

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.

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 9:48am  
 OCT 03 2022

File No. 28439

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

Stafford Field Office  
 Division of Water Resources

2. Name and address of Applicant: Ned G. & Teresa W. Bergkamp Joint Rev. Trust  
4620 S. 311<sup>th</sup> St. W., Cheney, KS 67025

Phone Number: (316) 293-8433                      Email address: berg2564@gmail.com

Name and address of Water Use Correspondent: Ned G. & Teresa W. Bergkamp Joint Rev. Trust  
4620 S. 311<sup>th</sup> St. W., Cheney, KS 67025

Phone Number: (316) 293-8433                      Email address: berg2564@gmail.com

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: A) Ned G. & Teresa W. Bergkamp Joint Rev. Tr.                      B) John M. & Emily M. Bergkamp  
 ADDRESS: A) 4620 S. 311<sup>th</sup> St. W., Cheney, KS 67025                      B) 730 Biermann St., Garden Plain, KS 67050  
 (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	
A) 11	20S	4W									40	40	40	18			1.25		139.25
B) 11	20S	4W													40	40	38.75	40	158.75
																	Total = 298		

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: NO CHANGE  
 ADDRESS: \_\_\_\_\_  
 (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	

For Office Use Only: Code CGT Fee \$ 200<sup>00</sup> TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 1528

5. **Presently authorized point of diversion: (East well)**  
 One in the SW Quarter of the NE Quarter of the SE Quarter  
 of Section 11, Township 20 South, Range 4W (E/W),  
 in McPherson County, Kansas, 1400 feet North 1250 feet West of Southeast corner of section.  
 Authorized Rate 1,005 GPM Authorized Quantity 158 AF Depth of well 222.5 (feet)  
**(DWR use only: Computer ID No. 3 GPS 1428 1363 feet North 1281 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 SW Quarter of the NE Quarter of the SE Quarter  
 of Section 11, Township 20 South, Range 4W (E/W),  
 in McPherson County, Kansas, 1400 feet North 1250 feet West of Southeast corner of section.  
 Proposed Rate 1,005 GPM Proposed Quantity 169 AF Proposed well depth (feet) no change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

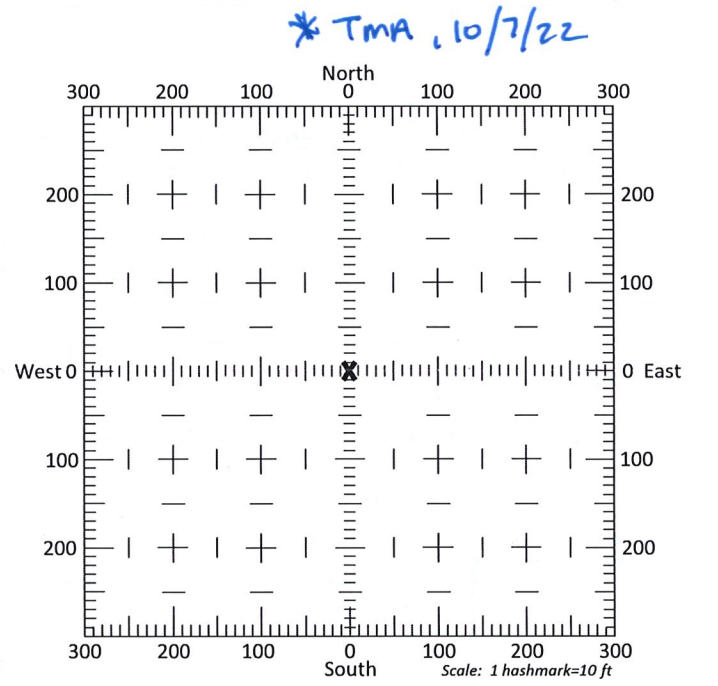
6. **Presently authorized point of diversion: (West well)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC-SW Quarter  
 of Section 11, Township 20 South, Range 4W (E/W),  
 in McPherson County, Kansas, 1400 feet North 3850 feet West of Southeast corner of section.  
 Authorized Rate 1,090 GPM Authorized Quantity 200 AF Depth of well 208 (feet)  
**(DWR use only: Computer ID No. 2 GPS 1936 feet North 3969 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 NC-SW Quarter  
 of Section 11, Township 20 South, Range 4W (E/W),  
 in McPherson County, Kansas, 1400 feet North 3850 feet West of Southeast corner of section.  
 Proposed Rate 1,090 GPM Proposed Quantity 189 AF Proposed well depth (feet) no change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

7. The changes herein are desired for the following reasons?  
 (please be specific) N/A - no new well being drilled. Moving  
11 AF from West well to East well.
8. If a well, is the test hole log attached?  Yes  No
9. The change(s) (was)(will be) completed by?  
Upon approval of application, no new well being drilled.
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A - No new well being drilled.  
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by B. Barton, GMD2

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 presently authorized point of  
 diversion.)

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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 Garden Plain, Kansas, this 30<sup>th</sup> day of September, 2022.

Ned G. Bergkamp, Trustee  
(Owner)

Teresa W. Bergkamp, Trustee  
(Spouse)

Ned G. Bergkamp, Trustee of Ned G. & Teresa W. Bergkamp Joint Rev. Trust

Teresa W. Bergkamp, Trustee of Ned G. & Teresa W. Bergkamp Joint Rev. Trust

(Please Print)

(Please Print)

John M. Bergkamp  
(Owner)

Emily M. Bergkamp  
(Spouse)

John M. Bergkamp  
(Please Print)

Emily M. Bergkamp  
(Please Print)

(Owner)

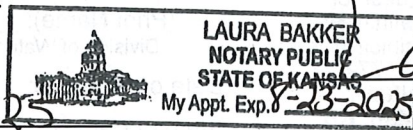
(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30<sup>th</sup> day of September, 2022.



My Commission Expires 8-23-2025

Laura Bakker  
Notary Public

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

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**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. 28439.

- 1. A change application was received on October 3, 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 300 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 2640 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, 2023, 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.

*Pld change but only for quantity*  
*TMA 10/3/22*  
*Change in quant only*  
*Only change in Quant.*  
*\* TMA, 10/3/22*

**Administrative Appeal and Effective Date of Order**

**APPLICATION APPROVED AND SUMMARY ORDER ISSUED**

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*

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

Acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)

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FOR OFFICE USE ONLY

# Application Map - File No. 28439



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.

Teresa W. Bergkamp  
Signature

9-30-2022  
Date

- New Application
- Application No. 28439 To Change: **RECEIVED**
- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

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- Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)
- 1) Irrigation Well - Water Right # 30367  
Ruth J. Hill Trust  
1235 Frontier Rd., McPherson, KS 67460
  - 2) Irrigation Well - Water Right # 28439 West Well  
Ned G. & Teresa W. Bergkamp Joint Rev. Trust  
4620 S. 311th St. W., Cheney, KS 67025
  - 3) Domestic Well  
Ned G. & Teresa W. Bergkamp Joint Rev. Trust  
4620 S. 311th St. W., Cheney, KS 67025
  - 4) Domestic Well  
Rachel Ann Nichols & Michael James Rau  
1071 Eisenhower Rd., McPherson, KS 67460

