

Kansas Department of Agriculture
Division of Water Resources
DISMISSAL WORKSHEET

1. File No(s). 48,753	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	1b. Document Date: <i>12/6/2016</i>	2. Field Office: 3	3. GMD:
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4. Type and Purpose of Letter

Type of Extension _____ Completion Date _____

Date Received _____ Perfection Date _____

Completion of Diversion Works: Permit Change Approval

Meter Installed _____

Dismissal Voluntary Dismissal

Other _____

<p>5a. Name & Address _____ Person ID 63280</p> <p>BERGEN FARMS LLC</p> <p>PO BOX 721200</p> <p>NORMAN OK 73070-4916</p>	<p>5b. Name & Address _____ Person ID _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>5c. Name & Address _____ Person ID _____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>5d. Name & Address _____ Person ID _____</p> <p>_____</p> <p>_____</p> <p>_____</p>

<p>6. General Information</p> <p>Priority Date 15-AUG-2013</p> <p>Certificate Date _____</p> <p>Vested Right Order Date _____</p> <p>Approval Date 31-JUL-2014</p> <p>Priority Date of Change _____</p> <p>Approval of Change Date _____</p> <p>Completion Date _____</p> <p>Perfection Date _____</p>	<p>7. Use of Water: <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p> <p>8. Battery Number _____</p> <p>9. Special Use _____</p> <p>10. Aquifer _____</p>
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Date Prepared: **11/28/2016** By: **AM**
Date Entered: *12/6/2016* By: *LLM*

(see reverse for p/d and p/u)

File No(s) **48,753**

11. Points of Diversion										12. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL	81951														
DEL	81954														
DEL	81955														
DEL	81956														
DEL	81957														

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. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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						
DEL	65000																												
DEL	65001																												

16. Comments: **Voluntary Dismissal**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: November 28, 2016

FROM: Austin McColloch

RE: Appropriation of Water,
File No. 48,753

Floyd Bergen on behalf of Bergen Farms filed the referenced application for Appropriation of Water that was approved on July 31, 2014 to appropriate groundwater for irrigation use in Ottawa County.

On November 28, 2016 a Voluntary Dismissal form was received for the referenced appropriation of water. The owner requests to withdraw the permit and understands withdrawal will dismiss the file and whatever priority it may have forfeited.

The included Findings and Order will be issued for this voluntary dismissal.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

BERGEN FARMS LLC
PO BOX 721200
NORMAN OK 73070-4916

December 6, 2016

RE: Dismissal of Appropriation of Water,
File No. 48,753

Dear Sir or Madam:

Enclosed is the Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 48,753, as requested in the Voluntary Dismissal of Water Right form received from Floyd Bergen, in this office on November 28, 2016.

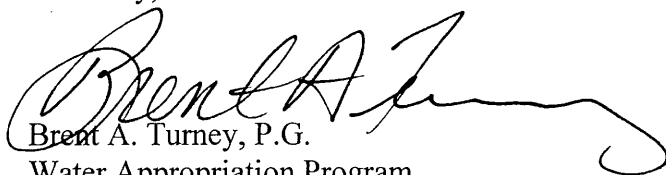
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

According to State Law (K.S.A. 82a-718), a hearing must be held before any appropriation right is declared abandoned. The voluntary dismissal of File No. 48,753, is considered a waiver of any such hearing. Therefore, the appropriation right is dismissed as of the date of the enclosed order.

Any abandoned water wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the wells are to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the wells must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.

Water Appropriation Program
Division of Water Resources

BAT:am

Enclosure(s)

pc: Stockton Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**DISMISSAL OF APPROPRIATION OF WATER
FILE NO. 48,753**

This is to certify that on November 28, 2016, a voluntary request to dismiss Appropriation of Water, File No. 48,753, was filed with the office of the Chief Engineer by the following permit holder(s):

BERGEN FARMS LLC
PO BOX 721200
NORMAN OK 73070-4916

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Appropriation of Water, File No. 48,753, and forfeiture of its priority. The dismissed file pertains to the point(s) of diversion and place(s) of use described as:

a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 1,447 feet North and 3,968 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa County, Kansas for irrigation use on the following described property:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES		
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$			
3	10S	4W											17	23	40	40		2	34	1	157
10	10S	4W	4	40	40	13	40	40	40	40											257

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 31, 2016

BERGEN FARMS LLC
PO BOX 721200
NORMAN OK 73070-4916

RE: Appropriation of Water, File No. 48,753

Dear Sir or Madam:

Please find enclosed a form to request a voluntary waiver of hearing and dismissal of appropriation of water for File No. 48,753. The form should be signed by an authorized agent and notarized. Please return the signed dismissal form to my attention at the address listed above at your earliest convenience so that we may dismiss the referenced appropriation of water file.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

THANK YOU!
J. Hester
10/25/2016

WATER RESOURCES
RECEIVED

NOV 28 2016

KS DEPT OF AGRICULTURE

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
 Division of Water Resources (DWR)
 1320 Research Park Drive
 Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

WATER RESOURCES
RECEIVED

NOV 28 2016

Re: Appropriation of Water
 Water Right
 Vested Right
 Term Permit
 (Check Appropriate Box Above)
 File No. 48,753

KS DEPT OF AGRICULTURE

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Floyd Bergen
 (Signature of Owner or Authorized Agent)
FLOYD BERGEN
 (Please print name here)
1501 24TH AVE SW
 (Mailing Address)
NORMAN OK 73072
 (City, State, Zip)

MEMBER - BERGEN FARMS
 (Signature of Spouse or Title of Authorized Agent)

 (Please print name here)

 (Mailing Address)

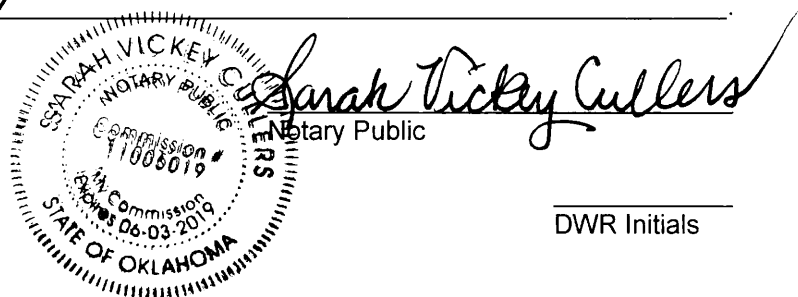
 (City, State, Zip)

ACKNOWLEDGMENT

State of ~~Kansas~~ OKLA
 County of CLEVELAND

This instrument was acknowledged before me this 10th day of November, 2016 by
 (owners:) Floyd Bergen
 (Seal) _____

My appointment expires: 6/03/2019



Sarah Vickery Cullers
 Notary Public

 DWR Initials