

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

1. File Number: 10614	2. Status Change Date: 5/24/2019	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
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: 08-MAY-2019
8a. Applicant(s) New to system <input type="checkbox"/> BERNDT FARMS INC 3921 W WOLFF RD SALINA KS 67401		Person ID 21133 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> SUNRISE FARMS LCC 1004 E 2nd GOODLAND KS 67735	
8b. Landowner(s) New to system <input type="checkbox"/> BERNDT FARMS INC 3921 W WOLFF RD SALINA KS 67401		Person ID 21133 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Kenneth BERNDT FARMS INC 3921 W WOLFF RD SALINA KS 67401	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 5/21/19 By: RAK Date Entered: 5/29/2019 By: UM				

File No 10614	11. County: SH	Basin:	Stream:	Formation Code:	Special Use:																
12. Points of Diversion CHK MOD DEL PDIV ENT			Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files																		
Qualifier	S	T	R	ID	'N' 'W' Comment (AKA Line)																
MOD32142 SW¼SE¼NW¼	5	10	40W	2	800 g.p.m. 422 AF 800 g.p.m. 422 AF NO																
Quantity reduced from 590 AF to 422 AF																					
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
14. Limitation: _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																					
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																					
16. Place of Use CHK MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
ENT	27699	32	9S	40W					40.00	40.00	40.00	40.00					160.00	8B	YES	15,697-D1	
MOD	28253	5	10S	40W 2					40.00	40.00	40.00	40.00					160.00	8B	YES	15,697-D1	
Base Acres: Year: Minimum Reasonable Quantity:																					
Comments:																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: May 21, 2019

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 10,614 and 15,697-D1

Evalyn G. Berndt, on behalf of Berndt Farms, Incorporated, water right owner, filed a division agreement for Water Right, File No. 15,697 and an application to change the place of use for Water Right, File Nos. 10,614 and 15,697-D1. The goal of the submitted package is to divide the place of use of File No. 15,697-into 15,697-D1 and 15,697-D2 and to create an overlap in place of use between File Nos. 10,614 and 15,697-D1.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 10,614 and 15,697-D1 are authorized groundwater for irrigation use in Sherman County, Kansas. File No. 10,614 has no current overlaps and is authorized 590 acre-feet from one well for irrigation of 295 acres in the West Half (W $\frac{1}{2}$) of Section 5, Township 10 South, Range 40 West, Sherman County. File No. 15,697-D1 has no current overlaps and is authorized 218 acre-feet from one well for irrigation of 160 acres in the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, Township 9 South, Range 40 West, Sherman County.

The water right owners propose an exact overlap between File Nos. 10,614 and 15,697-D1, dropping and adding new acres for a total of 320 acres in the aforementioned sections. Combined base acres appear to be 375 acres (295 base acres File No. 10,614 and 80 base acres File No. 15,697-D1) so the applications appear to comply with K.A.R. 5-5-11. Paragraph No 5 of the application for File No. 10,614 requests a reduction in quantity from 590 acre-feet to 422 acre-feet so that the total 640 acre-feet to be authorized by File Nos. 10,614 and 15,697-D1 can irrigate the proposed 320-acre place of use with 2.0 acre-feet per acre which appears reasonable in Sherman County.

Water right owners with a point of diversion within one-half mile of the authorized points of diversions as identified in WRIS were notified by a letter dated May 16, 2019 of the proposed change in place of use to comply with K.S.A. 82a 1906.

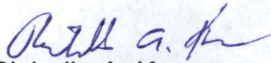
The same local source of supply will not change.

In a letter dated May 20, 2019 Ray Luhman, Manager of Northwest Kansas Groundwater Management District No. 5, recommended approval of the applications.

In an e-mail dated May 21, 2019, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the referenced change applications and division. Kelly indicated they are still trying to determine how to divide up the LEMA allocation but that it should not affect the change application process.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

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


Richelle A. Krueger
Environmental Scientist

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

BERNDT FARMS INC
3921 W WOLFF RD
SALINA KS 67401

June 3, 2019

FILE COPY

RE: Water Right, File Nos. 10,614 and 15,697-D1

Dear Sir or Madam:

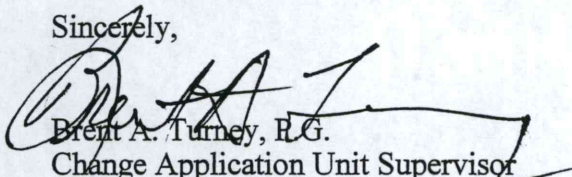
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, R.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Stockton Field Office
Groundwater Management District No. 4
Sunrise Farms, LCC

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER REDUCING THE AUTHORIZED QUANTITY WATER RIGHT FILE NO. 10,614

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Evalyn G. Berndt, President, on behalf of Berndt Farms, Incorporated, 3921 West Wolff Road, Salina, Kansas 67401, received in this office on May 8, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity to 422 acre-feet in accordance with the Application for Approval to Change the Place of Use, Water Right, File No. 10,614, received in the office of the Chief Engineer on May 8, 2019.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which authorized location of the place of use shall be:

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	
32	9S	40W					40.00	40.00	40.00	40.00									160.00
5	10S	40W					40.00	40.00	40.00	40.00									160.00

a total of 320.00 acres in Sherman County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 10,614, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 25, 1975.

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.

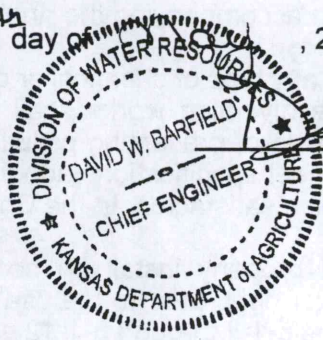
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 24th day of May, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 24th day of May, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

CERTIFICATE OF SERVICE

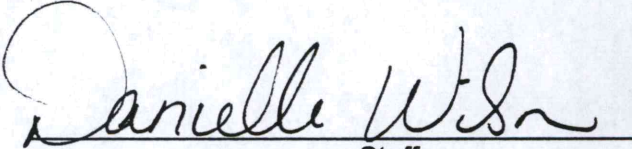
On this 3rd day of June, 2019, I hereby certify that the attached original Approval of Change in Place of Use, File No. 10,614, dated May 24th, 2019, was mailed postage prepaid, first class, US mail to the following:

BERNDT FARMS INC
ATTN EVALYN G BERNDT PRESIDENT
3921 W WOLFF RD
SALINA KS 67401

With photocopies to:

SUNRISE FARMS LCC
ATTN NATHAN A. AND LINDSEY EMIG
1004 EAST 2ND
GOODLAND KS 67735

Stockton Field Office
Groundwater Management District No. 4


Staff

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

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. 10614

Water Resources
 Received
 MAY 08 2019
 1:54
 KS Dept Of Agriculture

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: BERNDT FARMS INC

3921 W WOLFF RD SALINA, KS 67401

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: BRINEY FARMS INC WALKER BRINEY-PRES

2298 ROAD 65 GOODLAND, KS 67735

Phone Number: (785)821-1145 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: BERNDT FARMS INC (NW) SUNRISE FARMS LCC (SW)

ADDRESS: 3921 W WOLFF RD SALINA, KS 67401 1004 E 2ND GOODLAND, KS 67735

(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	
5	10	40					40	35	40	30	40	40	30	40					295

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: BERNDT FARMS INC

ADDRESS: 3921 W WOLFF RD SALINA, KS 67401

(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	
32	9	40					40	40	40	40									160
5	10	40					40	40	40	40									160

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date 5/8/19 Check # 1082

FO 3 GMD 4 IRR G SH Co. MEETS 5-5-1 BAY

APPLICATION COMPLETE

5/20/19

Reviewer RAK

SCANNED

5/14/19 DAW

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the NW Quarter of Section 5, Township 10 South, Range 40 W, in SHERMAN County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate 800 GPM Authorized Quantity 590 AF 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 SW Quarter of the SE Quarter of the NW Quarter of Section 5, Township 10 South, Range 40 W, in SHERMAN County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate 800 GPM Proposed Quantity 422 AF Proposed well depth (feet) .
 This point is: Additional Well Geo Center List other water rights that will use this point .

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) CHANGING LAND AND OVER-
LAPPING WITH DIVIDED RIGHT 15697

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

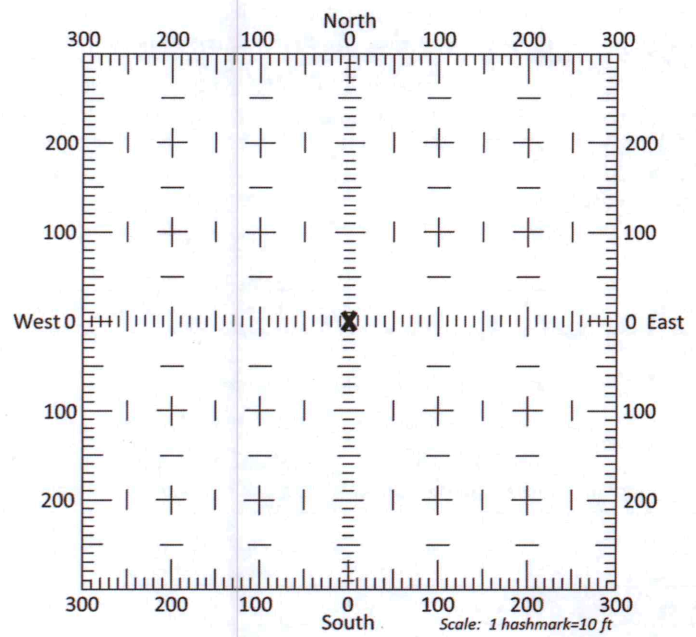
9. The change(s) (was)(will be) completed by?
6/1/2019

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by RL GMD #4

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.)

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 Salina, Kansas, Kansas, this 3^d day of May, 2019.

X Berndt Farms, Inc. by Evalyn G. Berndt, pres.

(Owner) (Spouse)

Berndt Farms, Inc by Evalyn G. Berndt, President

(Please Print) (Please Print)

(Owner) (Spouse)

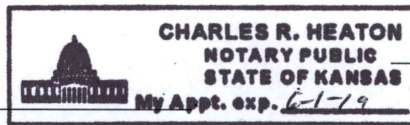
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Ottawa } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of May, 2019.



[Signature]
Notary Public

My Commission Expires _____

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

Water Resources
Received

MAY 08 2019

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. _____.

- 1. A change application was received on _____ 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. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20_____, 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.

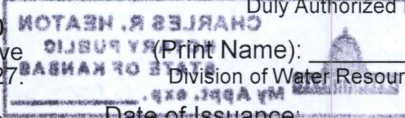
Administrative Appeal and Effective Date of Order

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

By: _____
Duly Authorized Designee of the Chief Engineer



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

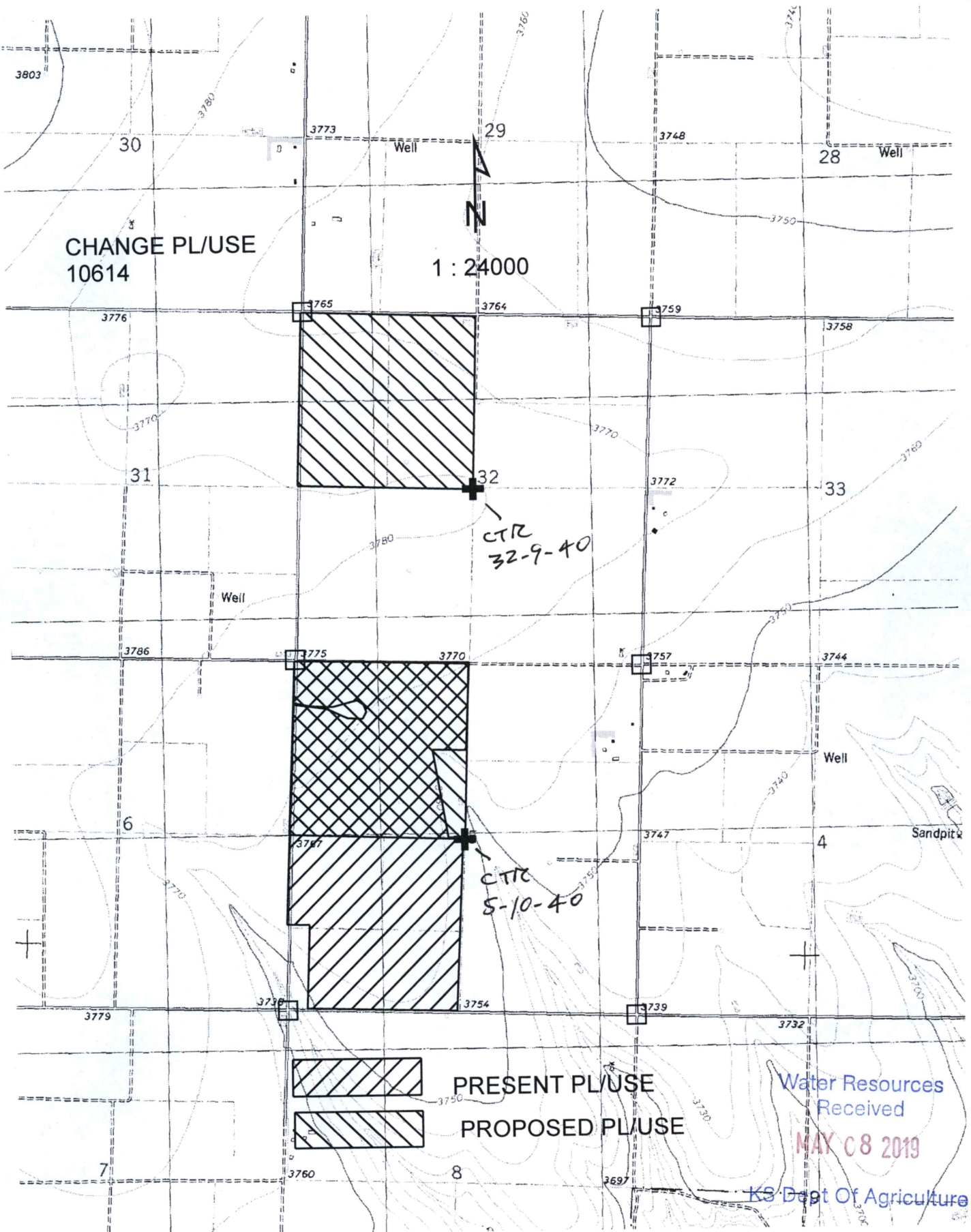
Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)



CHANGE PL/USE
10614

1 : 24000

CTC
32-9-40

CTC
5-10-40



PRESENT PL/USE



PROPOSED PL/USE

Water Resources
Received

MAY 08 2019

KS Dept Of Agriculture

SCANNED

BOOK 199 PAGE 488

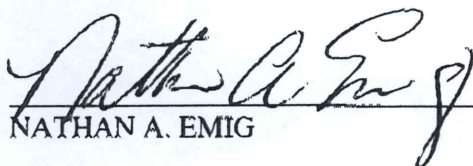
QUITCLAIM DEED

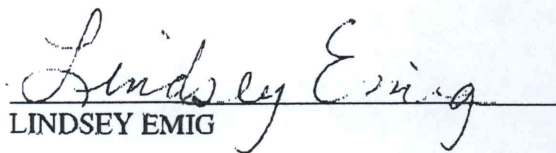
NATHAN A, EMIG and LINDSEY EMIG husband and wife, QUITCLAIM(S) to BERNDT FARMS, INC. a Kansas Corporation,

All of grantors interest in and to the water rights as described in the Certificate of Appropriation for Beneficial Use of Water File No. 10,614 by means of a well located in the NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN (10) SOUTH, RANGE FORTY (40) WEST OF THE 6TH P.M.,

for the sum of no consideration.

DATED this 3^d day of MAY, 2019.

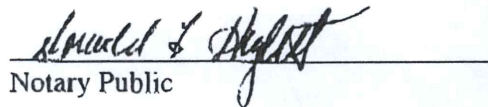

NATHAN A. EMIG


LINDSEY EMIG

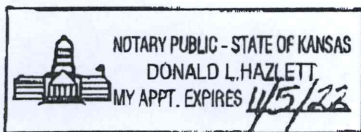
STATE OF KANSAS, Sherman COUNTY, ss:

BE IT REMEMBERED, That on this 3^d day of MAY, 2019, before me, the undersigned, a notary public in and for the County and State aforesaid, came NATHAN A. EMIG and LINDSEY EMIG. husband and wife, who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above-written.


Notary Public

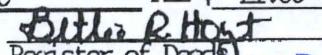
My Appointment Expires:



STATE OF KANSAS, COUNTY OF SHERMAN, SS
This instrument was filed this 3rd
day of May 2019 at 3:20 P.M.
and recorded in Micofilm Book 199
at Page 488 FEE \$ 21.00



MICROFILM INDEXED

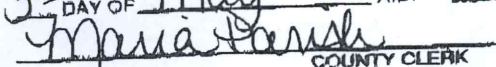

Register of Deeds
Billie R. Hoyt

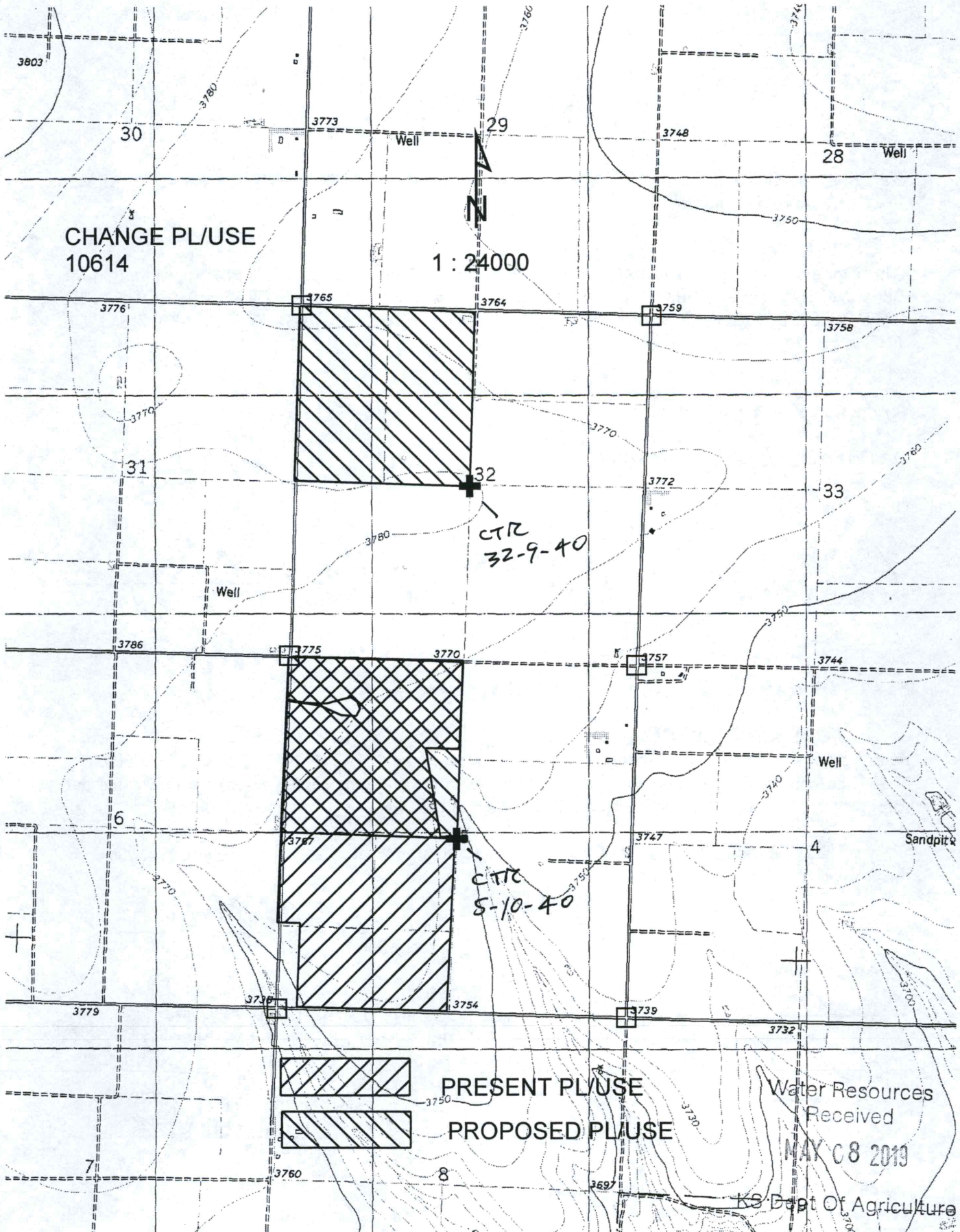
Water Resources
Received

MAY 08 2019

KS Dept Of Agriculture

BOOK 199 PAGE 488

ENTERED IN TRANSFER RECORD
IN MY OFFICE THIS
3rd DAY OF May A.D. 2019

COUNTY CLERK



CHANGE PL/USE
10614

1 : 24000

CTC
32-9-40

CTC
5-10-40



PRESENT PL/USE



PROPOSED PL/USE

Water Resources
Received

MAY 08 2013

KS Dept Of Agriculture

SCANNED

BOOK 199 PAGE 488

QUITCLAIM DEED

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for the sum of no consideration.

DATED this 3^d day of MAY, 2019.

Nathan A. Emig
NATHAN A. EMIG

Lindsey Emig
LINDSEY EMIG

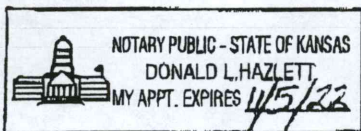
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Donald L. Hazlett
Notary Public

My Appointment Expires:



STATE OF KANSAS, COUNTY OF SHERMAN, SS
This instrument was filed this 3rd
day of May 2019 at 3:20 P.M.
and recorded in Micorfilm Book 199
at Page 488 FEE \$ 21.00



MICROFILM INDEXED

Billie R. Hoyt
Register of Deeds
Water Resources
Received

ENTERED IN TRANSFER RECORD
IN MY OFFICE THIS
3rd DAY OF May A.D. 2019
Maria Parish
COUNTY CLERK

BOOK 199 PAGE 488

MAY 08 2019

KS Dept Of Agriculture

SCANNED

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, May 21, 2019 10:23 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PU/Division File Nos. 10614 15697-D1 Berndt Farms Inc.

Richelle,

I have no objection to the approval of the division agreement and change applications. We are still left with trying to figure out how the new owner(s) will divvy up the LEMA allocation, but I don't see that affecting your process.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, May 21, 2019 8:06 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU/Division File Nos. 10614 15697-D1 Berndt Farms Inc.
Importance: High

Hi Kelly,
Attached is a draft memo for the reference changes in pu, do you recommend approval?
Thanks,
Richelle

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Monday, May 20, 2019 11:44 AM
To: Krueger, Richelle [KDA]
Subject: REC - WR #10,614, 15,697, 15697-D1
Attachments: REC - 10614 15697 15697-D1.pdf

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.

Richelle,

Attached you will find Ray's recommendation on the above referenced files.

Jody McCain
Administrative Assistant
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

May 20, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Applications WR# 10614 and 15,697
(15,697-D1) Berndt Farms Inc.

Dear Richelle,

The Northwest Kansas Groundwater Management District has reviewed the above referenced applications and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve applications to change place of use and the division of water right.

Sincerely,

Ray Luhman
Manager

RPL: jem

WATER RESOURCES
RECEIVED

MAY 24 2019

KS DEPT OF AGRICULTURE

SCANNED



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

May 20, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

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(15,697-D1) Berndt Farms Inc.

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Ray Luhman
Manager

RPL: jem

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Jody McCain
Administrative Assistant
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

Water Resources
Received

MAY 21 2019

KS Dept Of Agriculture



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

May 20, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

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Ray Luhman
Manager

RPL: jem

Water Resources
Received
MAY 21 2019
KS Dept Of Agriculture

SCANNED

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

NORTHWEST KANSAS GROUNDWATER May 16, 2019
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File Nos. 10,614 and 15,697 (15,697-D1)

Dear Mr. Luhman:

We are enclosing copies of the applications to change the place of use under the referenced file numbers along with a copy of a division agreement for File No. 15,697 for your information.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

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

EDDIE D EMIG
ALAN E AND LYNDA J TOWNSEND
5950 ROAD 10
GOODLAND KS 67735

May 16, 2019

FILE COPY

RE: Water Right, File Nos. 10,614 and 15,697 (15,697-D1)

Dear Sir or Madam:

This is to advise you that Berndt Farms, Inc. has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file numbers. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4
Berndt Farms, Inc.

SCANNED

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

RICHARD E & MARCIA E EMIG
5595 ROAD 15
GOODLAND KS 67735-9013

May 16, 2019

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Environmental Scientist
Water Appropriation Program

RAK

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Groundwater Management District No. 4
Berndt Farms, Inc.

SCANNED

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

DONALD A CALDWELL FAM TR ETAL May 16, 2019
PO BOX 635
GOODLAND KS 67735-0635

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4
Berndt Farms, Inc.

SCANNED

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

NATHAN EMIG
1004 E 2ND
GOODLAND KS 67735

May 16, 2019

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4
Berndt Farms, Inc.

SCANNED

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

DONALD A CALDWELL
48518 SNEAD DR
BURLINGTON CO 80807

May 16, 2019

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4
Berndt Farms, Inc.

SCANNED



Business Entity Search

Date: 05/15/2019

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name

SUNRISE FARMS, LLC

Business Entity ID Number

8200941

Current Mailing Address: NATHAN A EMIG 1004 E 2ND, GOODLAND, KS 67735

Business Entity Type: KANSAS LTD LIABILITY COMPANY

Date of Formation in Kansas: 02/12/2016

State of Organization: KS

Current Status: ACTIVE AND IN GOOD STANDING

Resident Agent and Registered Office

Resident Agent: NATHAN A EMIG

Registered Office: 1323 Caldwell, GOODLAND, KS 67735

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 12/2018

Next Annual Report Due: 04/15/2020

Forfeiture Date: 07/15/2020

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

BERNDT FARMS, INC
3921 W WOLFF RD
SALINA, KS 67401

May 15, 2019

RE: File No **10614**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW4