

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. 28645

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 4:15 pm
 OCT 28 2020
 Stafford 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: Joseph H. Bergkamp

2004 S. Willow Lake Rd., Halstead, KS 67056

Phone Number: (620) 463-2242

Email address: jimmajberg@gmail.com

Name and address of Water Use Correspondent: Joseph H. & Joann A. Bergkamp

2004 S. Willow Lake Rd., Halstead, KS 67056

Phone Number: (620) 463-2242

Email address: jimmajberg@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Joseph H. & Joann A. Bergkamp Trust

ADDRESS: 2004 S. Willow Lake Rd., Halstead, KS 67056

(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	
30	24S	2W					32.75	32.75	32.75	32.75									131

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	

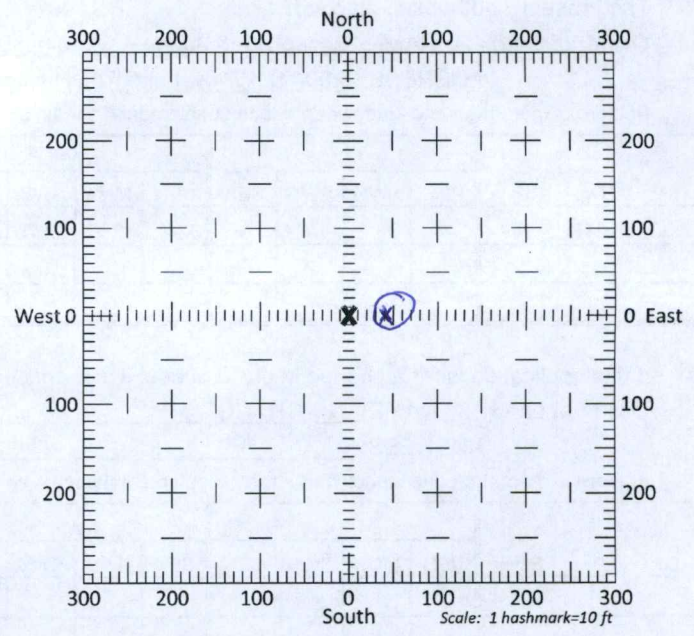
For Office Use Only: Code _____ Fee \$ 100 TR # _____ Receipt Date _____ Check # 11042

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ NC-NW Quarter
 of Section 30, Township 24 South, Range 2W (E/W)
 in Harvey County, Kansas, 3930 feet North 3850 feet West of Southeast corner of section.
 Authorized Rate 765 GPM Authorized Quantity 197 AF Depth of well 84 (feet)
 (DWR use only: Computer ID No. 01 GPS 3938 feet North 3944 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 _____ NC-NW Quarter
 of Section 30, Township 24 South, Range 2W (E/W)
 in Harvey County, Kansas, 3938 feet North 3902 feet West of Southeast corner of section.
 Proposed Rate 765 GPM Proposed Quantity 197 AF Proposed well depth (feet) ~128
 This point is: Additional Well Geo Center List other water rights that will use this point _____

*Perfile. EXH DWR
10/28/2020*

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 well 42' East. Existing well screens are plugged.
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?
Plug it
 (b) When will this be done? 30 days after new well drilled
11. Groundwater Management District recommendation attached? Yes No
12. Assisted by T. Boese, GMD2
- 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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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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.)

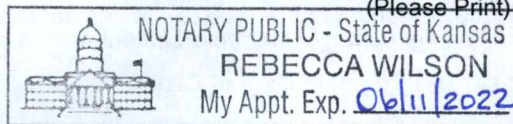
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 Halstead, Kansas, this 23rd day of October, 2020.

<p><u>Joseph H Bergkamp</u> (Owner)</p> <p>_____ (Spouse)</p> <p>Joseph H. Bergkamp (Please Print)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p>
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State of Kansas }
County of HARVEY } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of OCTOBER, 2020.

Rebecca Wilson
Notary Public

My Commission Expires 06/11/2022

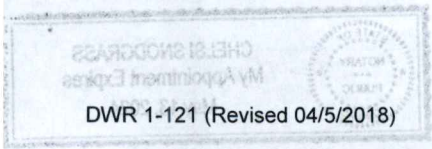
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate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

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 28645.

1. A change application was received on October 28 2020 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 50 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 92 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, 2021**, 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, 2021**, or within any authorized extension of time. By March 1, 2022 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

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Jeff Lanterman
Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lanterman
Division of Water Resources - Kansas Department of Agriculture

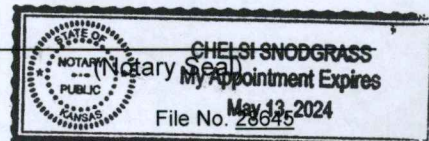
Date of Issuance: 10/29/2020

State of Kansas)
County of Stafford) SS

Acknowledged before me on 10/29/2020
by Chelsi Snodgrass

Signature: Chelsi Snodgrass
Notary Public

My commission expires: _____



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OCT 28 2020

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

Oct 29, 2020

Joseph H & Joann A Bergkamp
2004 S Willow Lake RD
Halstead, KS 67056

Re: Water Right, File No(s). 28645

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

Any 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.
2

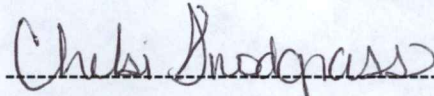
CERTIFICATE OF SERVICE

On this **29** day of **October, 2020**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **28645**, dated **October 29, 2020** was mailed via First Class U.S. mail to the following:

Joseph H. Bergkamp
2004 S Willow Lake RD
Halstead, KS 67056

A copy of the letter was sent to the following:

GMD 2



Staff

DARLING DRILLING COMPANY

3916 W. 56th Avenue
Hutchinson, KS 67502

DRILLER'S LOG

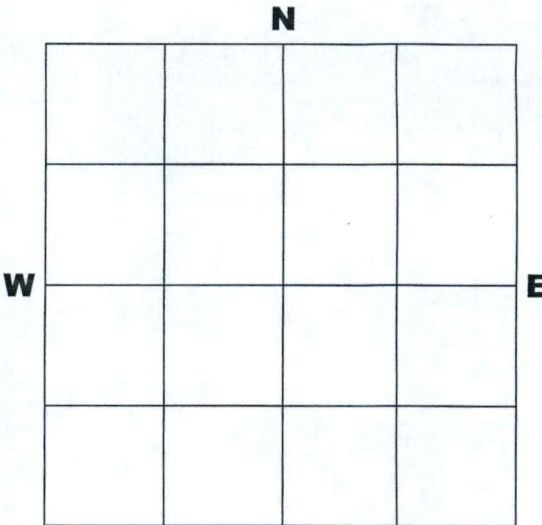
Name JOE BERGILAMP Date 10-22-2020

Address Test No

County HARVEY Quarter NW Section 30 Twp. 24S Range 2W

Latitude 37.93779 Longitude 097.58743 Elevation

Table with 3 columns: Drilled Footage (From, To), and Description of Strata. Contains handwritten entries such as 'TOP', 'BROWN CLAY', 'MED SAND', 'TAN CLAY SOFT', 'MED-FINE SAND', 'GRAY CLAY SORT', 'MED SAND w/ Pieces of TAN CLAY', 'MED SAND-TAN CLAY MIX 20/30', 'MED SANDS w/ Pieces of BLUESH GRAY CLAY', and 'DARK BROWN CLAY'.



Static Water Level:
Depth of Well:
Type & Size of Casing:
Plain: FT. to FT.
Perf: FT. to FT.
Gravel Pack Intervals: To:
Hole Plug: To:
of Sacks:
Contamination:
Direction from Well:
Casing above Surface:
Bore Hole: 7"
Extra Cap: Yes No
Centralizers:

Remarks: NAD 83
OLD WELL
37.93780
097.58750
42A ADAPT

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Equus Beds Groundwater Management District No. 2 Abandoned Well Plugging Agreement

I, Joseph H. Bergkamp, the undersigned and owner of an abandoned water well understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.

The abandoned water well is located , , NC-NW, Section 30, Township 24 South, Range 2W West, Harvey County which is approximately 3938 feet north and 3944 feet west of the apparent Southeast section corner. Total well depth is 84 feet and the diameter of the well is 16 inches. Current depth to static water level in the well is ~20 feet below land surface. The well was previously authorized by water permit no. 28645.

I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:

1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.
2. The above described well will be plugged: a) by _____, _____, or (b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.
3. A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC-5P form will be furnished to the District within the same period of time.
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.
5. Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207.

Dated this 23rd day of October, 2020 at Halstead

Signature Joseph H Bergkamp

Address 2004 S. Willow Lake Rd..

City, State, Zip Code Halstead, KS 67056

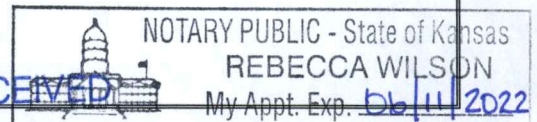
Telephone 620-463-2242

State of Kansas County of HARVEY

Subscribed and affirmed to before me this 23rd day of OCTOBER, 2020,

by Rebecca Wilson
(Notary Public)

My Commission Expires 06/11/2022



INPUTS	
Target Section Definition	
Section	30
Township	24
Range	2
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-97.587512 NAD83
Target Latitude	37.937751

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Longitude changed

Latitude changed

#28645 irrigation well

UTM - NAD83

4199849

624120.5

10/19/2020

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92690654	-97.59208822
NW	37.94137153	-97.59207297
NE	37.94144864	-97.57415849
SE	37.92693756	-97.57383881
Degrees Longitude per Foot		3.46705984E-06
Degrees Latitude per Foot		2.74612582E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3949	-1320
NW	-1318	-1316
NE	-1346	3852
SE	3938	3944

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92689500	-97.59176600
NW	37.94136000	-97.59175100
NE	37.94143700	-97.57383700
SE	37.92692600	-97.57351700
Degrees Longitude per Foot		3.46705929E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3953	-1227
NW	-1314	-1223
NE	-1342	3944
SE	3942	4037

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00001154	-0.00032222
NW	0.00001153	-0.00032197
NE	0.00001164	-0.00032149
SE	0.00001156	-0.00032181

Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-4.40426069	-92.93734418
NW	-4.13149649	-92.86523765
NE	-4.17012033	-92.72760147
SE	-4.41096692	-92.81991316

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Stafford Field Office
Division of Water Resources

INPUTS	
Target Section Definition	
Section	30
Township	24
Range	2
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-97.587190 NAD27
Target Latitude	37.937740

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Longitude changed

Latitude changed

#28645 irrigation well

UTM - NAD27

4199643

624152

10/19/2020

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92690654	-97.59208822
NW	37.94137153	-97.59207297
NE	37.94144864	-97.57415849
SE	37.92693756	-97.57383881
Degrees Longitude per Foot		3.46705984E-06
Degrees Latitude per Foot		2.74612582E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3945	-1413
NW	-1322	-1408
NE	-1350	3759
SE	3934	3851

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92689500	-97.59176600
NW	37.94136000	-97.59175100
NE	37.94143700	-97.57383700
SE	37.92692600	-97.57351700
Degrees Longitude per Foot		3.46705929E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3949	-1320
NW	-1318	-1316
NE	-1346	3851
SE	3938	3944

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00001154	-0.00032222
NW	0.00001153	-0.00032197
NE	0.00001164	-0.00032149
SE	0.00001156	-0.00032181

Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-4.40405604	-92.93732963
NW	-4.13129183	-92.86522310
NE	-4.16991567	-92.72758692
SE	-4.41076227	-92.81989860

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OCT 28 2020

Stafford Field Office
Division of Water Resources