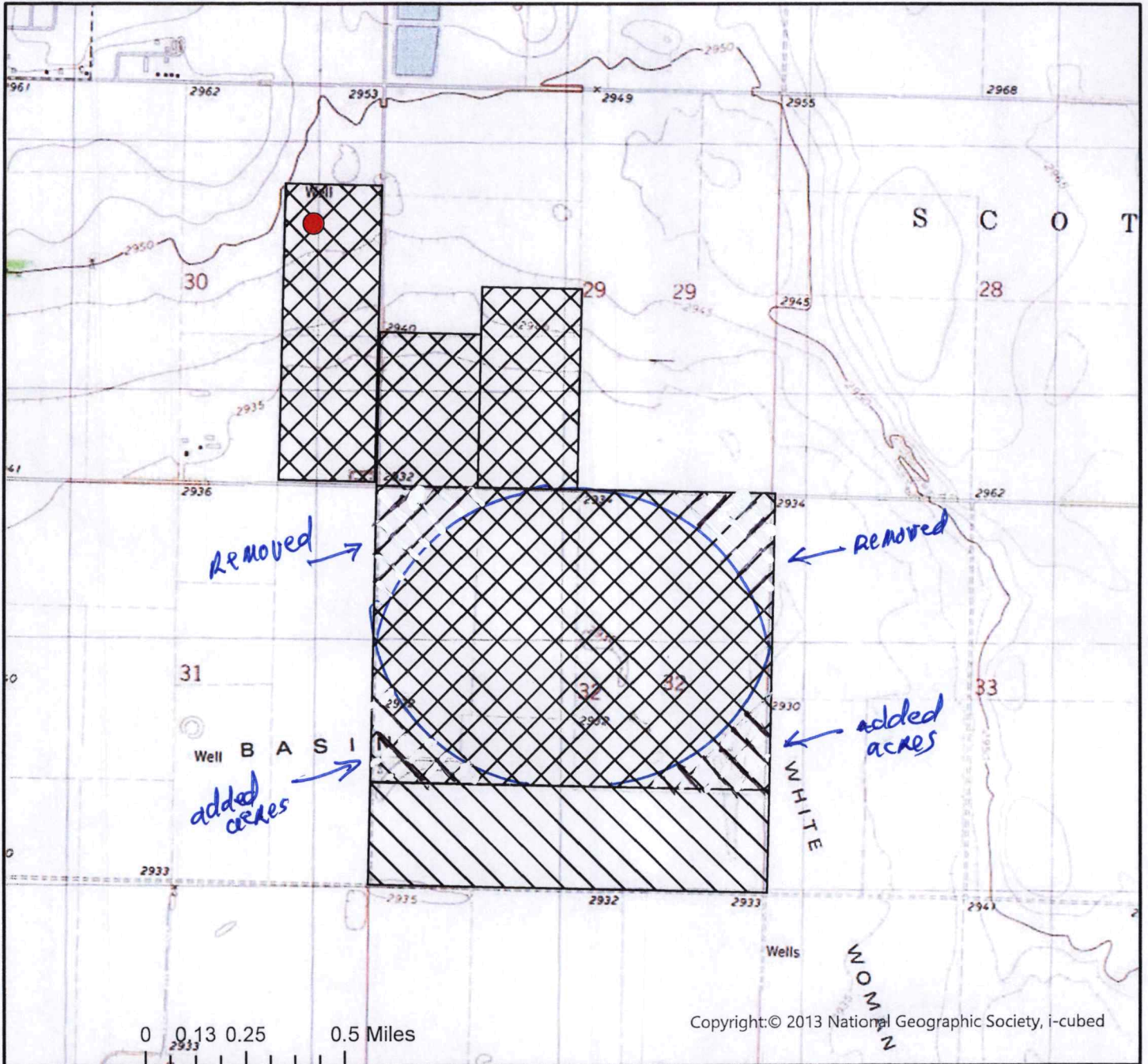
My commission expires: \_\_\_\_\_





# CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. SC-25

NE 1/4 of Section 30 Township 18 South Range 32 West Scott County



- Authorized Point of Diversion
- 
- Domestic Well within 1/2 mile
- Authorized Place of Use
- Proposed Place of Use

List of owner name and addresses within 1/2 mile:

*NEW MAP*



All wells of any kind within 1/2 mile of the requested place of use have been plotted.

*AL/LU*

*5/27/22*

(Signature)

Date

**RECEIVED**

**AUG 24 2022**

**Garden City Field Office  
Division of Water Resources**

Date JG/GCFO  
1:24,000 Scale



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 15<sup>th</sup>, 2022

Michael Meyer  
Water Commissioner  
4532 W. Jones, Suite B  
Garden City, KS 67846

Re: Request for Recommendation  
Vested Right, File No. SC025  
Water Right, File Nos. 8030-D2, 25367, 25248

This is in response to your letter dated August 29<sup>th</sup>, 2022 in regard to the Place of Use Change Applications for Terry Berning on File Nos. SC025, 8030, 25367, 25248. Upon review, we find them in order and therefore recommend approval of the applications to the Chief Engineer. These applications will be subject to the rules and regulations of the Kansas Division of Water Resources.

Please feel free to reach out with any questions or concerns.

Regards,

Katie Durham  
District Manager

RECEIVED

SEP 15 2022

Garden City Field Office  
Division of Water Resources



Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 29, 2022

GROUNDWATER MANAGEMENT DISTRICT NO.1  
906 W. 5TH  
P.O. BOX 604  
SCOTT CITY, KS 67871

RE: Request for Recommendation  
Vested Right, File No. SC 025  
Water Right, File Nos. 8030-D2, 25367, 25248

Dear Ms. Durham:

This is to advise you that Terry Berning has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use. The applications meet all rules and regulations.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer". The signature is fluid and cursive, with a long horizontal flourish at the end.

Michael A. Meyer  
Water Commissioner

MAM