

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 22888	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 7/12/2022
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8a. Applicant(s) Person ID **68438**
 New to system Add Seq# _____

**CHANDLER BERNING
 610 E GRAND AVE
 MARIENTHAL, KS 67863**

8c. Landowner(s) Person ID **58358**
 New to system Add Seq# _____

**NORTH SIX FARMS LLC
 Attn: NORTH SIX TRUST
 1303 E COUNTRY ROAD M
 MARIENTHAL, KS 67863**

8b. Landowner(s) Person ID _____
 New to system Add Seq# _____

8a

8d. WUC Person ID _____
 New to system Add Seq# _____

8a

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2022** N & P Date to Comply: **3/1/2023**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **7/28/2022** By: **AM**
 Date Entered: _____ By: _____

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 28, 2022

CHANDLER BERNING
610 E GRAND AVE
MARIENTHAL, KS 67863

RE: Filed Office Application for Change
Water Right, File Nos. 7352; 15987 & 22888

Dear Sir or Madam:

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

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

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: North Six Farms LLC
GROUNDWATER MANAGEMENT DISTRICT NO. 1

CERTIFICATE OF SERVICE

On this 28th day of July, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 7,352, 15,987 and 22,888 dated 28th day of July, 2022 was mailed postage prepaid, first class, US mail to the following:

CHANDLER BERNING
610 E GRAND AVE
MARIENTHAL, KS 67863

Pc:

NORTH SIX FARMS LLC
Attn: NORTH SIX TRUST
1303 E COUNTRY ROAD M
MARIENTHAL, KS 67863

GROUNDWATER MANAGEMENT DISTRICT NO. 1



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 22888

RECEIVED

JUL 12 2022

2:37 pm

Garden City Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: CHANDLER BERNING

610 E GRAND AVE MARIENTHAL KS 67863

Phone Number: (620) 214-2018

Email address: chan_berning@hotmail.com

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: CHANDLER BERNING

ADDRESS: 610 E GRAND AVE MARIENTHAL KS 67863

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7	18S	34W	40	40	40	40													320

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: CHANDLER BERNING

ADDRESS: 610 E GRAND AVE MARIENTHAL KS 67863

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7	18S	34W	40	40	40	40					40	36.93	37.18	40	40	40	40	40	474.11
												L-3	L-4						

For Office Use Only: Code _____ Fee \$ <u>200</u> TR # _____ Receipt Date <u>7-12-22</u> Check # <u>308</u>
--

RECEIVED

JUL 12 2022

Garden City Field Office
Division of Water Resources

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) TO BETTER UTILIZE RECENTLY
PURCHASED GROUND

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

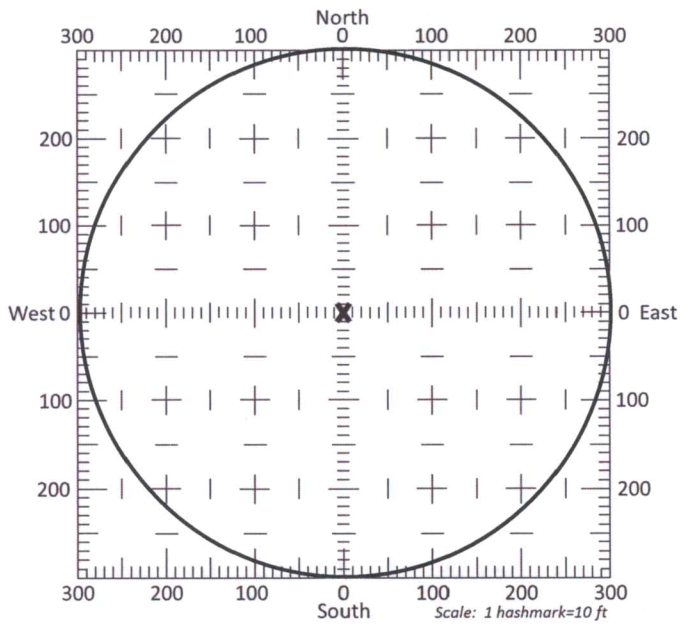
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM / GCFO

13a. If the proposed point of diversion will be relocated more than 300
feet but within 2,640 feet of the existing point of diversion, attach
 a topographic map or aerial photograph. For groundwater
 sources, show all wells (including domestic) within one-half mile
 of the proposed point of diversion and the names and mailing
 addresses of the owners. For surface water sources, show the
 names and addresses of the landowner(s) one-half mile
 downstream and one-half mile upstream from your property
 lines



13b. If the proposed point of diversion will be relocated within a 300
foot radius of the existing point of diversion, indicate its location
 on the diagram shown above in relation to the existing point of
 diversion. The proposed point of diversion must be located
 within the circle shown above. **(PLEASE NOTE: The "X" in**
center of diagram above represents the presently
authorized point of diversion.)

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 22888
MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED
JUL 12 2022
Garden City Field Office
Division of Water Resources

3. *Continued:* 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			

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				

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					

4. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NORTH SIX FARMS LLC Attn: NORTH SIX TRUST
ADDRESS: 1303 E COUNTRY ROAD M MARIENTHAL KS 67863

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						
7	18S	34W					40	36.44	36.69	40													153.13	
								L-1	L-2															

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							

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								

JUL 12 2022

Garden City Field Office
Division of Water Resources

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at _____, Kansas, this 2 day of July, 2022.

Chandler Bering
(Owner)

Stephanie Bering
(Spouse)

Chandler Bering
(Please Print)

Stephanie Bering
(Please Print)

North Six LLC by Earl E Smith member
(Owner)

(Spouse)

Earl E Smith
(Please Print)

(Please Print)

Earl E Smith
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Scott } SS

NOTARY PUBLIC-State of Kansas

SHAELEE SMITH

My Appt. Exp 8-13-23

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of July, 2022.

Shaelee Smith
Notary Public

My Commission Expires 8-13-23

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 22888.

1. A change application was received on July 12, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2022**, or within any authorized extension of time. By March 1, 2023 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

RECEIVED

JUL 29 2022

Division of Water Resources

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Austin McColloch
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: July 28, 2022

State of Kansas)

) SS

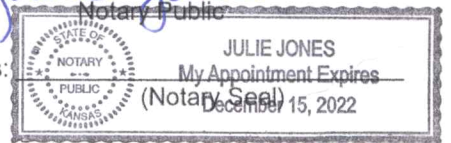
County of Finney)

Acknowledged before me on July 28, 2022

by Austin McColloch

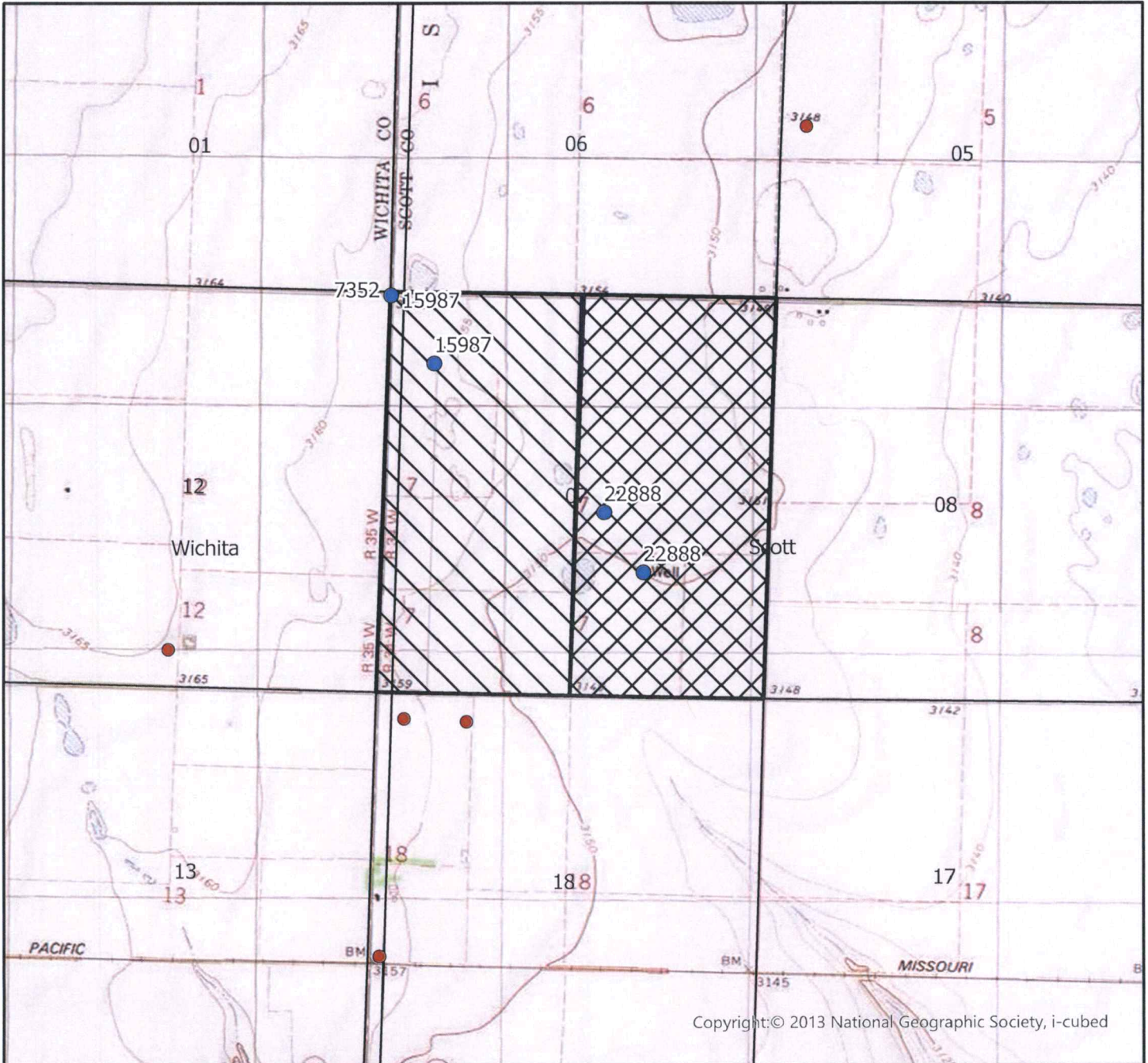
Signature: Julie Jones
Notary Public






My commission expires: _____
My Appointment Expires _____
(Notary Seal) December 15, 2022

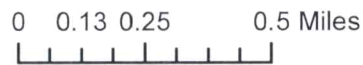


CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 22888

Section 7 Township 18 South Range 34 West Scott County



-  Authorized Point of Diversion
-  Permitted Water Right
-  Domestic Well within 1/2 mile
-  Authorized Place of Use
-  Proposed Place of Use



RECEIVED
JUL 16 2022
Division of Water Resources

McColloch, Austin [KDA]

From: Chandler Berning <chan_berning@hotmail.com>
Sent: Thursday, July 28, 2022 10:23 AM
To: McColloch, Austin [KDA]
Subject: Re: Amendments to Change Applications File Nos. 7352; 15987 & 22888
Attachments: 15987.pdf; 22888.pdf; 7352.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.

Yes I agree with the changes you have my permission to proceed

Sent from my iPhone

On Jul 28, 2022, at 8:55 AM, McColloch, Austin [KDA] <Austin.McColloch@ks.gov> wrote:

Chandler,

Can you please respond if you agree with the changes or not.

Thanks,

Austin McColloch
Ph: (620) 276-2901

From: McColloch, Austin [KDA]
Sent: Thursday, July 21, 2022 3:39 PM
To: chan_berning@hotmail.com
Cc: dlfarmsks@gmail.com
Subject: RE: Amendments to Change Applications File Nos. 7352; 15987 & 22888

Attached are the updated documents to show all acres are staying the same (with corrections to WR 7352). We are just overlapping all files. Please let me know if you agree with the changes.

Thanks,

Austin J. McColloch
Assistant Water Commissioner
Kansas Department of Agriculture- DWR
Garden City Field Office
<http://agriculture.ks.gov/>

Ph: (620) 276-2901

From: McColloch, Austin [KDA]

Sent: Wednesday, July 20, 2022 9:51 AM

To: chan_berning@hotmail.com<mailto:chan_berning@hotmail.com>

Cc: dlfarmsks@gmail.com<mailto:dlfarmsks@gmail.com>

Subject: Amendments to Change Applications File Nos. 7352; 15987 & 22888

Mr. Berning/Smith

Attached is the first page of each application showing some amendments I would have to make to the acres (due to Lots in the section). Before I move forward I want to get all landowners permission to make these changes. There will be no adjustments to quantity on the water rights. There is another option for amendments where you keep the full East Half as well if you so wish. Please feel free to give me a call to discuss your options or email me back.

Thanks,

Austin McColloch

Ph: (620) 276-2901

McColloch, Austin [KDA]

From: Don Smith <dlfarmsks@gmail.com>
Sent: Friday, July 22, 2022 8:53 AM
To: McColloch, Austin [KDA]
Cc: chan_berning@hotmail.com
Subject: Re: Amendments to Change Applications File Nos. 7352; 15987 & 22888

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.

Great.
You may proceed with our permission on the filing.
thanks!
Don Smith

On Fri, Jul 22, 2022 at 8:09 AM McColloch, Austin [KDA] <Austin.McColloch@ks.gov> wrote:

See page 3 of the application. I have to separate out the acres by owners. Arbitrarily I chose Chandler for the first page and North Six as the supplemental page.

Austin McColloch

Ph: (620) 276-2901

From: Don Smith <dlfarmsks@gmail.com>
Sent: Thursday, July 21, 2022 5:30 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Cc: chan_berning@hotmail.com
Subject: Re: Amendments to Change Applications File Nos. 7352; 15987 & 22888

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.

I'll need to talk to you tomorrow to clarify.

Just so we are clear.