

File No. **49961** 15. Formation Code: **100** Drainage Basin: **Ninnescah River** County: **SG** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
MOD			86513	NENENE	16	29S	1W	2	5010	100	Geo-Cent	600	161	600	161	None
ENT			88770	NENENE	16	29S	1W		5210	100	Bat 1 of 4					
ENT			88771	NENENE	16	29S	1W		5110	100	Bat 2 of 4					
ENT			88772	NENENE	16	29S	1W		4910	100	Bat 3 of 4					
ENT			88773	NENENE	16	29S	1W		4810	100	Bat 4 of 4					

BATTERY ID #:2227

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

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

20. Meter Required? Yes No To be installed by **12/31/2021** **2022** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
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						
MOD			68685	16	29S	1W	1	29.5	33	38	23.5													124	7b.	None			

Comments: **PU and quantity were modified during processing**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 28, 2020

FROM: Matt Meier

RE: Application, File No. 49,961

Thomas Bergkamp has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 161 acre-feet, and a diversion rate of 600 gallons per minute. The Geo-Center is to be located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 16, more particularly described as being near a point 5,010 feet North and 100 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by C.J.B.V. Farms (att: James Kerschen). The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, Division of Water Resources (DWR) suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,283 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,457.94 acre-feet. Existing water rights have appropriated 1561.44 acre-feet, providing a difference of 896.5 acre-feet available for appropriation, and the application requesting 161 acre-feet complies with safe yield.

A test hole log submitted with the application shows top soil from 0 to 2 feet, brown and gray clay from 2 to 15 feet, fine to coarse sand from 15 to 30 feet, brown clay with sand from 30 to 35 feet, very fine to coarse sand from 35 to 38 feet, brown to gray clay from 38 to 40 feet, sand from 40 to 60 feet, and shale at 60 feet below ground. Static water level was at 22.74 feet which provides a saturated thickness of 37.26 feet.

The requested quantity of water, 161 acre-feet, is reasonable to irrigate the proposed 124 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant identified 10 domestic wells within one-half mile of the proposed wells and no non-domestic wells, which Wris confirmed. Nearby well notification letters were sent out on July 31, 2020. Phone calls were received from nearby well owners David Knoblock, Kathy Yoram, Gary Lee, Doug Edwards, and Rick Lowery to ask questions and express concerns. An email and letter were also received from Rick Lowery. The nearest non-domestic point of diversion (File #46593) is located 4,681 feet away. Based off the map submitted with the application, the nearest domestic well appears to be approximately 850 feet away or further away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on October 21, 2020. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

Meier, Matt [KDA]

From: Meier, Matt [KDA]
Sent: Wednesday, October 21, 2020 11:03 AM
To: Lanterman, Jeff [KDA]
Subject: RE: 49961 Review request

Will do and thanks!

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Wednesday, October 21, 2020 11:01 AM
To: Meier, Matt [KDA] <Matt.Meier@ks.gov>
Subject: RE: 49961 Review request

Matt. This one looks pretty good to approve. I noticed one of the surrounding complaints was Ricky Lowry right in the pivot wedge.

The well log looks pretty decent should be OK to protect his domestic use.

Approve it.

Thanks
Jeff

From: Meier, Matt [KDA] <Matt.Meier@ks.gov>
Sent: Wednesday, October 21, 2020 10:44 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 49961 Review request

Hello Jeff,

Have you had a chance to look this app over yet?

From: Meier, Matt [KDA]
Sent: Friday, October 2, 2020 1:24 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 49961 Review request

Hello Jeff,

Attached is the memo and nearby water level info for app 49961. Some changes to requested quantity and PU were made during the processing of it. I am going to work on getting those changes made to the file in docuware. Let me know if you have any questions.

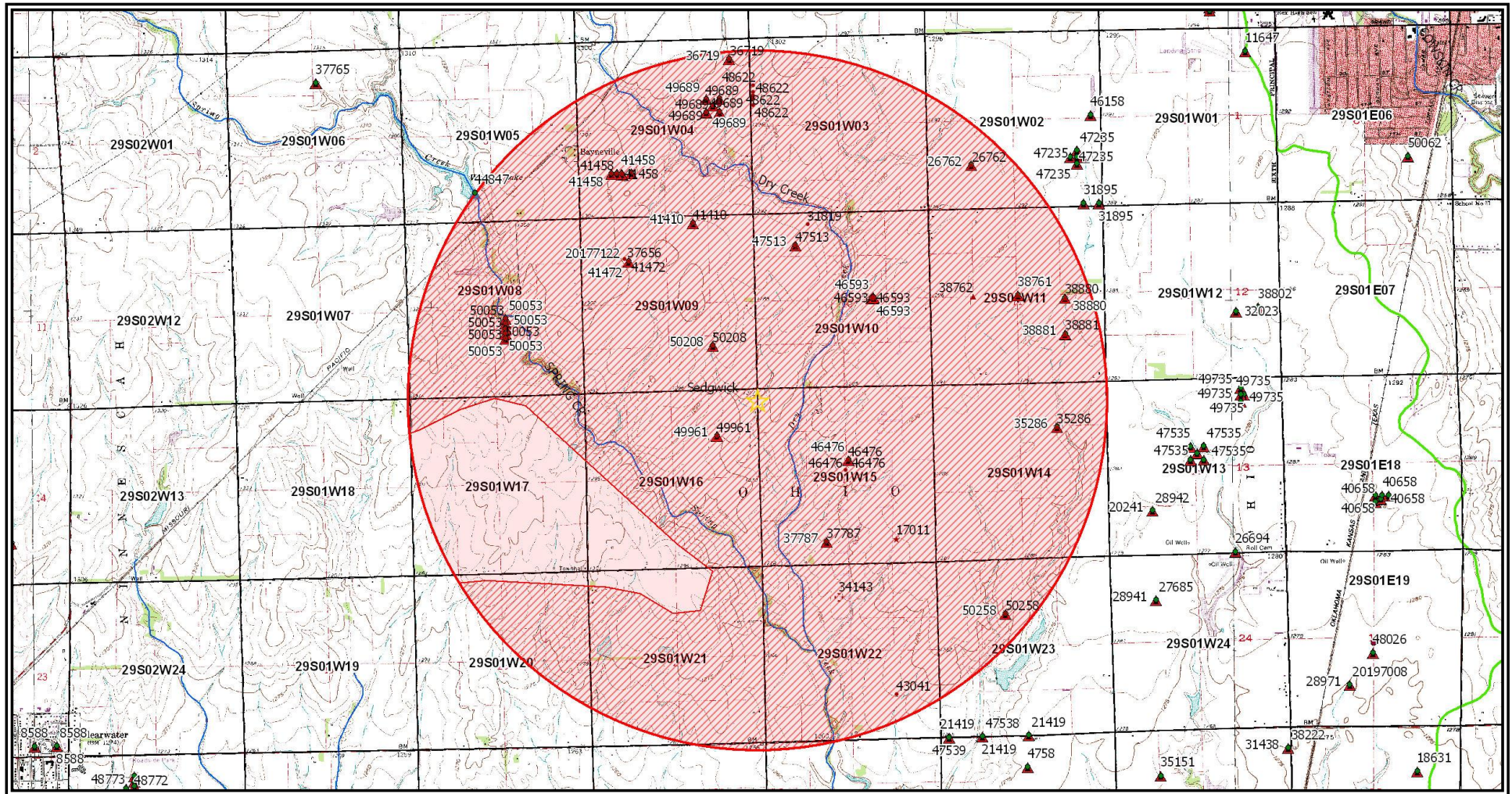
Thanks,

Matt Meier
Environmental Scientist
Stafford Field Office

Matt.meier@ks.gov

620-234-5311

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 16-29S-01W
Footages from SE corner- 5,010 feet North 100 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,457.94 AF. – **1561.44 AF = 896.5 AF**

Total prior appropriations in the circle is 1,937.54 AF. – **376.1 AF = 1561.44 AF**

Total quantity of water available for appropriation is 520.40 AF.

Application No. 49961

Meets Safe Yield

Safe Yield Variables

The area used for the analysis is set at 7,283 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 18-JUL-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 17 water rights and 33 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 26762 00	IRR	NK	G			NC	SW	1280	3960	02	29	01W	1	WR	156.00	156.00	140.00	140.00
A 35286 00	IRR	NK	G			NC	NE	3950	1500	14	29	01W	1	WR	175.50	175.50	135.00	135.00
A 36719 00	IRR	NK	G			NC	NE	4780	510	04	29	01W	1	WR	203.00	203.00	161.30	161.30
A 37787 00	IRR	NK	G		NC	SE	SW	660	3300	15	29	01W	2	WR	62.00	62.00	60.00	60.00
A 38761 00	MUN	KK	G			NC		2640	2640	11	29	01W	1	WR	314.01	37.81		
A 38880 00	MUN	KK	G		NC	E2	E2	2540	1220	11	29	01W	3	WR	314.01	0.00		
A 38881 00	MUN	LR	G			NC	SE	1450	1220	11	29	01W	4	WR	314.01	0.00		
A 41410 00	IRR	NK	G		NE	NW	NE	5028	1885	09	29	01W	2	WR	132.00	132.00	128.00	128.00
A 41458 00	IRR	NK	G			NC	SW	1268	3952	04	29	01W	2	WR	197.00	197.00	131.00	131.00
Same	IRR	NK	G	NC	E2	W2	SW	1269	4251	04	29	01W	3	WR				
Same	IRR	NK	G			NC	SW	1269	4085	04	29	01W	4	WR				
Same	IRR	NK	G	NC	W2	E2	SW	1288	3653	04	29	01W	6	WR				
Same	IRR	NK	G			NC	SW	1248	3926	04	29	01W	5	WR				
A 41472 00	IRR	NK	G			NC	NW	3875	3838	09	29	01W	3	WR	51.00	0.00	128.00	0.00
A 46476 00	IRR	NK	G		SW	SW	NE	3109	2610	15	29	01W	3	WR	170.30	170.30	138.00	138.00
A 46593 00	IRR	LR	G		SE	SW	NE	2665	1745	10	29	01W	2	WR	169.00	169.00	130.00	130.00
Same	IRR	LR	G		SE	SW	NE	2645	1745	10	29	01W	4	WR				
Same	IRR	LR	G		SE	SW	NE	2685	1745	10	29	01W	5	WR				
Same	IRR	LR	G		SE	SW	NE	2665	1725	10	29	01W	6	WR				
Same	IRR	LR	G		SE	SW	NE	2665	1765	10	29	01W	7	WR				
A 47513 00	IRR	KE	G		SW	NE	NW	4100	3840	10	29	01W	3	WR	60.03	60.03	57.17	57.17
A 49689 00	IRR	GY	G		SW	SE	NE	3300	1172	04	29	01W	7	WR	198.80	198.80	152.16	152.16
Same	IRR	GY	G		NE	SW	NE	3500	1372	04	29	01W	8	WR				
Same	IRR	GY	G		NW	SE	NE	3500	972	04	29	01W	9	WR				
Same	IRR	GY	G		SE	SW	NE	3100	1372	04	29	01W	10	WR				

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	GY	G		SW	SE	NE	3100	972	04	29	01W	11	WR				
A 49961 00	IRR	AY	G				NE	3960	1320	16	29	01W	2	WR	175.50	175.50	136.00	136.00
A 50053 00	IRR	AY	G		NW	NW	SE	2003	2357	08	29	01W	1	WR	175.00	175.00	135.00	135.00
Same	IRR	AY	G		NW	NW	SE	2303	2357	08	29	01W	2	WR				
Same	IRR	AY	G		NW	NW	SE	2153	2357	08	29	01W	3	WR				
Same	IRR	AY	G		SW	NW	SE	1853	2357	08	29	01W	4	WR				
Same	IRR	AY	G		SW	NW	SE	1703	2357	08	29	01W	5	WR				
A 50258 00	IRR	AY	G		NE	SE	NW	3600	3270	23	29	01W	3	WR	25.60	25.60	19.70	19.70

376.1 AF Pending

Limitations

File Number	Seq Num	Limitations
A 38761 00	1	648.440MGY COM/W #2814, 31895 & 33420
A 38880 00	1	648.440MGY COM/W #2814, 31895, 33420 & 38761
A 38881 00	1	648.440MGY COM/W #2814, 31895, 33420, 38761 & 38880
A 41472 00	1	132AF/YR COM/W #41410

Meier, Matt [KDA]

From: Mark Bergkamp <markbergkamp@hotmail.com>
Sent: Friday, September 18, 2020 11:04 AM
To: Meier, Matt
Subject: Re: 49961 Updated PU map

Follow Up Flag: Follow up
Flag Status: Flagged

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.

The map looks good. Thanks
Mark

Sent from my iPhone

On Sep 18, 2020, at 10:39 AM, Meier, Matt <Matt.Meier@ks.gov> wrote:

As I discussed with Tom on the phone this morning, attached is a updated place of use map and irrigation support sheet showing 124 acres (show in cross-hatched). If the updated PU map looks good to you let me know and will finish up with the app.

Thanks,

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

<49961 possible PU map.pdf>
<49961 IRR Supp.doc>







29S01W16

1 inch = 1,000 feet



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

-  ProposedPD
-  ProposedPlaceOfUse
-  Water Rights
-  SFFOsec_corners

Signature _____ Date _____
0 400 800 1,600 2,400 3,200 Feet

Created By: Matt Meier
F.O. 2
Date:9/15/2020


THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
 (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,961** of the applicant

THOMAS BERGKAMP
8231 W 55TH ST S
CLEARWATER KS 67026

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 4, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16	29S	1W	29.5	33	38	23.5													124

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 16, more particularly described as being near a point 5,010 feet North and 100 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **600 gallons per minute (1.34 c.f.s.)** and to a quantity not to exceed **161 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

Ordered this 28 day of April, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of April, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 5, 2021

THOMAS G & FLORENCE A BERGKAMP
8231 W 55TH ST S
CLEARWATER, KS 67026

RE: Application, File No. 49,961

Dear Mr. & Mrs. Bergkamp:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:mjm:li

Enclosures

pc: Stafford Field Office
James Kerschen, CJBV FARMS

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, Kansas 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, Kansas 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

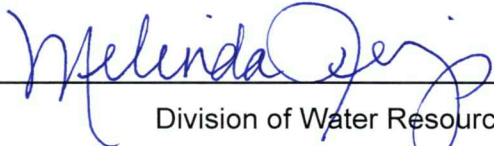
On this 5 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,961, dated 28 April 2021 was mailed postage prepaid, first class, US mail to the following:

THOMAS G & FLORENCE A BERGKAMP
8231 W 55TH ST S
CLEARWATER, KS 67026

With photocopies to:

C J B V FARMS
JAMES KERSCHEN
3438 S 199TH ST W
GODDARD, KS 67052

Stafford Field Office



Division of Water Resources