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 APR 0.5 2024 APPLICATION FOR APPROVAL TO CHANGE THE PLACE of Water Resource

USE AND/OR THE POINT OF DIVERSION

m 100.00

STATE OF KANSAS

Reviewer MB

APPLICATION COMPLETE

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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						Fi	le No.	50,402					<u> </u>						
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14. If the proposed groundwater point of diversion is 300 or fewer feet for	om the existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently aut ☑ Yes ☐ No (If no, all owners must sign this app 	ication.)
(b) Will the ownership interest of any owner of the currently authoraffected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must sign this approved as requested?	
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this app	bstantial damage to property, public health or safety?
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, is of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affire age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete. Dated at	oplication pertains. I further verify that the statements
(Owner)	(Spouse)
Konneth D Berry Trust 1	(Please Print)
(Owner) Irstee	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS I hereby certify that the foregoing application was signed in of Macun , 20	STACY KLEIN y Public - State or Kansas Expires 7/16/24 n my presence and sworn to before me this 82 day
My Commission Expires 7/16/24	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed with e appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion use forth in the schedule below: Make checks payable to: Kansas Depai (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 (3) Application to change the place of use	nder this section shall be accompanied by the application fee set tment of Agriculture \$100 feet \$200
	RECEIVED
DWR 1-121 (Revised 04/5/2018) Page	3 APR 0.5 2024 File No. 50,402

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

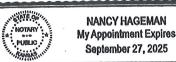
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 50,402 requesting that the place of use and / or point of 4-5-24 A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on ☐ Applicable the topographic map accompanying the application to change the place of use. 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 <u>50</u> radius of the authorized point(s) of diversion.

Applicable

Not Applicable 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 feet from the previously The point(s) of diversion authorized herein shall not actually be located more than _ authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable 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 ☐ Not Applicable K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2024, 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. Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. By March 1, 2025 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. Not Applicable Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ 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 ☐ No ✓ Yes 11. Additional Conditions are attached. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative BILLINGER (Print Name): Division of Water Resources - Kansas Department of Agriculture review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, 4-5-24 Date of Issuance: 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. State of Kansas SS For Use by Register of Deeds Acknowledged before me on Signature 3 Notary Public My commission expires: (Notary Seal) GRAVIRRECEIVED le No<u>. 50,402</u> DWR 1-121 (Revised 04/5/2018)

> Stockton Field Office Divison of Water Resources

Page 4



RECEIVELY APR 05 2024

Stockton Field Office, vison of Water Resource

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 50,402

RECEIVED

APR 05 2024

Stockton Field Office Divison of Water Resources

Presently authorized point of diversion: One in the Quarter of the Quarter of the Quarter of the Section Township South, Range 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) Fris point will not be changed (SThis point will be changed as follows: No change, point better described by GPS) Froposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) Froposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) Froposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) Froposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) Froposed Rate Proposed Quantity Proposed well depth (feet) Froposed Rate Proposed Quantity Proposed well depth (feet) Froposed Point of diversion: One in the Quarter of the GPS of Section Township South, Range W, feet North feet West of Southeast corner of section. Froposed point of diversion: (Gropplete only if change is requested or if existing point is better described by GPS) One in the Quarter of		oint of diversion:			1
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Stockton Field Office Divison of Water Resources

ADDITIONAL CONDITION TO SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

1. That this approval is further limited such that both wells of the battery shall be located within a (300) foot radius circle, in the same local source of supply and shall be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.)

File No. 26,189

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502-5000
http://agriculture.ks.gov/dwr

KANSAS DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES

NOTICE OF COMPLETION OF DIVERSION WORKS

For Office Use Only: Code <u>FIS</u>	
Fee \$	
TR # Rcpt Date	
Check#	

Section 1 - Action requirin	g this form is:						
New Application Approval and Permit to Proceed Fee must be attached as required by K.S.A. 82a-714(d). Make check payable to the Kansas Department of Agriculture. \$200 fee for sediment control use or groundwater pit for industrial use. \$400 fee for all other uses made of water.							
☐ Change in Point of Diver	sion, Place of Use, or Us	se Made of Water (no fee)					
☐ Term Permit (no fee)							
☐ Other (e.g. special order	of the Chief Engineer)	·					
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Section 3 - PRINT CLEAR Printed Name:							
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City, State, Zip:	red by the Chief Enginee	Telephone/Cel	sources pursuant to the file(s)				
knowledge.			-				
Signature:		Date:					
If you have further questions of	n how to fill out this form,	olease contact the field office in	your area: .				
Topeka Field Office 1131 SW Winding Rd, Ste 400 Topeka, KS 66615 785-296-5733	Stafford Field Office 300 South Main St. Stafford, KS 67578 620-234-5311	Stockton Field Office 820 South Walnut Stockton, KS 67669 785-425-6787	Garden City Field Office 4532 W Jones Ave. Ste B Garden City, KS 67846 620-276-2901				

Section 4 - Flowmeter Information:

File No(s):
☐ Manufacturer of Flowmeter:
□ Date Flowmeter Installed:
☐ Model Number:
☐ Flowmeter Type: ☐ Propeller ☐ Turbine ☐ Multi-jet ☐ Positive Displacement ☐ Electromagnetic
☐ Vortex? ☐ Ultrasonic ☐ Other:
☐ Flowmeter Serial Number:
☐ Flowmeter Units: ☐ Gallons ☐ Acre-Feet ☐ Acre-Inches Other:
□ Flowmeter Size: □ 2" □ 4" □ 6" □ 8" □ 10" □ 12" Other:
☐ Multiplier Factor: ☐ 1000 ☐ 100 ☐ 10 ☐ 1 ☐ 0.1 ☐ 0.01 ☐ 0.001 Other:
(Multiplier factor is normally indicated on flowmeter readout – possibly by printed zeroes)
☐ Flowmeter totalizer reading when installed: (include all digits and all zeroes):
☐ If the flowmeter is not easily viewed, or not within 100 feet of the point of diversion being metered, please
briefly describe its location:
☐ Is flowmeter installed on a portable pump? ☐ Yes ☐ No
☐ Is the flowmeter installed in a manufacturer's measuring chamber? ☐ Yes ☐ No
☐ Are straightening vanes installed? ☐ Yes ☐ No
☐ Is a strainer installed? ☐ Yes ☐ No
☐ Does the meter installation have 5 straight pipe diameters of upstream spacing? ☐ Yes ☐ No
☐ Does the meter installation have 2 straight pipe diameters of downstream spacing? ☐ Yes ☐ No
☐ Does flowmeter serve more than one point of diversion? ☐ Yes ☐ No
☐ Is this a replacement flowmeter? ☐ Yes ☐ No (Information related to a replacement flowmeter not
associated with the actions in Item #1 on the front page of this form should be submitted on Water Flowmeter
Repair/Replacement Report (Form DWR 1-560.)
☐ Any additional information:

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

If you have completed your diversion works as described above and completed the requirements as set forth in your Approval of Application, please complete this form. If you are unable to meet the requirements stated on your approval, you <u>must</u> submit a request for extension of time (form DWR 1-203.15). K.S.A. 82a-714(e) puts a \$100 fee on an extension of time to complete the diversion works. Failure to notify the Chief Engineer of the completion of the diversion works within the time allotted can result in dismissal of the referenced file(s) and loss of priority date.

If the subject file(s) authorizes multiple new points of diversion (PDs), you may photocopy this form (both sides) and submit one form for each new PD authorized. Form DWR 1-203.14 is an instruction sheet with sample entries.

Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 5, 2024

KEN BERRY 1624 N 70TH RD MINNEAPOLIS, KS 67467

Re: Water right, File No. 50,402

Dear Sir or Madam:

Enclosed is the order executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2024**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

http://agriculture.ks.gov/meters

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well 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 well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well 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.

Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Wall Bil

Mark Billinger

Assistant Water Commissioner

MB: ndh Enclosures

CERTIFICATE OF SERVICE

On this 5th day of April 2024, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION FOR CHANGE in Point of Diversion</u> for water right, File No. 50,402, dated on the 5th day of April 2024, was mailed postage prepaid, first class, U.S. mail, to the following:

KEN BERRY 1624 N 70TH RD MINNEAPOLIS, KS 67467

Nancy Hageman

Administrative Assistant