

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

1. File Number: <b>37939</b>	2. Status Change Date:	3. Change Num: <b>2</b>	4. Field Office: <b>02</b>	5. GMD:
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6. Status: <input 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>10/16/20</b>
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <b>59617</b> Add Seq# <b>1</b>  <b>OCCIDENTAL CHEMICAL CORPORATION                  AARON LICKLY                  PO BOX 12283                  WICHITA KS 67277</b>
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID <b>21224</b> Add Seq# <b>1</b>  <b>WATER RIGHT OWNER:                  THOMAS G &amp; FLORENCE A BERGKAMP                  8231 W 55TH ST S                  CLEARWATER KS 67026</b>	8d. WUC New to system <input type="checkbox"/> Person ID <b>21224</b> Add Seq# <b>1</b>  <b>THOMAS G &amp; FLORENCE A BERGKAMP                  8231 W 55TH ST S                  CLEARWATER KS 67026</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/21**  N & P Date to Comply: **12/31/21**

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: **10/21/20**    By: **EKF**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_







**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 (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 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 (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 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 (W $\frac{1}{2}$  NW $\frac{1}{4}$ ) 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 10/16/2020 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.

**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. 37939

**RECEIVED**  
 4:02  
 OCT 16 2020

Stafford Field Office  
 Division of Water Resources

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

Place of Use                       Point of Diversion

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: Thomas G & Florence A Bergkamp

8231 W 55<sup>th</sup> St S, Clearwater KS 67026

Phone Number: (316)522-6270                      Email address: markbergkamp@hotmail.com

Name and address of Water Use Correspondent: Thomas G & Florence A Bergkamp

8231 W 55th St S, Clearwater KS 67026

Phone Number: (316)522-6270                      Email address: markbergkamp@hotmail.com

3. The presently authorized place of use is:

Owner of Land --- NAME: \*Thomas G & Florence A Bergkamp (water right owner) // \*\*Occidental Chemical Corporation

ADDRESS: 8231 W 55th St S, Clearwater KS 67026                      // PO Box 12283, Wichita KS 67277

(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	
*28	28	1W			37		0.5	30	30	0.5	34	27	26	33					218
**28	28	1W	30	30		37										1	1		99
																	Total	317	

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: \*Thomas G & Florence A Bergkamp (water right owner) // \*\*Occidental Chemical Corporation

ADDRESS: 8231 W 55th St S, Clearwater KS 67026                      // PO Box 12283, Wichita KS 67277

(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	
*28	28	1W			39.5		0.5	30	30	2.5	32	29	28	32					223.5
**28	28	1W	8.5	10		37									17.5	20	0.5		93.5
																	Total	317	

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 200 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 10676



5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 28, Township 28 South, Range 1 W, in Sedgwick County, Kansas, 2,660 feet North 4,070 feet West of Southeast corner of section. Authorized Rate 790 gpm Authorized Quantity 120 AF Depth of well 135 (feet)  
**(DWR use only: Computer ID No. 03 GPS 2,591 feet North 4,069 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 NE Quarter of the NW Quarter of the SW Quarter of Section 28, Township 28 South, Range 1 W, in Sedgwick County, Kansas, 2,591 feet North 4,069 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none.

6. **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 \_\_\_\_\_ 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 \_\_\_\_\_ (E/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) The place of use is being modified so that some flood ground can be converted to a center pivot system

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

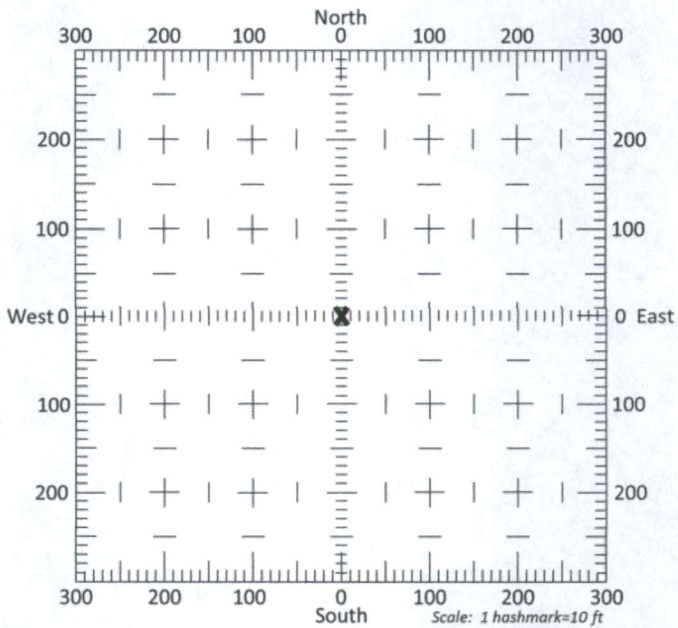
9. The change(s) (was)(will be) completed by?  
Spring 2021

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

11. Groundwater Management District recommendation attached?  
 Yes  No N/A

12. Assisted by EKF/SFFO

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the **RECEIVED** presently authorized point of diversion.)

OCT 16 2020



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 Wichita, Kansas, this 13 day of October, 2020.

Thomas G. Bergkamp  
 (Owner)

Florence A. Bergkamp  
 (Spouse)

Thomas G. Bergkamp  
 (Please Print)

Florence A. Bergkamp  
 (Please Print)

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

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

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

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

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

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

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

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

State of Kansas }  
 County of Sedgwick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of October, 2020.

Ashley Walden  
 Notary Public

My Commission Expires 11/10/21

**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

RECEIVED

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

1. A change application was received on 10/16/2020 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. <sup>2020</sup> **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.  Applicable  Not Applicable
8. **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  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**

OCT 16 2020

Stafford Field Office  
 Division of Water Resources

By: Jeff Lenterman  
 (Duly Authorized Designee of the Chief Engineer)

(Print Name): Jeff Lenterman  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 10/21/2020

State of Kansas )

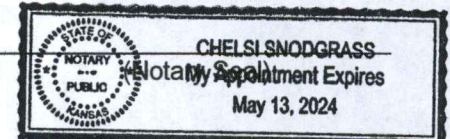
County of Stafford ) SS

Acknowledged before me on 10/21/2020

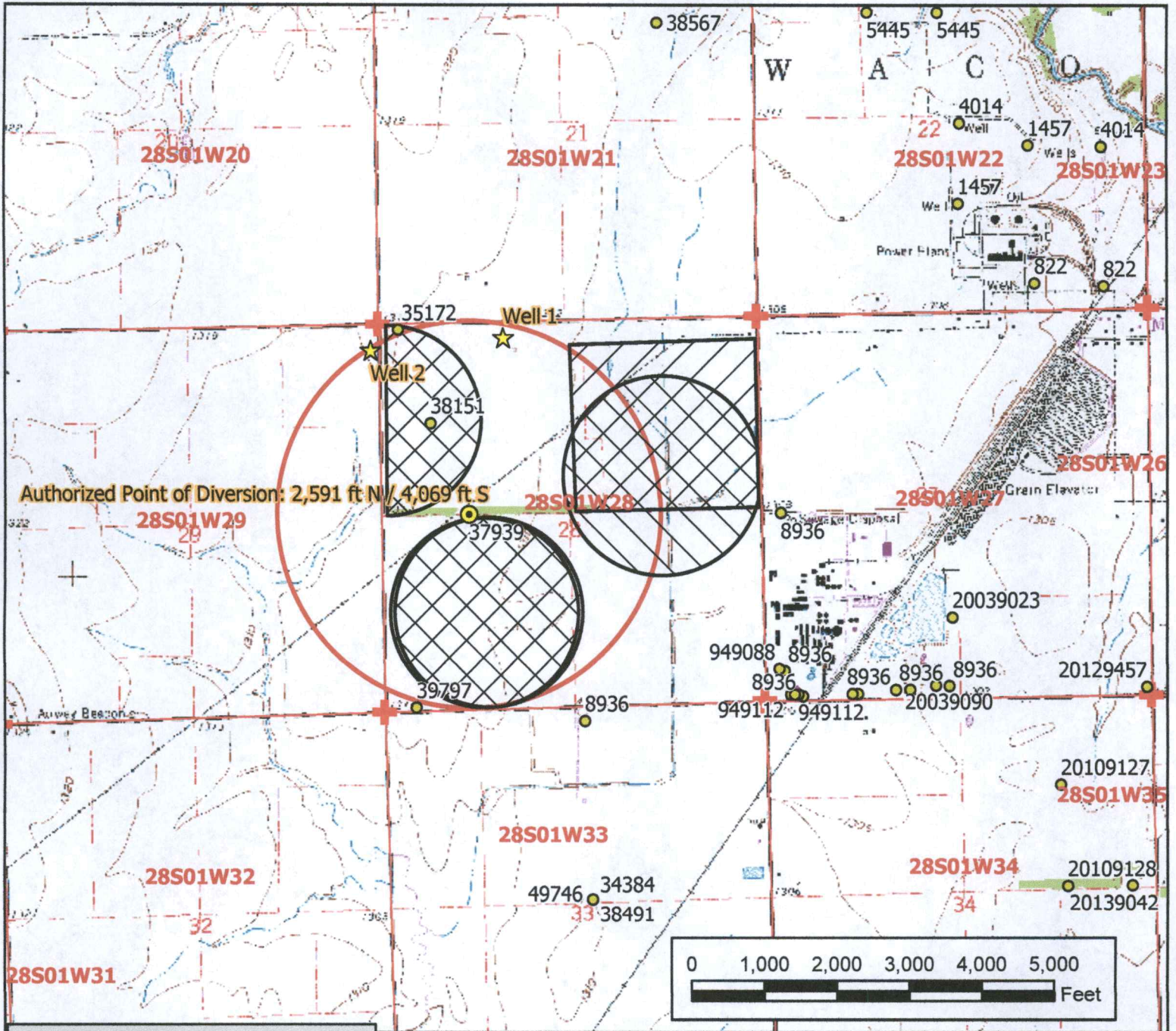
by Chelsi Snodgrass

Signature: Chelsi Snodgrass  
 Notary Public

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







**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**

**Change in Place of Use Map  
28-28-1W // Sedgwick County**

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OCT 16 2020  
Stafford Field Office  
Division of Water Resources

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

*Florence Bergkamp* Oct 12, 2020  
Signature / Date 9/14/2020 EKF/SFFO 1:24,000 scale