

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

1. File Number: 11410	2. Status Change Date: <i>8-28-2024</i>	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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: 8/24/2024
8a. Applicant(s), Landowner New to system <input type="checkbox"/>		Person ID <u>30429</u> Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>
EDMUND & EVELYN BERNING REV LIVING TRUST Attn: STEVE BERNING 1093 S BRIDGE ST LAKIN, KS 67860				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8d. water use correspondent New to system <input type="checkbox"/>
		KEVIN BERNING 210 N A ST MARIENTHAL, KS 67863-5040		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2024</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>3/1/2025</u>				
<input type="checkbox"/> Anti-Reverse Meter <input 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: 8/27/2024 By: MAM Date Entered: _____ By: _____				

File No. **11410** 11. County: **sc** Basin: **LADDER CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL					26167												
ENT					46735	SENWSW	34	17S	35W	1585	4470		140	105	140	105	25117

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s)
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s)

15. 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					
CHK	25805																									

Base Acres: 160 Year: Minimum Reasonable Quantity:
 Comments:

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

August 28, 2024

EDMUND & EVELYN BERNING REV LIVING TRUST
Attn: STEVE BERNING
1093 S BRIDGE ST
LAKIN, KS 67860

RE: Filed Office Application for Change
Water Right, File No. 11410

Dear Sir:

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 number. This authorizes Water Right, File Nos. 11410 and 25117 to be combined for now one authorized well. This also includes the total combined current LEMA allocation thru calendar year 2025.

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. The current water flowmeter must be repaired or replaced prior to diversion. Also provide backup records for this authorized well (south) for calendar year 2024. Please return the required notification of completion of the diversion works and installation of the required flowmeter 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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 blue ink signature of Michael A. Meyer, written in a cursive style.

Michael A. Meyer
Water Commissioner

MAM

Pc: KEVIN BERNING
210 N A ST
MARIENTHAL, KS 67863-5040

GMD1

CERTIFICATE OF SERVICE

On this 28th day of August 2024, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 11,410 dated 28th day of August 2024 was mailed postage prepaid, first class, US mail to the following:

EDMUND & EVELYN BERNING REV LIVING TRUST
Attn: STEVE BERNING
1093 S BRIDGE ST
LAKIN, KS 67860

pc:

KEVIN BERNING
210 N A ST
MARIENTHAL, KS 67863-5040

GMD1



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. 11410

RECEIVED
 3:40 pm
AUG 27 2024

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: STEVE BERNING

1093 BRIDGE ST LAKIN KS 678960

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: NO CHANGE

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: NO CHANGE

ADDRESS: _____

(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	

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: NO CHANGE

ADDRESS: _____

(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	

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 8-27-24 Check # 3048

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 34, Township 17 South, Range 35 W, in WH County, Kansas, 2575 feet North 5245 feet West of Southeast corner of section. Authorized Rate 140 GPM Authorized Quantity 105 AF Depth of well (feet)
(DWR use only: Computer ID No. 02 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 SE Quarter of the NW Quarter of the SW Quarter of Section 34, Township 17 South, Range 35 W, in WH County, Kansas, 1585 feet North 4470 feet West of Southeast corner of section. Proposed Rate 140 GPM Proposed Quantity 105 AF Proposed well depth (feet) .
 This point is: Additional Well Geo Center List other water rights that will use this point FILE NO. 25117 (stack)

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

7. The changes herein are desired for the following reasons?
 (please be specific) move unused water right to file no. 25117
both water rights cover one active well. this will allow total

downstream and one-half mile upstream from your property lines

combined authority and total combined LEMA allocation

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

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

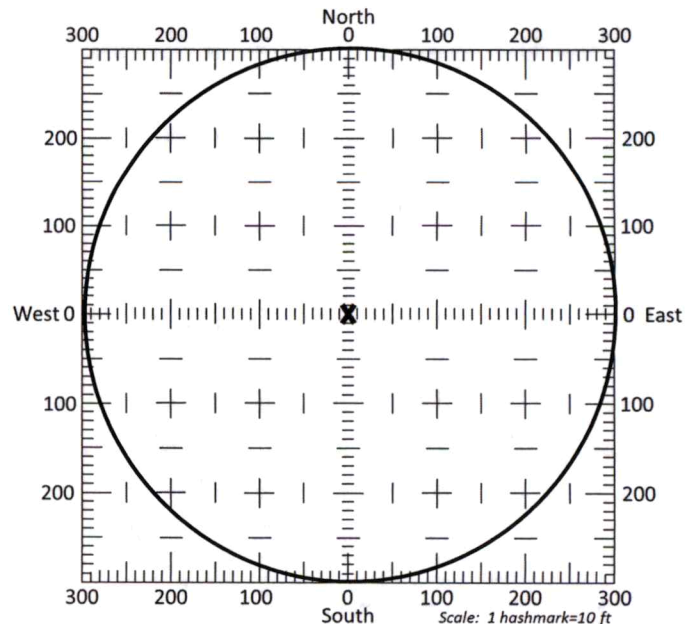
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
cap
 (b) When will this be done?

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by MM/DWR

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

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.)**



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 Garden City, Kansas, this 27th day of August, 20 24.

Steve Bering (Trustee)

 (Owner)

 (Spouse)

Steve Bering

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (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 27th day of August, 20 24.



My Commission Expires _____

Julie Jones

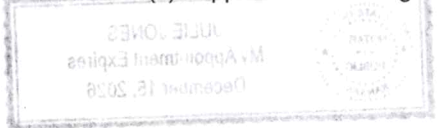
 Notary Public

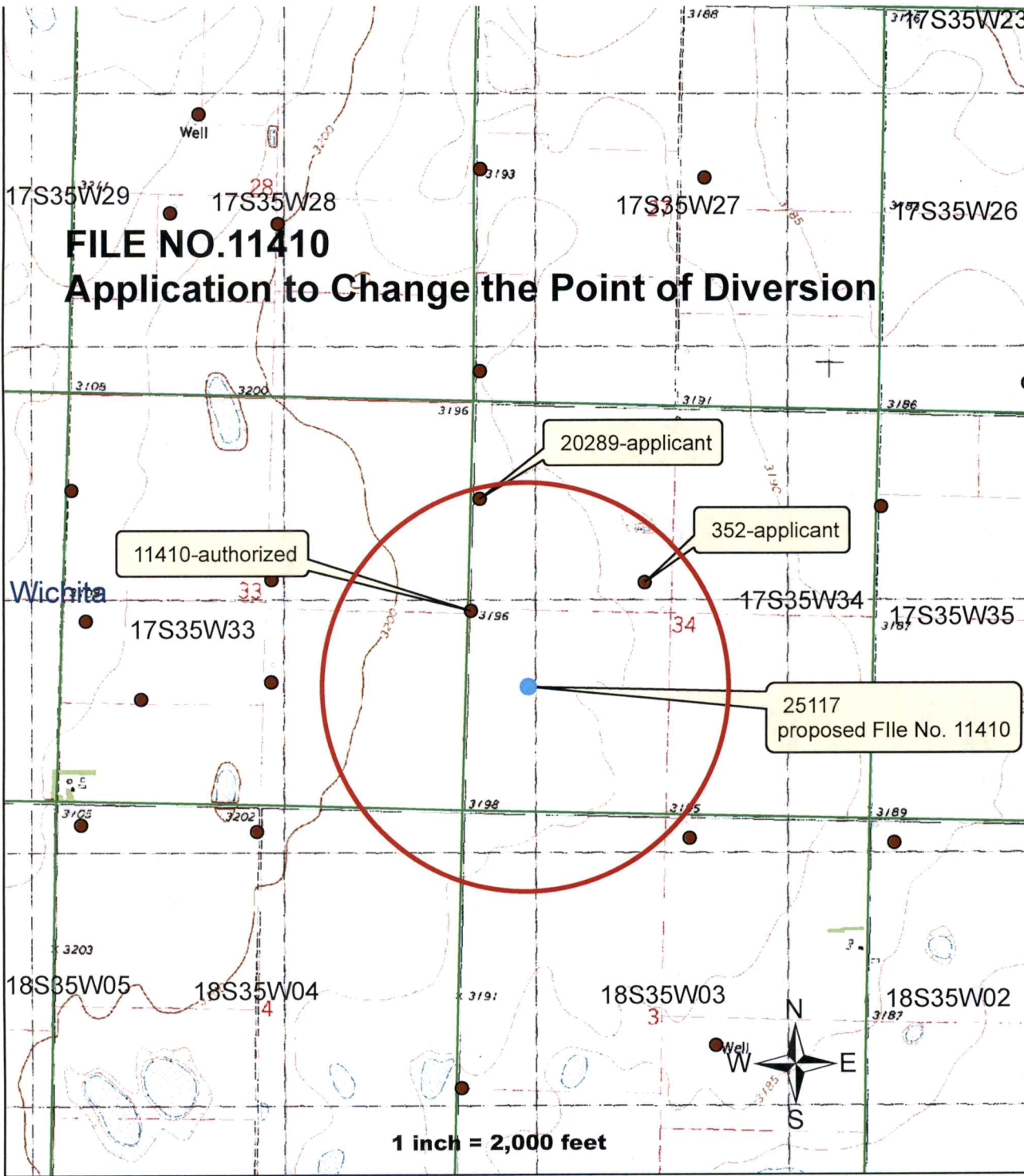
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate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







WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

August 27th, 2024

Garden City Field Office
Division of Water Resources
4532 W. Jones, Suite B
Garden City, KS 67846

Re: Change of Place of Use for Water Right File No. 11410

The Western Kansas Groundwater Management District No. 1 staff has reviewed in detail the Application for a Change of Place of Use for Water Right File Number 11410 to be stacked with Water Right File Number 25117. This proposal meets all the rules and regulations for spacing requirements.

Therefore, the Western Kansas Groundwater Management District No. 1 is offering a letter of recommendation for this proposed change.

If you have any questions or concerns regarding these recommendations, please feel free to reach out to District staff.

Regards,

Katie Durham
District Manager
GMD1

RECEIVED

AUG 27 2024

Garden City Field Office
Division of Water Resources

RECEIVED

AUG 27 2024

Garden City Field Office
Division of Water Resources