Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 37939	2. Status Change Date:	3. Change Num:	4. Field Office: 02	5. GMD:
6. Status: Approved Der	nied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10/16/20
8a. Applicant(s) New to system □	Person ID Add Seq#	AARON PO BO	stem	Person ID 59617 Add Seq# 1 CAL CORPORATION
8b. Landowner(s) New to system WATER RIGHT OWNER THOMAS G & FLORENC 8231 W 55TH ST S CLEARWATER KS 6702	E A BERGKAMP	8231 W		Person ID 21224 Add Seq# 1 ICE A BERGKAMP 226
9. Documents and Enclosure(s): 🛛 D	WR Meter(s) Date to Comp	ly: 12/31/21	N & P Date to	o Comply:12/31/21
☐ Anti-Reverse Meter ☐ Meter☐ Conservation Plan Date Requi		□ N & P Form		Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 10/2 Date Entered:	1/20 By: EKF By:

File No. 37939		11. County:	SG	Ва	sin: Ni	nnes	cah Ri	ver			S	tream:	-						Fo	ormation (Code: 100	Special Use:
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13. Storage: Rate			NF	Qua	intity _					_ ac/f	t	Additio	nal R	ate		38		1	NF A	dditional C	Quantity	ac/ft
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16. Place of Use CHK			i.	NE	Ξ1/4			NV	V1/4			sv	V¹/4		SE1/4		Total	Owner	Chg?	Overlap Files		
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MOD 39747 28	3 28 1V	V 03			39.5		0.5	30	30	2.5	32	29	28	32					223.5	8c	N	35175 & 38151
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources M E M O R A N D U M

TO: Files DATE: October 21, 2020

FROM: Elizabeth K Fitch RE: Water Right File Nos. 35172, 37939 &

38151

Thomas G & Florence A Bergkamp, on behalf themselves as owners of File Nos. 37939 and 38151 and on behalf of Occidental Chemical Corporation as owner of File No. 35172, have submitted three (3) applications for approval to change the authorized place of use. All the owners of record signed the appropriate applications. All of the referenced file numbers authorize irrigation use

The referenced files appear to be in compliance with 82a-732 (Annual water use report required). A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change*. The referenced files do not appear abandoned as per K.S.A. 82a-718. All the referenced applications are in Sedgwick County, Kansas.

All of the referenced files currently have an overlapped place of use on 317 acres authorized in Section 28, Township 28 South, Range 1 West.

File Nos. 35172

File No. 35172 is owned entirely by Occidental Chemical Corporation independently of the land that it authorizes. This file currently authorizes one (1) well in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 28, more specially described as 5,240 feet North and 4,860 feet West of the Southeast corner of said section. A compliance investigation on April 10, 2019, found the water rights to be in compliance. The authorized point of diversion will be better described based on GPS coordinates from this visit.

File No. 35172 authorizes 132 AF at 615 gpm and has 88 base acres.

File No. 37939

File No. 37939 is owned entirely by Thomas G and Florence A Bergkamp independently of the land that it authorizes. This file currently authorizes one (1) well in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE¼ SW¼ NW¼) of Section 28, more specially described as 2,660 feet North and 4,070 feet West of the Southeast corner of said section. A compliance investigation on January 31, 2018, found the water rights to be in compliance. The authorized point of diversion will be better described based on GPS coordinates from this visit.

File No. 37939 authorizes 120 AF at 790 gpm and has 110 base acres.

File No. 38151

File No. 38151 is owned entirely by Thomas G and Florence A Bergkamp independently of the land that it authorizes. This file currently authorizes one (1) well near the center of the West Half of the Northwest Quarter (W½ NW¼) of Section 28, more specially described as 3,950 feet North and 4,620 feet West of the Southeast corner of said section. A compliance investigation on April 10, 2019, found the water rights to be in compliance. The authorized point of diversion will be better described based on GPS coordinates from this visit.

File No. 38151 authorizes 120 AF at 760 gpm and has 110 base acres.

File No. 35172, 37939 & 38151 Change Memo October 21, 2020

The referenced change applications, received on October 16, 2020, propose to rearrange the acres under flood irrigation in the Northeast Quarter to an orientation that suits a center pivot system in the East Half of Section 28. In addition, the acres described in the Southwest Quarter are being modified slightly to better describe the installed center pivot system.

The combined acres for the three (3) water rights will not change.

When combined, these files authorize a total 307 "Base Acres," as defined by K.A.R. 5-5-11. The proposed 317 acres complies with part (b) of K.A.R. 5-5-11 and the 10 acre increase above the Base Acres is allowed by the regulation.

The proposed changes will result in a maximum quantity of 372 AF irrigating 317 acres, resulting in an irrigation ratio of 1.17 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the 1.3 AF per acre maximum for Sedgwick County found in K.A.R. 5-3-24, Reasonable quantity for irrigation use, thus complying with 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. The generally accepted minimum quantity per acre for Sedgwick County is 1.05 AF per acre, so the proposed quantity meets this threshold as well.

Since the referenced applications to change the place of use do not propose to add more than 10 acres or 10% of the base acres to the authorized place of use, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 10/20/2020).

The referenced water rights are not in a special use area nor are they in a groundwater management district.

A structures permit is not required in association with these water rights.

A water flow meter is required for each point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that applications are approved.

Elizabeth K Fitch
Environmental Scientist - SFFO



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: 10/20/2020

FROM: Elizabeth Fitch

RE: File Nos. 35172, 37939 & 38151

This is a memorandum regarding surrounding well owner notification for applications to change the place of use for irrigation water rights and the decisions made during the Water Commissioner meeting which took place on 11/16/2016 with directive from Lane Letourneau, Program Manager.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of place of use change application. All well rates and quantities will remain unchanged and the referenced change should not cause impairment or impact surrounding well owners.

The application to change the place of use filed on <u>10/16/2020</u> for the above referenced files meets this criterion, therefore, well owners surrounding the authorized point of diversion will not be notified.

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

WATER METER REQUIRED

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.

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Proposed Rate Propos	sed Quantity_							
			riop	osed well	uebiii iie	er)		
This point is. Additional Well Geo	Center List	oiner water no	h4- 4h-4					
(please be specific) The place of use is being that some flood ground can be converted to a system		30	0 200	100	North 0	100	200	300
8. If a well, is the test hole log attached? Ye	es \square No			_	=		_	
	-3 -140	200	1+	1 + 1	= 1	+ 1	+ 1	200
The change(s) (was)(will be) completed by?				_			-	1
Spring 2021		100	-1+	1 + 1	= 1	+ 1	+	1 = 100
40. If the maint of discouries is a smaller				_	=			3
10. If the point of diversion is a well:		144	<u> </u>	dundana	=			1 D East
(a) What are you going to do with the old we	ell?	westu	!!! !!!!!!	manham	=	andimi	milim	e East
N/A			-	-	_	-	-	=
		100	-1+	1+1	= 1	+ 1	+	1 - 100
(b) When will this be done? N/A				anapan .	Ξ			3
		10		1 1 1	Ξ,	1 1	1	. =
11. Groundwater Management District recommendation Yes No NA	ndation attach	ed? 200	- 1 +	1 + 1	=	+ 1		200
			E . T		Ī,	1	1	. 🖥
12. Assisted by EKF/SFFO		30	0 200	100	ш Т шШ	100	200	300
13a.If the proposed point of diversion will be relocated to the existing point a topographic map or aerial photograph. sources, show all wells (including domestic) of the proposed point of diversion and the addresses of the owners. For surface water names and addresses of the landowners.	of diversion, a For ground within one-half names and ma sources, show	ttach 13b.If the vater of the diag siling dive whe abo	e proposed ne existing gram show ersion. (PL	point of div point of div n above EASE NO senis the	version wediversion in relation	vill be rein, indication to the "X" in the many and the many and the many arrives are the man	located y te its lo the exis	k=10 ft

5. Presently authorized point of diversion:

OCT 16 2020

14. If the proposed groundwater point of diversion is 300 or fewer feet from	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently authors applied Yes No (If no, all owners must sign this applied).	
 (b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this appl 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applic	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	zed agent of the owner(s) to make this application on
Dated at Wichita , Kansas, this	13 day of October , 20 20.
Thomas 92 13 erghams	Florence C. Borghanp
Thomas G. Berokamp (Please Print)	Florence A. Bergkamp (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
Notary	ULEY WALDEN Public - State of Kansas expires 1101011
I hereby certify that the foregoing application was signed in of 20 20 20 20 20 20 20 20 20 20 20 20 20	ny presence and sworn to before me this 311 day
	ashlunualdur
My Commission Expires 09 100 100	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	
FEE SCHEDL	<u>LE</u>
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture \$100

OCT 16 2020

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

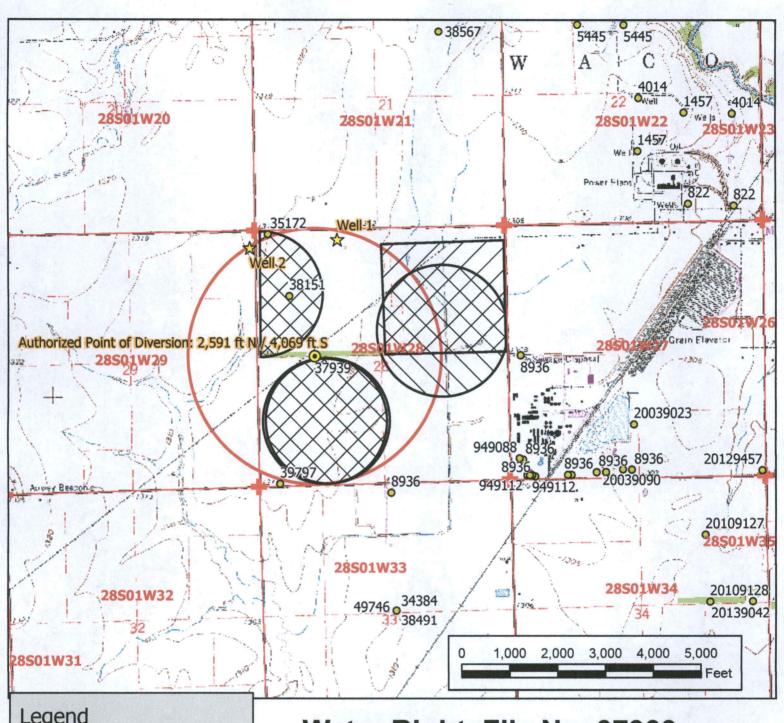
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 37939 2020 A change application was received on 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 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 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously 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 X Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, 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. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any authorized extension of time. By March 1, 20_____ 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 The completed well log shall be submitted with the required notice. ☐ 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 X 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED ford Field Office Engineer or request administrative review by the Secretary of Division of Water Resources Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for **Duly Authorized Designee of the Chief Engineer** administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative enterman (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas SS For Use by Register of Deeds Acknowledged before me on Signature: Notary Public STATE OF My commission expires: CHELSI SNODGRASS NOTARY Notally Appointment Expires May 13, 2024

-IIe No. 37939



Legend

- Water Appropriation
- **Authorized Point of Diversion**
- Domestic Well
- Section Corner
- Section Line
 - Half Mile Circle

Place of Use

- Authorized
- Proposed

Water Right, File No. 37939/ED

Change in Place of Use Map 0CT 16 2020 28-28-1W // Sedgwick County

To the best of my knowledge, all wells within one half mile of the authorized point of diversion have been shown.

9/14/2020 EKF/SFFO 1:24,000 scale Signature / Date