Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:				
11410	8-482024	C1	4	1				
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:				
				8/24/2024				
8a. Applicant(s), Landowner New to system □	Person ID 30429 Add Seq#	8c. Landowno		Person IDAdd Seq#				
EDMUND & EVELYN BER TRUST Attn: STEVE BERNING 1093 S BRIDGE ST LAKIN, KS 67860	RNING REV LIVING	i						
8b. Landowner(s) New to system □	Person IDAdd Seq#	New to sy KEVIN 210 N A	BERNING	Person ID 35822 Add Seq# 3-5040				
9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2024 N & P Date to Comply: 3/1/2025 Anti-Reverse Meter Meter Conservation Plan Date Required: Date Approved: Date Approved: Date to Comply:								
10. Use Made of Water From:		To:_						
			Date Prepared: 8/27/2 Date Entered:	024 ву: МАМ ву:				

File No	11410)	11. Count	y: SC	Ва	sin: L	ADD	ER (CRE	EK		S	tream:							Fo	rmation Code: 2	Special Use:	
12. Points of Diversion CHK MOD									F							Rate and Quantity Authorized					dditional		
DEL	PDIV	Qualifier	S	Т	R	ID	ï	'N	ʻW		Com	ment	(AKA	Line)		Rate		Quantit af	ty	Rate gpm		Overlap PD Files	
DEL	26167												\										
ENT	46735	SENWSW	34	178	35W		1	585	447	0						140	1	105		140	105	25117	
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13. Stor	age: Rate			NF	Qua	ntity					ac/ft	A	ddition	al Rat	e				NF	Addi	tional Quantity _		_ ac/ft
Lim	itation:		at/yr	at				gpm (_				cts) Wi	nen co	mbine	ed with	file ni	umber	(S)					
15. 5YR	Allocation	: Allocation	Туре	_ S	tart Yea	r		5 YR	Amou	nt		Amo	unt Ui	nit	_	Base	Acres		_ C	omment _			
16. Pla CHK	ce of Use				NE1/4			NW1/4				SW1/4				SE1/4				Total	Owner Chg	? Overlap Files	
MOD DEL ENT	PUSE	STR	ID	NE		SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE ¼	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4		¥		
CHK :																					- L		
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Base Ad Comme	ores: 160 nts:	Year:	Minimu	ım Rea	asonable	Quan	tity:																

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,

Michael A. Meyer Water Commissione

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.

		•															RI	=CE	IVED
						F	File No	. <u>1141</u>	0								AL	JG 27	2024
1. /	1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Sarden City Field Division of Water Report											Field Office er Resources							
			·	t tale to	Maria a	_			- · · - · ·					-1:4:		الممالة	1		
under the water right which is the subject of this application in accordance with the conditions described below.																			
	The source	e of su	ipply is	S:		\boxtimes G	round	water		\Box	Surfac	e wate	er						
	Name and address of Applicant: <u>STEVE BERNING</u> 1093 BRIDGE ST LAKIN KS 678960									1									
Ī	Phone Nu	mber:	()					Email	addres	ss:								
1	Name and	d addre	ess of	Water	Use C	orresp	onden												
														_					
	Phone Nu								Email	addres	ss:								
	The prese	•																	
(Owner of																		
				ESS: .															
	(If there is	more th	an one	landow	ner, at	tach su	ppleme	ental sh	eets as	neces	sary.)	-				= .			
				NE	1/4			N\	V¹⁄₄ I				V1/4				Ε¼		TOTAL ACRES
Sec	. Twp.	Range	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	NE¼	NW1/4	SW ¹ / ₄	SE1/4	7101120
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	If this app Owner of	Land -	NA	ME:	NO CH	HANGE		, it is p	ropose	ed that	the pla	ace of	use be	chan	ged to	:			
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	For Offic	e Use	Only:	Code		Fe	e \$_ @	100.0	o TR	#		Re	ceipt	Date	3-27	-24	Chec	k#30	148

5.	Presently author	rized point of	diversion:				
	One in the	NW	Quarter of the	NW	Quarter of the	SW	Quarter
			, Township				
1			unty, Kansas, <u>2575</u>				
	Authorized Rate	140 GPM	Authorized Quantity	105 AF	Depth of well	(fee	t)
	(DWR use only:	Computer ID	No. <u>02</u> GF	PS	feet North	feet We	st)
	•	_	☐This point will be chang				
			(Complete only if change				
			Quarter of the				
			, Township				
			unty, Kansas, <u>1585</u>				
			Proposed Quantity _				
L	This point is:	Additional Wel	I ☐ Geo Center List o	other water rig	hts that will use this poin	t <u>FILE NO. 25117</u>	(stack)
г							
6.	Presently author				0 - 1 - 1 - 1 - 1		
			Quarter of the				
	of Section		, Township		South, Range	0 11	(E/W),
	in	Со	unty, Kansas,	feet North _	feet West of	Southeast corne	r of section.
	Authorized Rate	0	Authorized Quantity		Depth of well	(fee	t)
	·	7	No GF				
		-	This point will be chang				
			(Complete only if change				
	of Section		Quarter of the		Quarter of the		Quarter
	in Section	00	, Township unty, Kansas,	foot North	South, Range	Southoost some	(E/VV),
			unty, Kansas, Proposed Quantity _				
			☐ Proposed Quantity _ I ☐ Geo Center List of				· ·
L	This point is.	Taditional VVEI	Geo Celifei Fist (other water ny	nto that will use this poin		<u>`</u>
7.			I for the following reasor		nstream and one-half mi	le upstream from	your property
	(please be specific	c) move unused	l water right	lines			
	to file no. 25117		ive well. this will allow to	ntal .			
	DOLLI WALE! HYTILS	cover one act	ive well. this will allow to	300		100 200	300
	combined authorit	y and total com	bined LEMA allocation	E		mhardanianian	ПШЩ
0	If a well is the to-	المساعدة المام	20d0 D.V		-/- =	- /-	=
8.	ir a well, is the test	i noie log attach	ned? 🗌 Yes 🛛 No	200	-141+=	+++	1===200
9.	The change(s) (wa	as)(will be) com	pleted by?		_/_ =		_
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				100			1 1
10.	If the point of diver	rsion is a well:		#			1
	(a) What are you	going to do wit	h the old well?	West 0	mpantantantan 🛣	ախախախախ	I I I I I I I I I I I I I I I I I I I
	000			1			4
	cap			100	1 + 1 + 1 =	1 + 1 +	1 100
	(b) When will this	be done?		100	\\\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	1 T T	1
				E			/ 🖥
11.	the same of the sa		t recommendation attache	ed? 200	-14 1 + 1 =	+++	200
	×Ω	es 🔀 No	•			- /-	4
12	Assisted by MM/D	WR		6			قسلا
12.	, tooleted by IVIIVI/D	* *1.		300	0 200 100 0 Sout	100 200 h Scale: 1 hashma	300 rk=10 ft
13a			vill be relocated more than	300	3040		

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 on the diagram shown above in relation to the existing point of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of 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.)

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

14.	If th	ne proposed groundwater point of diversion is 300 or fe	wer feet from	m the existing point o	f diversion, comple	te the following:
	(a)	Does the undersigned represent all owners of the currence Yes No (If no, all owners must sign			identified in this ap	plication?
	(b)	Will the ownership interest of any owner of the curre affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign			dentified in this ap	plication be adversely
	(c)	If this application is not approved expeditiously, will th ☐ Yes ☐ No (If no, all owners must sign			pperty, public health	n or safety?
or a	cha	oplication proposes a surface water change in point of cange in place of use, the application must be signed by attach notarized statement authorizing representation).	diversion, a all owners	groundwater change of the currently autho	in point of diversion rized place of use,	n greater than 300 feet or their duly authorized
age the	an ir b	by verify, being first duly sworn upon my oath ad the owner, the spouse of the owner, or a du ehalf, in regards to the water right(s) to which ned in this application are true, correct and co	ly authoriz h this app	zed agent of the o lication pertains.	wner(s) to make I further verify	this application on that the statements
Date	ed a	it Darden City, Ka	ansas, this _	27 day of	August	, 20 24.
(3	ned in this application are true, correct and continuity. Karden City, Kartee)			, (,)	
	5+	(Owner)	-	- 1	(Spouse)	. '
_	1	(Please Print)			(Please Print)	(
-		(Owner)			(Spouse)	1.16 %
_		(Please Print)	_ ,	72	(Please Print)	,
		(Owner)	, .		(Spouse)	
		(Please Print)			(Please Print)	
Stat		of Amous) SS				5 W
		1	igned in n	ny presence and s	worn to before	me this $\frac{27}{100}$ day
Му	Con	JULIE JONES My Appointment Expi Puedo December 15, 2020	100	X	Notary Public	<u></u>
accı	ırate	OMPLETE APPLICATIONS WILL BE PROCESSED. To be of information; maps, if necessary, must be included; signatures opriate fee must be paid.	complete, all o	of the applicable portions propriate owners' must	s of the application fo be affixed to the appl	rm must be completed wit ication and notarized; and
Eac	h ar		s Departme t or less an 300 feet	r this section shall be ent of Agriculture		
	ı Exp	Outres Appointment 16 Oncomber 16				

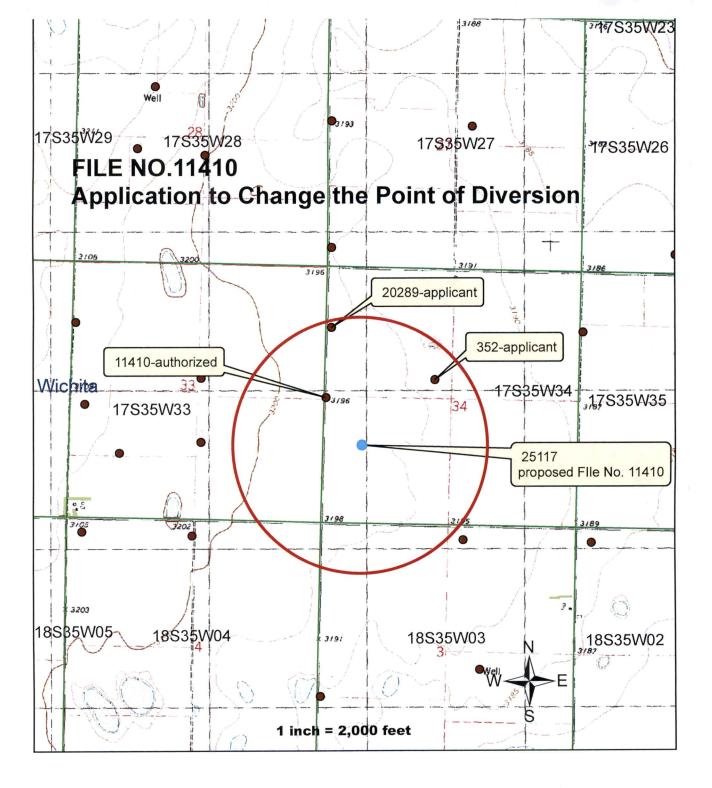
Page 3

DWR 1-121 (Revised 09/11/2019)

File No. <u>11410</u>

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

prov Wit	visions of the Kansas Water Appropriation Law, K.S.A. 82a-	98b, as amended, and K.A.R. 5-5-1, <i>et seq.</i> and other applicable 1701 et. seq., and rules and regulations promulgated thereunder, n, this Summary Order does not change the terms, conditions and
1.	A change application was received on	2024 requesting that the place of use and / or point of ber be changed as described in the application.
2.	On and after the effective date of this summary order, the author to the topographic map accompanying the application to characteristics.	thorized place(s) of use shall be located substantially as shown on ange the place of use. Applicable Thorizontally as shown on the place of use.
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	nts and shall be limited to the same source or sources of water as by this summary order shall be located within a foot le Not Applicable
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accurately described using the Global . Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.	be located more than feet from the previously ot Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a wor other device suitable for making water level measureme K.A.R. 5-6-13. Applicable	well with a diversion rate of 100 gallons per minute or more, a tube ents shall be installed, operated and maintained in accordance with
7.	December 31, 20_2 \(\frac{7}{2} \), or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, through 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of watering the end of each calendar year.
8.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 25 the works for diversion has been completed, on the form proving Applicable Not Applicable	completed on or before December 31, 20 29, or within any applicant shall notify the Chief Engineer that construction of the ided by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requ	ired notice. ☐ Applicable
10.	with an in-line, automatic, quick-closing check valve capa	foreign substance will be injected into the water shall be equipped ble of preventing pollution of the source of the water supply. The in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11.	Additional Conditions are attached.	
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations promu	A.R. 5-5-14, all of the owners of the authorized place(s) of use of oper are responsible for compliance with its terms, conditions and nmary Order, and with applicable provisions of the <i>Kansas Water</i> algated thereunder. Failure to comply with these provisions may needed, and/or the suspension or revocation and dismissal of the ons authorized by law.
4	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
If yo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND SUMMARY ORDER ISSUED
	may request an evidentiary hearing before the Chief ineer or request administrative review by the Secretary of	SUMMARY ORDER ISSUED
Agr	iculture. A request for hearing by the Chief Engineer must be	By: Africal Alley
adn	I within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized Designer of the Chief Engineer
	s pursuant to K.S.A. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name): MCHAECA MEVER Division of Water Resources - Kansas Department of Agriculture
File	any request with Kansas Department of Agriculture, al Division, 1320 Research Park Drive, Manhattan, KS	Date of Issuance: August 28, 2024
665	02. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	State of Kansas
pred	For Use by Register of Deeds	Sounds of SA.) SS
	, v	Acknowledged before me on August 28 2024
		by Michael A: Meyer
		Signature: Notary Public
		My commission expires: My Appointment Expires Notary Seat 15 2028





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

Mate Delan

GMD1

RECEIVED

AUG 27 2024

Garden City Field Office Divison of Water Resources

AUG 27 2024

Garden City Field Office
Divison of Water Resources