

Kansas Department of Agriculture
Division of Water Resources

CHANGE: P/D WORKSHEET ADDITIONAL WELL & REMOVAL OF LIMITATION

1. File Number: 25031	2. Status Change Date: 5/30/2019	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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: 1/31/2019
8a. Applicant(s) New to system <input type="checkbox"/> DEAN & KAY BERGHAUS LIVING TRUSTS PO BOX 602 MEADE KS 67864		Person ID 1171 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> DEAN & KAY BERGHAUS LIVING TRUSTS PO BOX 602 MEADE KS 67864	
8b. Landowner(s) New to system <input type="checkbox"/> MARC W & JEANNE M BERGHAUS PO BOX 838 MEADE KS 67864		Person ID 61657 Add Seq# _____	8cc. Landowner(s) New to system <input type="checkbox"/> DEAN & KAY BERGHAUS LIVING TRUSTS PO BOX 602 MEADE KS 67864	
8d. WUC New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2019				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" 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: 5/17/2019 By: LI Date Entered: 6/3/2019 By: LN				

File No. **25031** 11. County: **ME** Basin: **CROOKED CREEK** Stream: Formation Code: **211** Special Use: **no**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT	1243	CW	SE		19	31	28W	5	1337	2650	<i>Approximate well</i>	120	193.5	120	193.5	30950
MOD	54131	LT 4	NW SW		19	31	28W	4	1345	5230		1080	300	1080	300	None

REMOVE LIMITATION 2528.04 AF/YR COM/W #319, #9982, #13158-D1 & #14309

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) **NONE**
 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	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						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					
No Change																										

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **SPECIAL CONDITIONS: Additional Well ID 5 PDIV ID 243**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 7, 2019

FROM: Leslie Ireland

RE: Water Right
File No. 25,031

Kay Berghaus on behalf of the Dean & Kay Berghaus Living Trusts as owner, and Teresa Cook along with Marc & Jeanne Berghaus have requested to change the point of diversion authorized for irrigation use. The application was received in the Office of the Chief Engineer on January 31, 2019. This application for change proposes to add an **additional well** and will be processed under K.A.R. 5-5-16. Both points of diversion will be utilized solely for irrigation

The referenced water right is considered not to be abandoned as per K.S.A. 82a-718 and also appears to be in compliance with K.S.A. 82a-732. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*. The application was delayed for the standard rate test and assignment as required by the additional well per the regulation.

The referenced file is authorized 1,450 gallons per minute to divert 626 acre-feet from one well located near the west side of the Southwest Quarter (CW SW¼) of Section 19, Township 31 South, Range 28 West, Meade County. It is shown to have an additional limitation not to exceed 2,528.04 acre-feet per year when combined with File Nos. 4,319; 9,982; 13,158-D1 & 14,309 on the 1,264.02 acres authorized for irrigation use. The right is located within the boundaries of the Southwest Kansas Groundwater Management District No. 3.

The application proposes to add an existing well authorized by File No. 30,950, as an additional well. The well under File No. 30,950, has a history of exceeding the authorized 112, acre-feet. A reduction to 26.996 acre-feet is in force for 2019. The applicant worked with Chris Law, of Groundwater Management District No. 3, (GMD) for the needed rate test. The GMD completed a flow rate test on March 27, 2019, indicating 1,200 gallons per minute. The owners have requested an overall rate reduction from 1,450 to 1,200 gallons per minute.

The maximum acres legally irrigated were determined by the Garden City Field Office to be 313.02 acres, which was utilized as the value for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$313.02 \text{ acres} \times 1.34 \text{ (80\%NIR for Meade Co)} \div 0.85 = 493.5 \text{ acre-feet.}$$

The owners have agreed to reduce the quantity from 626.0 to 493.5 acre-feet. It appears the reduction in quantity will allow the additional limitation on the quantity to be removed. The senior rights, File Nos. 3,149; 9,982; 13,158-D1 & 14,309 have a total quantity of 1,731 acre-feet and the additional quantity of 493.5 acre-feet totals 2,224.5 acre-feet. The reduction of 250 gallons per minute and 132.5 acre-feet and should assure that consumptive use will not increase as required by K.A.R. 5-5-3, *Consumptive use*.

The currently authorized point of diversion in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW¼ NW¼ SW¼) of Section 19, approximately 1,345 feet North and 5,230 feet West of the Southeast corner. The location was reviewed with the Official Survey and determined to be located in Lot 4 of Section 19, so the description will be updated to Lot 4 of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼). The additional well is located approximately 2,570 feet to the East. The additional well location will be updated to the actual location as determined by the April 25, 2019 Compliance Investigation completed by Mitch French, Garden City Field Office. The actual location as determined to be 1,337 feet North and 2,650 feet West, it will retain the descriptors of being near the center of the West Side of the Southeast Quarter (CW SE¼) of Section 19. It was originally listed on the application to be 1,320 feet North and 2,600 feet West of the Southeast Quarter.

In summary the well located CW SW¼ under File No. 25,031, will be authorized 300 acre-feet at a maximum rate of 1,080 gallons per minute. The well located CW SE¼ will be authorized under File Nos. 25,031 and 30,950. The 193.5 acre-feet and 120 gallons per minute moved to this well will result in a total of 305.5 acre-feet. The rate of diversion as an additional well would indicate this helper well may operate all year long at 120 gallons per minute. The maximum rate of the well will remain 1,200 gallons per minute under File No. 30,950.

The proposed change in point of diversion is less than 2,640 feet thus complying with part (b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*. Under part (a) of this regulation the maximum quantity of 305.5 acre-feet requires a minimum well spacing of 1,900 feet. The nearest well to the additional well other than the well under the referenced file is indicated by the database to be 2,731 feet away, under File No. 16,295. The proposed change meets the well to well(s) spacing requirements.

No wells under a different ownership were found to be within one-half (½) mile of the proposed additional well. As proposed the application for change in point of diversion complies with K.S.A 82a-1906, with no notice to nearby well owners.

The presently authorized well has not had its source of supply determined. A well log completed by Minter-Wilson and in formation in KGS Bulletin No. 45, indicate the source of supply to be the Ogallala formation (Code 211). The 1976 well log of the existing well shows 53 feet of blue clay, but is outside the Chloride area as designated by K.A.R. 5-23-3, *High plains aquifer*. A well depth of 406 feet, with a 140 foot static water level and perforations at 180-275 and 325-406 feet were listed on the log. The only information available for File No. 30,950 was on the original application citing a well depth of 410 feet and a static water level of 220 feet. A review of the information with Brent Turney, P.G., Change Unit Supervisor, concluded the currently authorized, and proposed existing additional well are in the same local source of supply, Ogallala formation (Code 211). It would appear that the requirements of K.A.R. 5-5-16(b) have been met and that the existing and proposed are from the same source of supply.

Southwest Kansas Groundwater Management District No. 3, review of the application included drawdown approximations and notification of well owners one-half to one (½-1) mile away. In a letter dated May 2, 2019, Jason Norquest, Assistant Manager, GMD3, recommended approval and further stated their analysis found no net effect on neighboring wells in excess of the 3.5-foot maximum allowed threshold and no comment responses were received.

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the proposed change and has reviewed the summary memo. He indicated by E-mail on May 7, 2019, that he has no objection to the approval of the proposed change in point of diversion, and requested anti-reverse and a meter seal be added to the approval.

A water flow meter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. A The 2019 compliance investigation shows an anti-reverse register is installed on the well under File No. 30,950. As no new well is being drilled a water level measurement tube and well log will not be a condition of the approval.

As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that should direct impairment result the additional well will have the priority date of the date the application for change was received in the office of the Chief Engineer, January 31, 2019. The approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion that the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change, that there is no change in the source of supply, it is recommended that the application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

June 4, 2019

DEAN & KAY BERGHAUS LIVING TRUSTS
KAY BERGHAUS
PO BOX 602
MEADE KS 67864

FILE COPY

RE: Water Right, File Nos. 25,301 & 30,950

Dear Mrs. Berghaus:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under File No. 25,031 and the order in the matter of the location of the well under File No. 30,950.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer must be installed on the diversion works authorized under the referenced file. That a seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. You should contact the Garden City Field Office at (620) 276-2901, regarding the required meter seal. Please return the required notification of installation of the meter as soon as this action is completed.

Please note that the application to change the point of diversion is subject to the condition that for the sole purpose of administering wells concerning direct impairment, the approval under File No. 25,031, shall be considered to have the priority date of the date the application was filed, January 31, 2019. In addition, the Chief Engineer specifically retains jurisdiction in this matter.

Since these 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 Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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.
Change Application Unit Supervisor
Water Appropriation Program

BAT:LI:li
Enclosures

cc: Garden City Field Office
Groundwater Management District No. 3
Marc W. and Jeanne M. Berghaus
Teresa Cook

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 POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
AND RATE OF DIVERSION
WATER RIGHT, FILE NO. 25,031

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kay Berghaus, Trustee, of the Dean Berghaus Living Trust and Kay Berghaus Living Trust, PO Box 602, Meade, Kansas 67864, along with Marc and Jeanne Berghaus, PO Box 838, Meade, Kansas 67864, and Teresa Cook, 12845 W. Hendryx Court, Wichita, Kansas 67235-1724, received in this office on January 31, 2019, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated December 28, 2018, approving the application to change the place of use and Order in the Matter of the Authorized Quantity of Water, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity to 493.5 acre-feet of water per calendar year and the authorized diversion rate to 1,200 gallons per minute (2.67 c.f.s.) in accordance with the Application for Approval to Change the Point of Diversion received in this office on January 31, 2019.

This order effectively removes the additional limitation on the annual quantity of water when combined with Water Right, File Nos. 3,149; 9,982; 13,158-D1 & 14,309, that was assigned by the Approval of Application for Change dated December 28, 2018.

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

one (1) well located in the Southwest Quarter of Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,345 feet North and 5,230 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,080 gallons per minute (2.41 c.f.s) and a quantity not to exceed 300 acre-feet of water per calendar year, and

one (1) well located near the center of the West side of the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,337 feet North and 2,650 feet West of the Southeast corner of said section, at a diversion rate not in excess of 120 gallons per minute (0.26 c.f.s) and a quantity not to exceed 193.5 acre-feet of water per calendar year,

both in Township 31 South, Range 28 West, Meade County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the authorized rate of diversion, and such changes in other terms, conditions, and limitations set forth in this approval of application to change the point of diversion as may be deemed to be in the public interest.

The application is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the well located near the center of the West side of the Southeast Quarter (SE¼) of Section 19, more particularly described as being near a point 1,337 feet North and 2,650 feet West of the Southeast corner of said section, Township 31 South, Range 28 West, Meade County, Kansas, approved by this order shall be considered to have the priority of the date the application was filed (January 31, 2019).

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The owners of the authorized place of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer and said meter shall be installed 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.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 25,031, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 4, 1987, as modified and amended by the aforementioned order.

Ordered this ^{30th} day of *May*, 2019, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this ^{30th} day of *May*, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for a 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.

CERTIFICATE OF SERVICE

On this 4th day of June, 2019, I hereby certify that the attached Approval of Application for Change in Point of Diversion and Oder in the Matter of the Authorized Quantity of Water, Water Right, File No. 25,031 dated May 30th, 2019, was mailed postage prepaid, first class, US mail to the following:

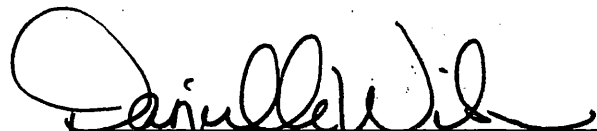
DEAN & KAY BERGHAUS LIVING TRUSTS
PO BOX 602
MEADE KS 67864

With copies to:

TERESA COOK
12845 W HENDRYX CT
WICHITA KS 67235

MARC W & JEANNE M BERGHAUS
PO BOX 838
MEADE KS 67864

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources

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

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

Water Resources
Received

JAN 31 2019

11:27
KS Dept Of Agriculture

File No. 25031

2. Name of applicant: BERGHAUS LIVING TRUST DEAN & KAY

Address: PO BOX 602

City, State and Zip: MEADE, KS. 67864

Phone Number: (620)873 2463

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: BERGHAUS LIVING TRUST DEAN & KAY

Address: PO BOX 602

City, State and Zip: MEADE, KS. 67864

Phone Number: () _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change on quantities

The change(s) (was) (will be) completed by _____

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G S County ME By DAW Date 1/31/19
Code CGT Fee \$ 200 TR # _____ Receipt Date 1/31/19 Check # 1641

WATER RESOURCES
RECEIVED

RECEIVED

APPLICATION COMPLETED
5/2/19 4/4/2019

Reviewer LI UM

DWR 1-120 (Revised 06/16/2014)
APR 15 2019

APR 08 2019

Assisted by: _____

SCANNED

Garden City Field Office
DIVISION OF WATER RESOURCES

* KB 4-8-19
MB 4/8/19

6. The presently authorized point(s) of diversion (is) (are) ONE WELL, ONE PUMP
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) TWO WELLS, TWO PUMPS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 19, Township 31 South, Range 28 (W), in MEADE County, Kansas, 1345 feet North 5230 feet West of Southeast corner of section.
 Authorized Rate 1450 GPM Authorized Quantity 626 AF
 (DWR use only: Computer ID No. 4 GPS _____ feet North _____ feet West) GPS 016 2019
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the (NW) Quarter of the (SW) Quarter of Section 19, Township 31 South, Range 28 (W), in MEADE County, Kansas, 1345 feet North 5230 feet West of Southeast corner of section.
 Proposed Rate 1080 GPM Proposed Quantity 300 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (DWR use only: Computer ID No. 5 GPS 1337 feet North 2650 feet West) 4/25/2019 COMPLIANCE INVESTIGATION
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the CW Quarter of the SE Quarter of Section 19, Township 31 South, Range 28 W, in ME County, Kansas, 1320 feet North 2600 feet West of Southeast corner of section.
 Proposed Rate 120 GPM Proposed Quantity 193.5 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 30950 11210 & 12000

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
Received

* L-D / am 2/19/19

JAN 31 2019

TOTAL Q-

KS Dept of Agriculture

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: _____

ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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				

List any other water rights that cover this place of use. 13158

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

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					

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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						

List any other water rights that cover this place of use. _____

WATER RESOURCES

APR 15 2019

RECEIVED

APR 08 2019

KS DEPT OF AGRICULTURE

Garden City Field Office
DIVISION OF WATER RESOURCES

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-16 = 493.5 AF

BASE ACRES = 313.02 ACRES, NIR = 1.34'

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 493.5 (acre-feet).

15. It is requested that the maximum rate of diversion of water be reduced to 1200* gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

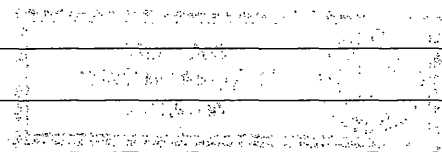
- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO CHANGE IN LOCAL SOURCE OF SUPPLY

GPS SHOWS WELL 2629' APART



18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

NONE

Water Resources
Received

JAN 31 2013
LI/DWR 4/1/19
PER GMO3 RATE

KS Dept Of Agriculture
SCANNED TEST

<u>INITIAL</u>	<u>INITIAL</u>	<u>INITIAL</u>	<u>INITIAL</u>
<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Garden City, Kansas, this 17th day of January, 2019.

DEAN BERGHAUS LIVING TRUST (Owner)

Kay Berghaus, Trustee (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

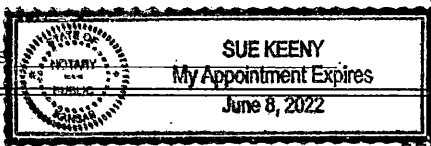
(Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17th day of January, 2019.

Sue Keeny Notary Public

My Commission Expires



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

RECEIVED APR 15 2019 KS DEPT OF AGRICULTURE Garden City Field Office DIVISION OF WATER RESOURCES

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 1/29/19, Kansas, this 29 day of January, 20 19.

X Marc Berghaus (Owner)

Jim Berghaus (Spouse)

Marc Berghaus (Please Print)

Jeanne Berghaus (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

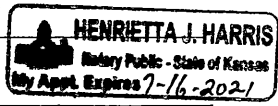
(Please Print)

(Please Print)

State of Kansas }
County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of January, 20 19.

Henrietta J. Harris Notary Public



My Commission Expires 7-16-2021

WATER RESOURCES RECEIVED

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
(4) Application to change the use made of the water \$300

Water Resources Received

Make check payable to Kansas Department of Agriculture.

RECEIVED

JAN 31 2019

APR 08 2019

KS Dept Of Agriculture

SCANNED

1950
MAY 10 1950
HONOLULU, HAWAII

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Wichita, Kansas, this 25 day of January, 20 19.

Jessie Cook
(Owner)

Teresa Cook
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

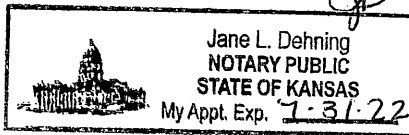
(Spouse)

(Please Print)

(Spouse)

(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 25th day of January, 20 19.

Jane L. Dehning
Notary Public

My Commission Expires 7-31-22

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RECEIVED
APR 15 2019
DEPT OF AGRICULTURE

RECEIVED

APR 08 2019

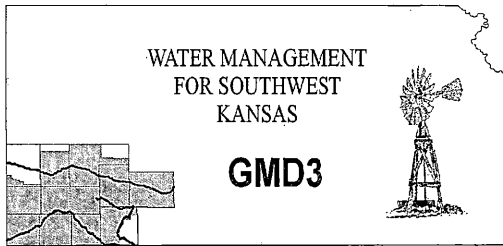
Garden City Field Office
DIVISION OF WATER RESOURCES

Water Resources
Received

JAN 31 2019

KS Dept Of Agriculture

SCANNED



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

May 2, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion
Water Right, File No. 25031

Dear Leslie:

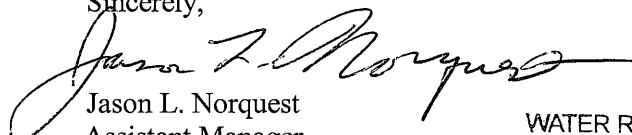
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. The proposal also meets the criteria set forth in the additional well rule, K.A.R. 5-5-16.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft); or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 3.5 ft maximum allowable threshold. Notices linking this information was sent out to the well owners and our office received no response or concerns raised. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It should also be noted that the calculations is based on maximum annual quantity and rate. It is therefore recommended that the application be approved.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

WATER RESOURCES
RECEIVED

MAY 06 2019

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

April 17, 2019

FILE COPY

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

Re: Application for Change, Water Right, File No. 25,031

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form.

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

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

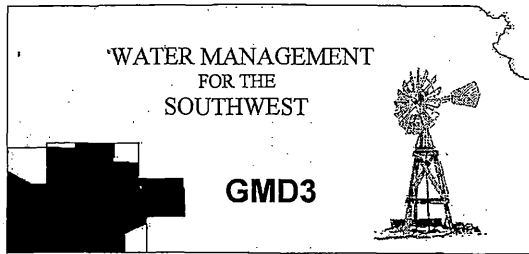
Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure

pc: Garden City Field Office
Kay Berghaus, Dean & Kay Berghaus Living Trust

SCANNED



**Southwest Kansas
Groundwater Management District**

**2009 E. Spruce Street
Garden City, Kansas 67846-6158
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org**

March 29, 2019

Mick Ross
16022 18 Rd
Meade, KS 678

Re: Flow Test for WR File 25031

Dear Mr. Ross:

On March 27, 2019 a flow test was conducted on the flowmeter located at the well in the SW quarter of Section 19 - Township 31s – Range 28w, Meade County, under Water Right File #25031. The installed flowmeter, SN 96-10-1499N, registered a flow of 790.1 gpm as determined by timing the six digit totalizer. The GMD3 standard flowmeter registered a flow of 795.6 gpm. This results in the installed flowmeter having an accuracy of -0.7% (99.3% of actual volume) which is within the accuracy range of +/- 6% as required by state law. The flowmeter was then timed while the well was operated at near maximum capacity. This revealed that the well was producing 1200 gpm.

Because the installed flowmeter is within the required accuracy range it is not necessary for you to take any action at this time. It should be noted that this determination is for this point in time and you should continue to monitor your flowmeter regularly and address any concerns as they arise. As always, GMD3 is available to assist you with these concerns.

A copy of this flow test is being sent to the Kansas Department of Agriculture, Division of Water Resources for their records as well. If you have any questions or need further assistance please don't hesitate to contact our office at your convenience.

Sincerely,

Chris Law
Director, Field Services
claw@gmd3.org

RECEIVED

APR 08 2019

Garden City Field Office
DIVISION OF WATER RESOURCES

Enclosure
Cc: Division of Water Resources, Garden City

WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

APR 15 2019

APR 01 2019

KS DEPT OF AGRICULTURE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3 FLOWMETER TEST REPORT

FILE(S) **25031** COUNTY: Meade TEST CONDUCTED BY: CL

DATE March 27, 2019 TIME: 1:30

GPS N: 37.33280 W: 100.41667 Taken at: Well

WELL LOCATION **Section: 19 Township: 31 Range: 28**
ID: 4 QUARTER: SW
 Distance from SE corner: 1345 feet North 5230 feet West

METER LOCATION Well

METER INFORMATION

Serial Number: **96-10-1499N** Model: MO310-2300
 Manufacturer: McCrometer Meter Type: Propeller
 Pipe Size: OD: 10.750 ID: 10.481
 Totalizer units: Acre Feet Multiplier: 0.001
 Manufacturer Seal & ID: GLB GMD3 Seal: 42977
 DWR Chain & Seal & ID: No
 Remarks:

METER INSTALLATION

Full pipe flow: Yes
 Straightening vanes: Unknown
 Straight Run (inches) Upstream: 76 Downstream: 22

Measurements to meter stem.
 WATER RESOURCES
 RECEIVED

PUMP INFORMATION

Power: Natural Gas
 Manufacturer: Horsepower: Ratio:
 Engine rpm: Pump rpm:
 Pressure (psi): Measured at:

APR 15 2019

KS DEPT OF AGRICULTURE

INSTALLED METER TIMED

Visual Rate: 750 - 800 gpm
 Calculated rate:

End Read	465674	End Time	20:15
Begin Read	465658	Begin Time	0
Difference	16	Time (min.)	
Diff. Gal.	16000.0	Time (.00)	20.25

RECEIVED

APR 08 2019

Garden City Field Office
 DIVISION OF WATER RESOURCES

Installed Meter gpm 790.1

NON-INTRUSIVE FLOWMETER TEST

Manufacturer: FUJI
 Model: PORTAFLOW Serial number: Q6J4361T
 Pipe OD: 8.00 Thickness: 0.038 Material: Aluminum
 Test location:
 Test location: 8 inch aluminum flood pipe connected to the pivot supply more than 20 feet downstream of elbow
 Signal Strength: 4 bars, normal
 Sound Speed (ft/s): 4632 Velocity (ft/s): 5.1

RESULT Standard meter rate: 795.6 gpm Installed meter rate: 790.1 gpm

Remarks: 10 minute flow test resulted in 7,956 total gallons.
 Installed gpm - Standard gpm = **-5.5 gpm difference**
 GPM Difference ÷ Standard gpm = calculated % difference
Calculated % difference -0.7% GMD3 seal # Existing

WATER RESOURCES
 RECEIVED

APR 01 2019

KS DEPT OF AGRICULTURE

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, Acting Secretary

Laura Kelly, Governor

April 2, 2019

DEAN & KAY BERGHAUS LIVING TRUSTS
PO BOX 602
MEADE KS 67864

FILE COPY

RE: Water Right, File No. 25,031

Dear Mrs. Berghaus:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion to add an additional well per K.A.R. 5-5-16, *Additional well*, under the referenced file which was received in this office on January 31, 2019.

The rate test completed by the Southwestern Kansas Groundwater Management District No. 3 on March 27, 2019, determined the maximum rate of diversion to be 1,200 gallons per minute. A copy of their test data and March 29, 2019 letter is enclosed. The determined tested rate would be the rate of which a portion is retained, and a portion is assigned as the specific maximum instantaneous rate of diversion for the proposed additional well. The reduced rate has been listed in Part 15 of the application for change.

The application proposes to retain 300 acre-feet at the currently authorized point of diversion and assign 193.5 acre-feet to the additional well, currently authorized by File No. 30,950. The rate assignment must be sufficient to divert the authorized quantity within the annual irrigation season which is typically 180 to 190 days in Meade County, but could be higher as March to October is 245 days. A calculation to assist you to determine an approximate rate based on days of operation is:

$(\text{Quantity acre-feet} \div (\text{days} \div 1000)) \div 4.419 = \text{Rate of diversion}$

Additionally, the assignment of the rate should take into consideration the operation of the well and irrigation equipment. The total assigned rates cannot exceed the tested 1,200 gallon per minute.

After assigning the rates and listing in Part Nos. 8 & 9 of the application all owners who signed the application for change should initial and date this page and the page containing Part No. 15, to acknowledge the reduction and assignment of the rate of diversion.

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please call the Garden City Field Office at (620)276-2901 to set an appointment time. Please be reminded their office is now located at 4532 W. Jones Ave., Suite B, in Garden City. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter, the application, and any attachments.

The Southwestern Kansas Groundwater Management District No. 3, phone (620) 872-5563, may also provide you with assistance regarding the referenced application. Please take this letter, your application and attachments with you should you choose to have them assist you.

The additional well regulation further requires that the rate and quantity diverted by the additional well that for reasons of impairment it will have the priority date of the filing of the application for change. Furthermore, the Chief Engineer specifically retains jurisdiction to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by the two(2) wells that may be authorized by the approval of the application for change is exceeding the total annual quantity of water that could have been physically withdrawn. The Chief Engineer retains the authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest

Please return your complete application to:

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

You have a period of **15 days, until April 17, 2019**, to modify, obtain the needed acknowledgments of all owners and return the application to our office. Should you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. Your request for additional time may be sent to my email.

According to law, default in the returning of the application as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file.

If you have any questions, please contact me at (785)564-6633, or email Leslie.Ireland@ks.gov. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosure(s)
pc: Garden City Field Office
Groundwater Management District No. 3

Water Rights and Points of Diversion Within 1.25 miles of point defined as:
 1320 ft N and 2600 ft W of the SE Corner of Section 19, T 31S, R 28W
 Located at: 100.407517 West Longitude and 37.332604 North Latitude
 GROUNDWATER ONLY

FILE NO 25,031
 PROPOSED ADD WELL

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1447	00	IRR	NK	G	6590	--	SW	SW	SE	285	2450	13	31	29W	4	1586.00	1586.00	AF
A__ 3149	00	IRR	NK	G	5095	--	SW	SW	SE	475	2453	24	31	29W	4	258.00	258.00	AF
A__ 13158	D1	IRR	NK	G	5095	--	SW	SW	SE	475	2453	24	31	29W	4	373.00	373.00	AF
A__ 13158	D2	IRR	NK	G	3356	--	NC	SW	NE	3300	1980	30	31	28W	1	724.00	724.00	AF
A__ 16295	00	IRR	NK	G	2731	--	SW	NW	NE	4050	2550	19	31	28W	1	353.00	353.00	AF
Same					3669	NC	W2	W2	NW	3960	5150	19	31	28W	2	281.00	281.00	AF
A__ 18447	00	IRR	NK	G	5755	--	NE	SE	NW	3777	2645	20	31	28W	3	314.00	314.00	AF
A__ 25031	00	IRR	NK	G*	2575	--	--	--	--	1345	5230	19	31	28W	4	626.00	626.00	AF
A__ 28580	00	IRR	NK	G	4663	--	SE	SE	NE	2775	75	25	31	29W	2	309.00	309.00	AF
A__ 30950	00	IRR	NK	G	1	--	CW	SE		1320	2600	19	31	28W	5	112.00	112.00	AF
T_ 20189043	00	IRR	GY	G	1	--	CW	SE		1320	2600	19	31	28W	5	130.00	.00	AF

Authorization/Phase

ADD WELL

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	4936.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	4936.00	.00

NO NEARBY S -

112 + 193.5 = 303.5 AF
 303.5 AF NEEDS - 1900' OF SPACING

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:
 100.407517 West Longitude and 37.332604 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 1447	00	IRR	NK	G
> AG MANAGEMENT CONSULTANTS				
>				
> PO BOX 1013				
> GARDEN CITY KS 67846				

A__ 3149	00	IRR	NK	G
> DEAN & KAY BERGHAUS LIVING TRUSTS				
>				
> PO BOX 602				
> MEADE KS 67864				

A__ 13158	D1	IRR	NK	G
> DEAN & KAY BERGHAUS LIVING TRUSTS				
>				

> PO BOX 602
> MEADE KS 67864

A__ 13158 D2 IRR NK G
> TWIST FAMILY FARMS LLC
> JFF TWIST
> 130 IROQUOIS RD
> BOULDER CO 80303

A__ 16295 00 IRR NK G
> MICKEY G ROSS
>
> 16022 18 RD
> MEADE KS 67864

A__ 18447 00 IRR NK G
> EDWARD M & ALICE M BANNING
>
> PO BOX 1013
> GARDEN CITY KS 67846

A__ 25031 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864

A__ 28580 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864

A__ 30950 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864

T__ 20189043 00 IRR GY G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864

=====

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 25031 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 25031 00 IRR

Water Right and Points of Diversion Within 1.25 miles of point defined as:

AUTHORIZED & PROPOSED

1345 Feet North and 5230 Feet West of the Southeast Corner of Section 19 T 31S R 28W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1447	00	IRR	NK	G	4903	--	SW	SW	SE	285	2450	13	31	29W	4	1586.00	1586.00	AF
A__ 3149	00	IRR	NK	G	2593	--	SW	SW	SE	475	2453	24	31	29W	4	258.00	258.00	AF
A__ 3844	00	IRR	NK	G	5851	--	SE	SE	NE	-----	-----	23	31	29W	1	465.00	465.00	AF
A__ 13158	D1	IRR	NK	G	2593	--	SW	SW	SE	475	2453	24	31	29W	4	373.00	373.00	AF
A__ 13158	D2	IRR	NK	G	4592	--	NC	SW	NE	3300	1980	30	31	28W	1	724.00	724.00	AF
A__ 14309	00	IRR	NK	G	5215	--	--	CW	SW	1324	5212	24	31	29W	1	640.00	640.00	AF
A__ 16295	00	IRR	NK	G	3769	--	SW	NW	NE	4050	2550	19	31	28W	1	353.00	353.00	AF
Same					2612	NC	W2	W2	NW	3960	5150	19	31	28W	2	281.00	281.00	AF
A__ 18901	00	IRR	NK	G	4694	NC	N2	S2	NW	3540	4125	24	31	29W	3	407.00	407.00	AF
A__ 25031	00	IRR	NK	G*	0	--	--	--	--	1345	5230	19	31	28W	4	626.00	626.00	AF
A__ 28580	00	IRR	NK	G	3854	--	SE	SE	NE	2775	75	25	31	29W	2	309.00	309.00	AF
A__ 30950	00	IRR	NK	G	2576	--	--	CW	SE	1320	2600	19	31	28W	5	112.00	112.00	AF
T_ 20189043	00	IRR	GY	G	2576	--	--	CW	SE	1320	2600	19	31	28W	5	130.00	.00	AF

↓ TO 300 AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	6134.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	6134.00	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

1345 Feet North and 5230 Feet West of the Southeast Corner of Section 19 T 31S R 28W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

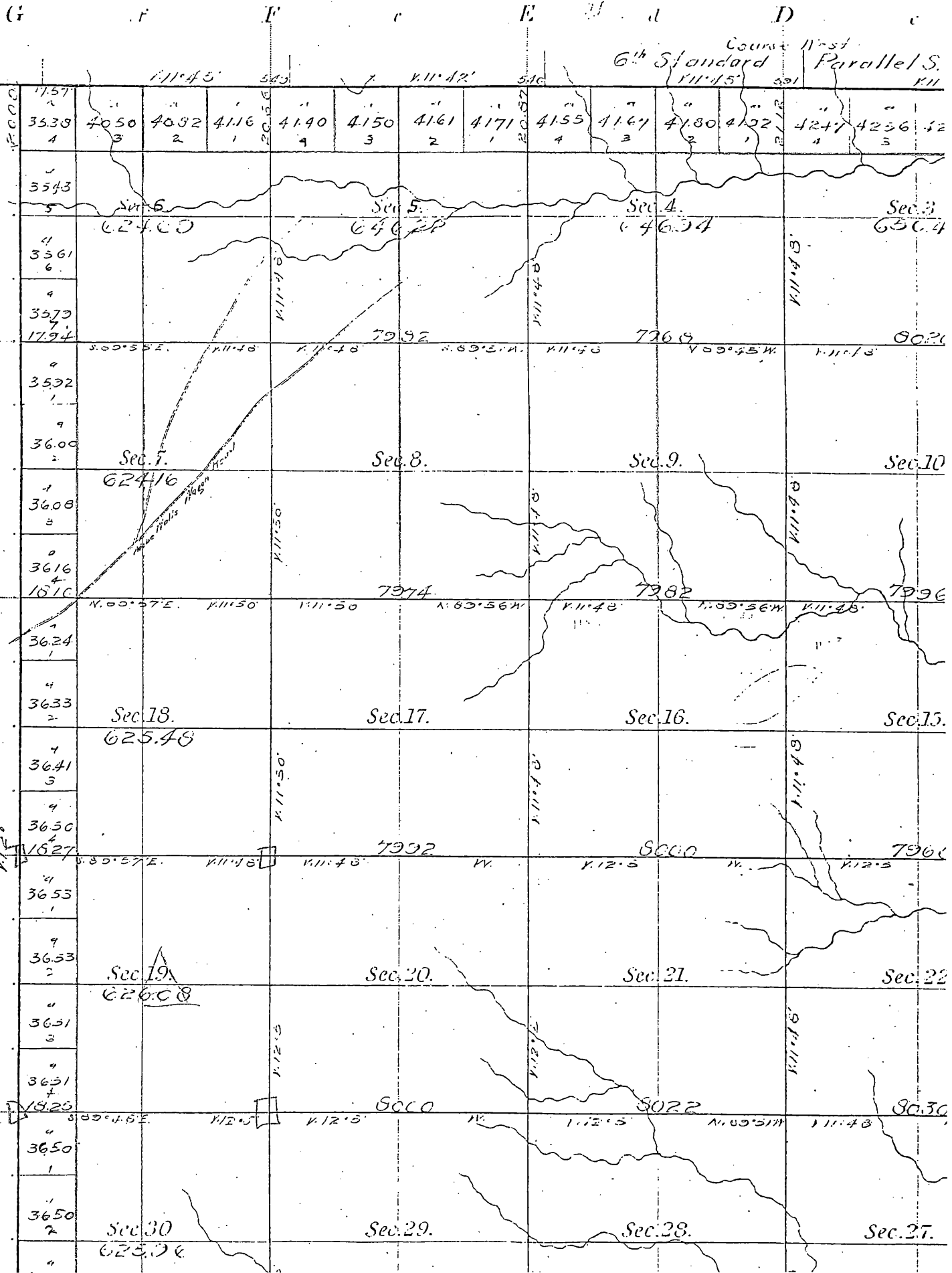
A__ 1447 00 IRR NK G
 > AG MANAGEMENT CONSULTANTS

>
 > PO BOX 1013
 > GARDEN CITY KS 67846

>-----
 A__ 3149 00 IRR NK G
 > DEAN & KAY BERGHAUS LIVING TRUSTS
 >
 > PO BOX 602
 > MEADE KS 67864

>-----
A__ 3844 00 IRR NK G
> LOREN R REISS
>
> 10081 13 RD
> MEADE KS 67864
>-----
A__ 13158 D1 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864
>-----
A__ 13158 D2 IRR NK G
> TWIST FAMILY FARMS LLC
> JFF TWIST
> 130 IROQUOIS RD
> BOULDER CO 80303
>-----
A__ 14309 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864
>-----
A__ 16295 00 IRR NK G
> MICKEY G ROSS
>
> 16022 18 RD
> MEADE KS 67864
>-----
A__ 18901 00 IRR NK G
> LOREN R REISS
>
> 10081 13 RD
> MEADE KS 67864
>-----
A__ 25031 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864
>-----
A__ 28580 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>
> PO BOX 602
> MEADE KS 67864
>-----
A__ 30950 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS
>

TOWNSHIP N° 31 SOUTH RANGE N° XXVIII WEST



The Professionals

MINTER-WILSON DRILLING CO.
INCORPORATED

Irrigation
and Domestic
Water Systems
Complete Installation
and Repairing

FILE NO. 25,031

FROM KGS

Phone 276-8269 • P.O. Box 493 • GARDEN CITY, KANSAS 67846

PHIL BERGHAUS
MEADE COUNTY
1-30-76

Location SW 19-31-28
From Phil Berghaus House, 3/4 Mile North or
1 Mile East, 1 1/2 Mile North Of Miller Elevator
Missler

Static Water Level 140

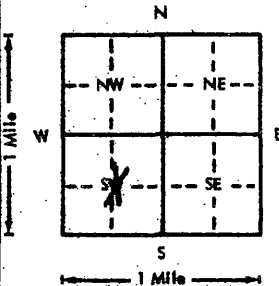
Test #1

0	3	Top Soil
3	27	Brown Sandy Clay
27	60	Brown & White Sandy Clay
60	102	Brown Sandy Clay
102	123	Brown Clay
123	170	Fine To Med. Sand & Gravel (Loose)
170	181	Brown Sandy Clay
181	248	Fine To Med. Sandy & Gravel (Loose)
248	262	Fine To Med. Sand & Gravel, Streaks Of Clay(10%)
262	270	Fine Sand, Streak Of Clay (10%)
270	275	Fine To Med. Sand & Gravel (Loose)
275	328	Blue Clay
328	368	Fine To Med. Sand & Gravel (Loose)
368	406	Fine To Med. Sand & Gravel, Streaks of Clay (10%)
406	410	Brown, Gray, Yellow, White Clay, Small Streak Of White Rock
410	415	Gray Clay (Hard)

USE TYPEWRITER OR BALL
POINT PEN-PRESS FIRMLY,
PRINT CLEARLY.

WATER WELL RECORD
KSA 82a-1201-1215

Kansas Department of Health and
Environment-Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

1. Location of well:		County MEADE	Fraction NW 1/4 SE 1/4 SW 1/4	Section number 19	Township number T 31 S R	Range number 28 W
2. Distance and direction from nearest town or city: 1 Mile East, 1/4 North of Missler Aviator Street address of well location if in city:				3. Owner of well: Phil Berghause R.R. or street: Meade, Ks. 67864 City, state, zip code:		
4. Locate with "X" in section below: Sketch map: 				6. Bore hole dia. 26 in. Completion date 3-11-76 Well depth 406 ft.		
5. Type and color of material				7. <input type="checkbox"/> Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input checked="" type="checkbox"/> Reverse rotary		
				8. Use: <input type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other		
				9. Casing: Material Steel Height: Above or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface 12 in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight 36.87 lbs./ft. Dia. 16 in. to 407 ft. depth! Well thickness inches or Dia. <input type="checkbox"/> in. to <input type="checkbox"/> ft. depth Gauge No. <input type="checkbox"/>		
				10. Screens: Manufacturer No Screens Type <input type="checkbox"/> Dia. <input type="checkbox"/> Slot/gauze <input type="checkbox"/> Length <input type="checkbox"/> Set between <input type="checkbox"/> ft. and <input type="checkbox"/> ft. Reel 180-275 and 325-406 ft. Gravel pack? <input checked="" type="checkbox"/> Size range of material 2-8 Danna		
				11. Static water level: <input type="checkbox"/> mo./day/yr. 110 ft. below land surface Date 1-30-76		
				12. Pumping level below land surface: <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. Estimated maximum yield <input type="checkbox"/> g.p.m.		
				13. Water sample submitted: <input type="checkbox"/> mo./day/yr. Yes <input type="checkbox"/> No <input type="checkbox"/> Date <input type="checkbox"/>		
				14. Well head completion: <input type="checkbox"/> Pitless adapter 12 inches above grade		
				15. Well grouted? <input checked="" type="checkbox"/> yes With: <input checked="" type="checkbox"/> Neat cement <input type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: from 0 ft. to 10 ft.		
				16. Nearest source of possible contamination: N/A ft. <input type="checkbox"/> Direction <input type="checkbox"/> Type <input type="checkbox"/> Well disinfected upon completion? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(Use a second sheet if needed)				17. Pump: <input type="checkbox"/> Not installed Manufacturer's name <input type="checkbox"/> Model number <input type="checkbox"/> HP <input type="checkbox"/> Velts <input type="checkbox"/> Length of drop pipe <input type="checkbox"/> ft. capacity <input type="checkbox"/> g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
18. Elevation: Topography: <input type="checkbox"/> Hill <input checked="" type="checkbox"/> Slope <input type="checkbox"/> Upland <input type="checkbox"/> Valley		19. Remarks: Set Customer's Used Pump in new well		20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Minter Wilson Drilling 208 Business name License No. <input type="checkbox"/> Address P.O. Box A Garden City Ks Authorized representative [Signature] Date 3-22-76		

31 28 W 19 N
Missler SW

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

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, Interim Secretary

Laura Kelly, Governor

BERGHAUS LIVING TRUST DEAN & KAY
PO BOX 602
MEADE, KS 67864

February 4, 2019

RE: File No 25031

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 PD
- 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: DLW3

SCANNED

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, May 7, 2019 1:26 PM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for Change in PD, File No. 25031 Berghaus

Yes require arv and seal

Thanks

Mike

From: Ireland, Leslie [KDA]
Sent: Tuesday, May 7, 2019 12:17 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for Change in PD, File No. 25031 Berghaus

Mike,

Should the order require special meter wording? The 2019 compliance shows File No. 30950 has an anti-reverse register installed. File No. 25,031 looks to have a standard McCrometer meter.

Please let me know if you could recommend this change to add the additional well that will pump at 120 gpm for 193.5 AF.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

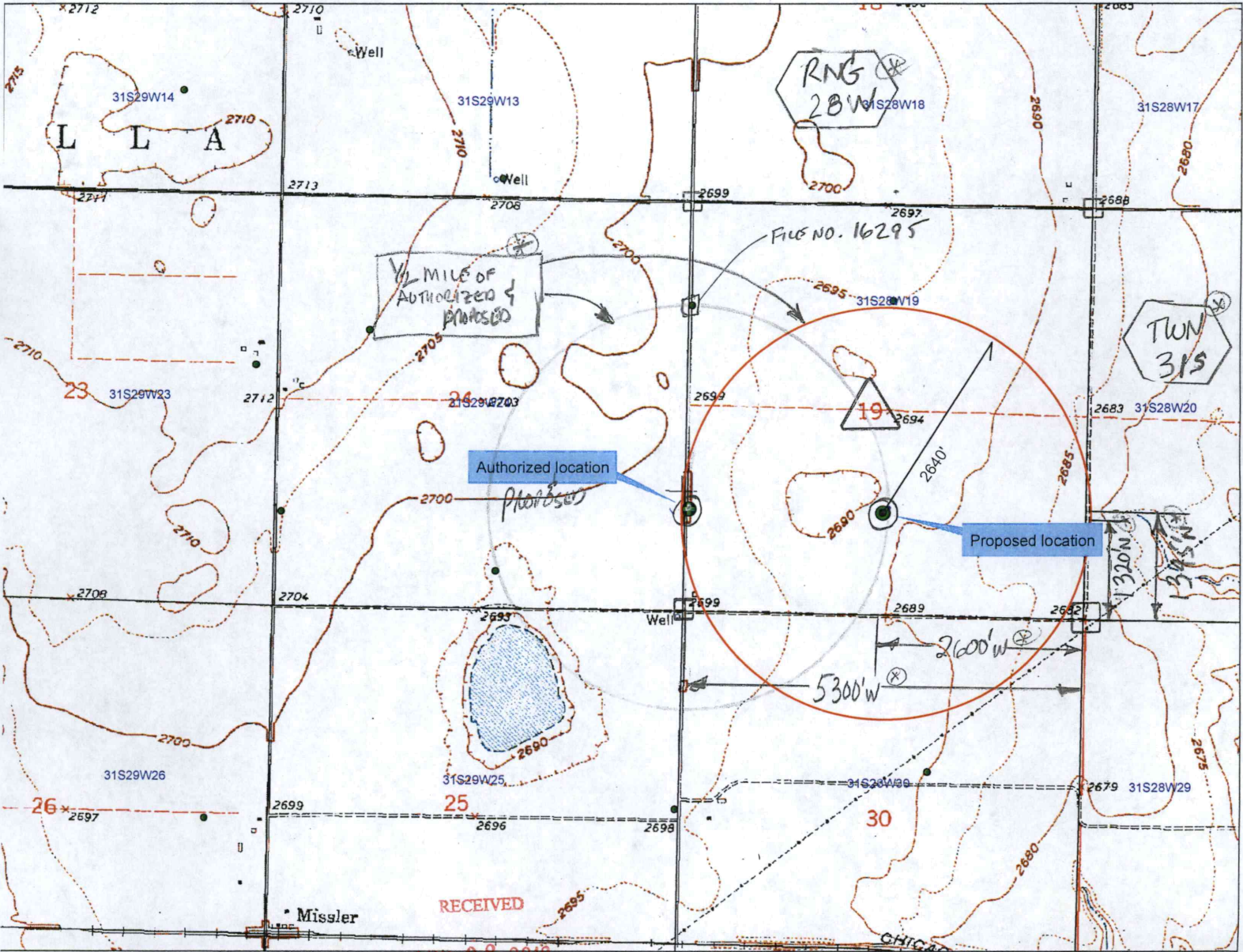
RESOURCES RECEIVED

300 5 2019

KS DEPT OF AGRICULTURE

Point of Diversion Change
File No(s). 25031 & 30950
T31 R28 Meade Co.

ADDITIONAL WELL



MEADE CO

APR 08 2019

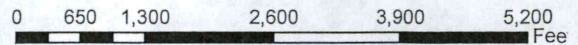
Water Resources

LI/DWR 2/13/19

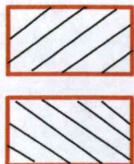
Garden City Field Office
DIVISION OF WATER RESOURCES

JAN 31 2019

(2006 Scaled air photo)



- Authorized PD
- Requested PD
- Point of Diversion



KS Dept Of Agriculture

Requested PU

Kay Bingham



**No other wells within one-half mile*

SCANNED

Ireland, Leslie [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Thursday, May 2, 2019 2:36 PM
To: Ireland, Leslie [KDA]
Subject: 25031
Attachments: 2019_April25_NeighborNotice_25031.pdf; 2019_May2_ReviewMat_PD_25031.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.

Good afternoon Leslie. How have you been doing up there? Any bad weather hitting up there? We seem to have most of the rain going around us. That last couple days we have just gotten sprinkles that don't really do anything except make it damp.

Attached is our review of 25031 along with the notices we sent out to neighbors to review our analysis. We didn't get any response and the results came out good in the area to.

Let me know if you have questions. I will put the cover letter in the mail to you.

Jason Norquest
Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

Water Resources
Received

MAY 02 2019

KS Dept Of Agriculture



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

April 25, 2019

Twist Family Farms LLC
%Jff Twist
130 Iroquois RD
Boulder, CO 80303

RE: Application for Change in Point of Diversion
Water Right, File No. 25031

Dear Twist Family Farms LLC:

This is to inform you that Dean & Kay Berghaus Living Trust has applied to relocate a portion of their well 2500 feet east of their current well location in Section 19, Township 31s, Range 28w, in Meade county. The current well under Water Right 25031 will retain 300AF and 193.5AF will be moved and stacked on the well currently covered by Water Right 30950. The overall allocation for Water Right 25031 will be reduced by 132.5AF, in accordance with K.A.R. 5-5-16. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

A copy of the full change application can be requested from our office. The results of the analysis can be found at <http://www.gmd3.org/what-we-do/well-to-well-analysis/>. Please review the analysis for the proposed change to Water Right 25031. If you have any questions or wish to provide better information, please contact our office by May 2, 2019. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

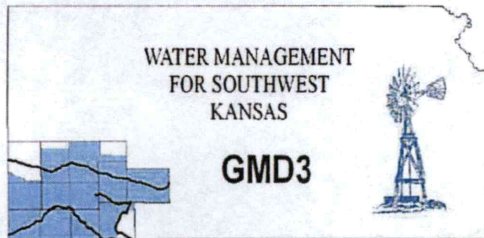
Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 02 2019



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

April 25, 2019

Mickey G Ross
16022 18 RD
Meade, KS 67864

RE: Application for Change in Point of Diversion
Water Right, File No. 25031

Dear Twist Family Farms LLC:

This is to inform you that Dean & Kay Berghaus Living Trust has applied to relocate a portion of their well 2500 feet east of their current well location in Section 19, Township 31s, Range 28w, in Meade county. The current well under Water Right 25031 will retain 300AF and 193.5AF will be moved and stacked on the well currently covered by Water Right 30950. The overall allocation for Water Right 25031 will be reduced by 132.5AF, in accordance with K.A.R. 5-5-16. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

A copy of the full change application can be requested from our office. The results of the analysis can be found at <http://www.gmd3.org/what-we-do/well-to-well-analysis/>. Please review the analysis for the proposed change to Water Right 25031. If you have any questions or wish to provide better information, please contact our office by May 2, 2019. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 02 2019



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

May 2, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion
Water Right, File No. 25031

Dear Leslie:


We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. The proposal also meets the criteria set forth in the additional well rule, K.A.R. 5-5-16.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 3.5 ft maximum allowable threshold. Notices linking this information was sent out to the well owners and our office received no response or concerns raised. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It should also be noted that the calculations is based on maximum annual quantity and rate. It is therefore recommended that the application be approved.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 02 2019

Working Water Conservation Every Day Since 1976

KS Dept Of Agriculture
SCANNED

GMD3 Change Review

File No(s): 25031.

DWR office: HQ.

App filed to change: Add Well.

Is Landowner(s) correct in WRIS: Berghaus Living Trust %Dean & Kay.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-16 & KAR 5-23-3

Point of diversion ID No(s) 04 being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: ___ Long: ___.

Is proposed PD stacking on existing WRs? Yes, the additional well will stack on 30950 which already exists.

Is Proposed PU overlapping existing WRs? No change.

Land Owner(s) notified: ___.

Name ___ Name ___

Address ___ Address ___

Zip ___ Zip ___

Neighboring certified well(s) notified: ___.

Name ___ Name ___

Address ___ Address ___

Zip ___ Zip ___

Domestic well(s) notified: ___.

Name ___ Name ___

Address ___ Address ___

Zip ___ Zip ___

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

Application to move authority from 25031 and stack on 30950 to cover overpumping issues and balance out the water use from the wells.

(Max acres perfection X NIR 80%) / 0.85 = AF allowed

(313.2 X 1.34') / 0.85 = 493.5AF

626 - 493.5 = 132.5AF reduced through consumptive use calculation.

300AF remain at current location

193.5AF added to 30950 = 193.5 + 112 = 305.5AF on this well total.

Water Resources
Received

MAY 02 2019

SCANNED

KS Dept Of Agriculture

GMD3 Change Review

Is a waiver needed: No. Distance moved and spacing to neighboring wells is met. The consumptive use was used in reduction for an additional well application.

Recommendation: Letters sent to neighboring well owners on record and no responses.

The analysis shows that the proposed move would have minimal effect on the wells.

With no concerns raised, minimal effect shown and meeting all current area rules, staff therefore recommends approval of the application.



Water Resources
Received

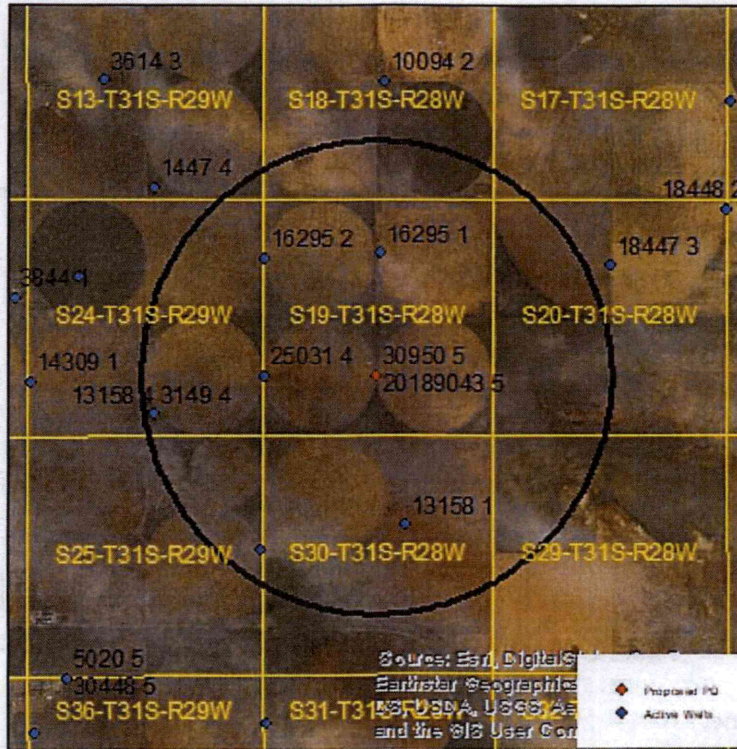
MAY 02 2019

KS Dept Of Agriculture

SCANNED

Evaluation of proposed additional well for Water Right No 25031

Proposed: Move 193.5 AF of authority at a rate of 120 gpm from the well authorized under water right no. 25031 to the well authorized under water right no. 30950. The water use authority under the well currently authorized by water right no. 25031 will be reduced from 626 AF at 1450 gpm to 300 AF at 1080 gpm. The water use authority under the well currently authorized by water right no. 30950 will be increased from 112 AF at 1200 gpm to 305.5 AF at 1320 gpm.



Wells within 1 mile: 16295 ID 1, 16295 ID 2, 3149 & 13158, 28580, and 13158.

The saturated thickness at the proposed well location is estimated to be 165 ft, based upon measurement at the observation well in section 24-31-29 and local drillers logs. For saturated thicknesses between 150 ft and 200 ft, the maximum allowable Theis drawdown to neighboring critical wells is 3.5 ft.

50 year Theis Analysis: The following values were used to run the analysis:

$S = 0.2311$, $T = 21,580 \text{ ft}^2/\text{day}$, $tp_{\text{current}}(25031) = 50 \text{ days}$ (based upon observed rate and reported quantity), $Q_{\text{current}}(25031) = 1200 \text{ gpm}$ (based upon flow test), $tp_{\text{current}}(30950) = 35 \text{ days}$ (based upon observed rate and reported quantity), $Q_{\text{current}}(30950) = 721 \text{ gpm}$ (observed during 2012 field visit) $tp_{\text{proposed}}(30950) = 52 \text{ days}$, $Q_{\text{proposed}}(30950) = 1320 \text{ gpm}$.

Water Resources
Received

MAY 02 2019

KS Dept Of Agriculture

SCANNED

This drawdown calculations are as follows:

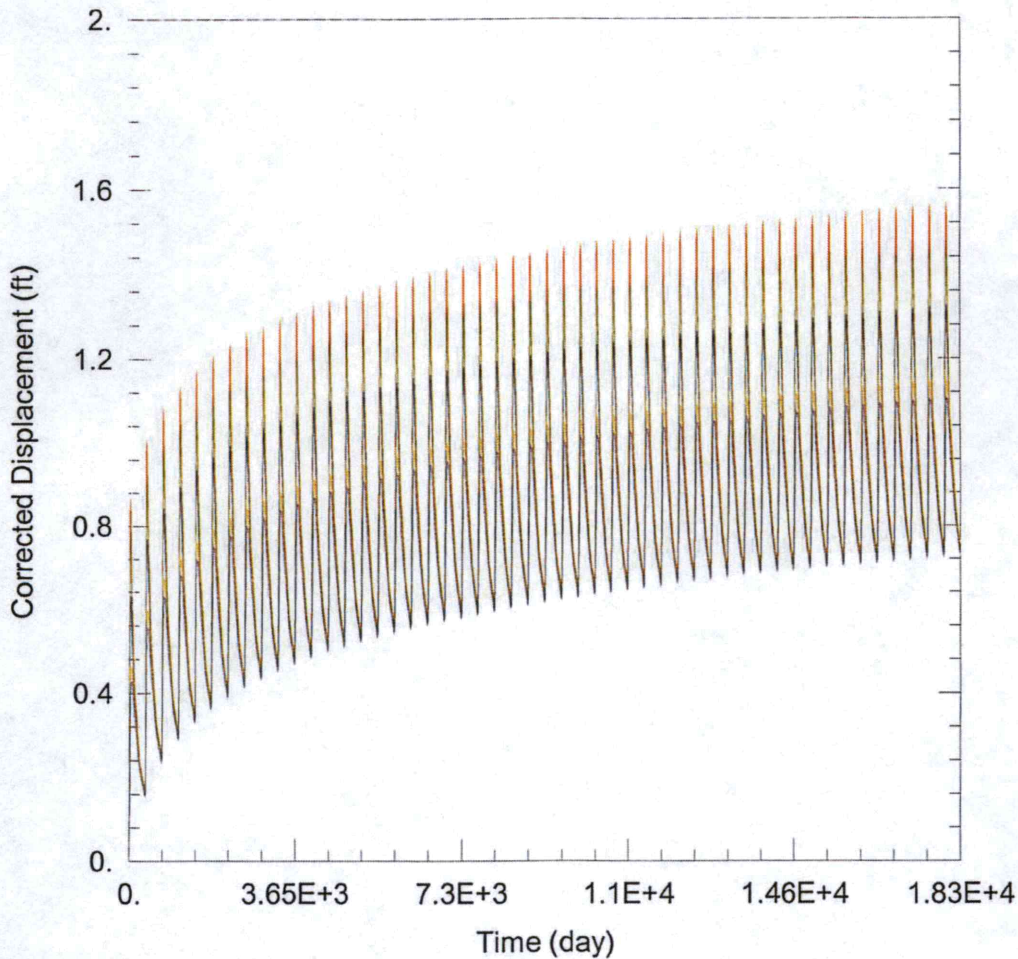
16295 ID 1:	Drawdown from current conditions = 1.32 ft
	Drawdown from proposed conditions = 2.23 ft
	Net drawdown = 0.9 ft
16295 ID 2:	Drawdown from current conditions = 1.57 ft
	Drawdown from proposed conditions = 2.31 ft
	Net drawdown = 0.7 ft
3149 & 13158:	Drawdown from current conditions = 1.47 ft
	Drawdown from proposed conditions = 2.07 ft
	Net drawdown = 0.6 ft
28580:	Drawdown from current conditions = 1.15 ft
	Drawdown from proposed conditions = 1.78 ft
	Net drawdown = 0.6 ft
13158:	Drawdown from current conditions = 1.11 ft
	Drawdown from proposed conditions = 1.88 ft
	Net drawdown = 0.8 ft

Net drawdown effects do not exceed the maximum drawdown allowance of 3.5 ft on any well, so no further evaluation is necessary.

Water Resources
Received

MAY 02 2019

KS Dept Of Agriculture
SCANNED



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\25031\25031 Current.aqt
 Date: 04/29/19 Time: 14:29:35

PROJECT INFORMATION

Company: GMD 3
 Project: 25031
 Location: Meade County
 Test Well: 25031

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
	111256	166871
	113780	166874

Observation Wells

Well Name	X (ft)	Y (ft)
□	111256	166871
□	113780	166874
□ 16295 ID1	113868	169588
□ 16295 ID2	111268	169483
□ 13158 & 3149	108803	166031
□ 28580	111185	163018
□ 13158	114434	163556

SOLUTION

Aquifer Model: Unconfined
 $T = 2.158E+4 \text{ ft}^2/\text{day}$
 $Kz/Kr = 1.$

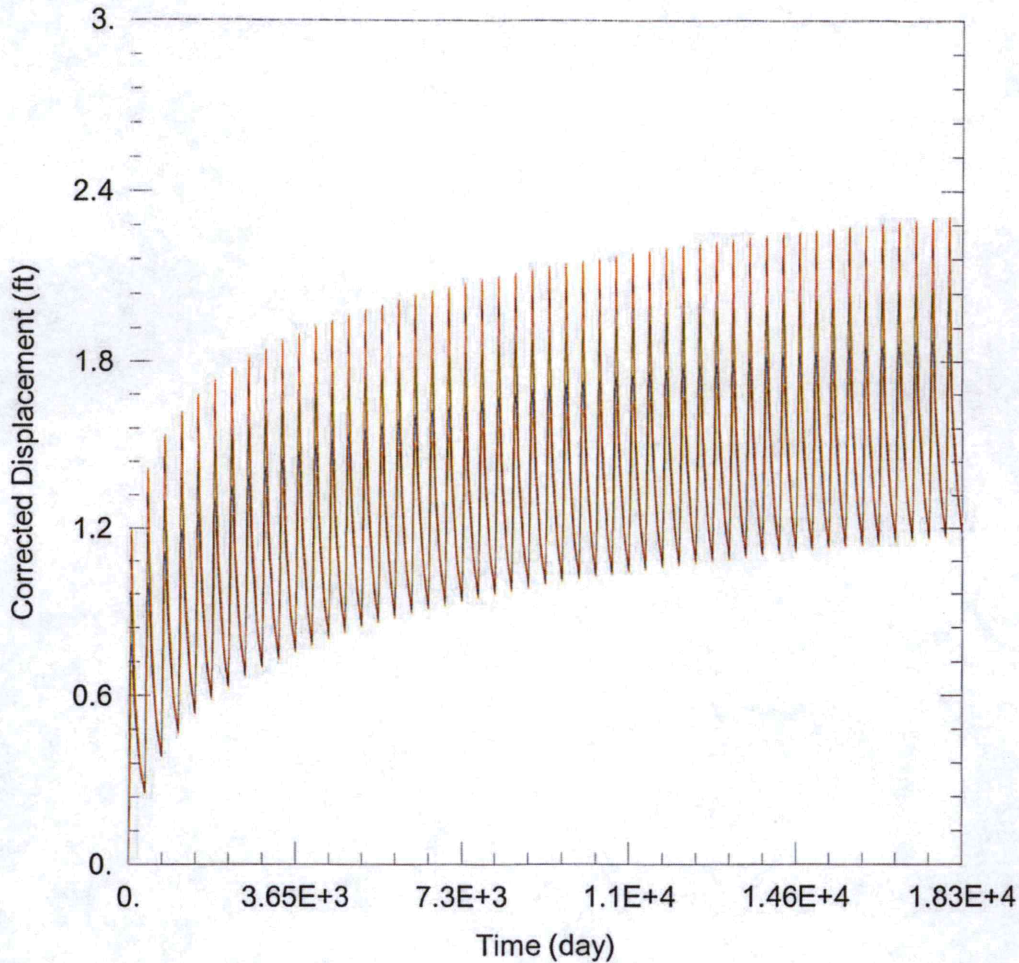
Solution Method: Theis
 $S = 0.2311$
 $b = 165. \text{ ft}$

Water Resources
 Received

MAY 02 2019

KS Dept Of Agriculture

SCANNED



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\25031\25031 Proposed.aqt
 Date: 04/29/19 Time: 14:29:29

PROJECT INFORMATION

Company: GMD 3
 Project: 25031
 Location: Meade County
 Test Well: 25031

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
	111256	166871
	113780	166874

Observation Wells

Well Name	X (ft)	Y (ft)
□	111256	166871
□	113780	166874
□ 16295 ID1	113868	169588
□ 16295 ID2	111268	169483
□ 13158 & 3149	108803	166031
□ 28580	111185	163018
□ 13158	114434	163556

SOLUTION

Aquifer Model: Unconfined
 T = 2.158E+4 ft²/day
 Kz/Kr = 1.

Solution Method: Theis
 S = 0.2311
 b = 165 ft

Water Resources
 Received

SCANNED MAY 02 2019

KS Dept Of Agriculture

25031: additional well



SCANNED KS Dept Of Agriculture

April 22, 2019
11:17 AM

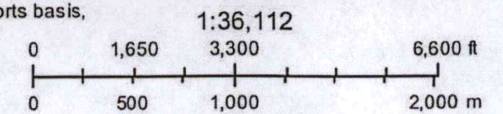
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Wells

- ? Other
- IRR

- | | | | | | | | |
|---|-----|---|-----|---|-----|---|-----------------|
| + | CON | • | FPR | ▲ | MUN | ⚡ | THX |
| ⊠ | DEW | + | HYD | ⚑ | REC | ? | Empty |
| • | DOM | ★ | IND | ⊘ | STK | ● | WWC5 WELLS GMD3 |

□ Sections



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 30950 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 30950 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

1320 Feet North and 2600 Feet West of the Southeast Corner of Section 19 T 31S R 28W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 3149 00	IRR	NK	G	5096	--	SW	SW	SE	475	2453	24	31	29W	4		258.00	258.00	AF
A_ 13158 D1	IRR	NK	G	5096	--	SW	SW	SE	475	2453	24	31	29W	4		373.00	373.00	AF
A_ 13158 D2	IRR	NK	G	3356	--	NC	SW	NE	3300	1980	30	31	28W	1		724.00	724.00	AF
A_ 16295 00	IRR	NK	G	2731	--	SW	NW	NE	4050	2550	19	31	28W	1		353.00	353.00	AF
Same				3670	NC	W2	W2	NW	3960	5150	19	31	28W	2		281.00	281.00	AF
A_ 25031 00	IRR	NK	G*	2576	--	--	--	--	1345	5230	19	31	28W	4		626.00	626.00	AF
A_ 28580 00	IRR	NK	G	4664	--	SE	SE	NE	2775	75	25	31	29W	2		309.00	309.00	AF
A_ 30950 00	IRR	NK	G	0	--	--	CW	SE	1320	2600	19	31	28W	5		112.00	112.00	AF
T_20189043 00	IRR	GY	G	0	--	--	CW	SE	1320	2600	19	31	28W	5		130.00	.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3036.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3036.00	.00

Spacing is MET!!

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

1320 Feet North and 2600 Feet West of the Southeast Corner of Section 19 T 31S R 28W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 3149 00	IRR	NK	G
>	DEAN & KAY BERGHAUS LIVING TRUSTS		
>	PO BOX 602		
>	MEADE KS 67864		
A_ 13158 D1	IRR	NK	G
>	DEAN & KAY BERGHAUS LIVING TRUSTS		
>	PO BOX 602		
>	MEADE KS 67864		
A_ 13158 D2	IRR	NK	G
>	TWIST FAMILY FARMS LLC		
>	JFF TWIST		

Water Resources
Received

SCANNED MAY 02 2019

KS Dept Of Agriculture

> 130 IROQUOIS RD
> BOULDER CO 80303

A__ 16295 00 IRR NK G
> MICKEY G ROSS

>
> 16022 18 RD
> MEADE KS 67864

A__ 25031 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS

>
> PO BOX 602
> MEADE KS 67864

A__ 28580 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS

>
> PO BOX 602
> MEADE KS 67864

A__ 30950 00 IRR NK G
> DEAN & KAY BERGHAUS LIVING TRUSTS

>
> PO BOX 602
> MEADE KS 67864

T__20189043 00 IRR GY G
> DEAN & KAY BERGHAUS LIVING TRUSTS

>
> PO BOX 602
> MEADE KS 67864

=====

Water Resources
Received

SCANNED MAY 02 2019

KS Dept Of Agriculture