

File No. 20219027	15. Formation Code: 180	Drainage Basin: COW CREEK	County: RC	Special Use: NO	Stream: NA																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT </td> <td style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity mgy Rate gpm Quantity mgy Overlap PD Files </td> </tr> <tr> <td style="text-align: center;"> Qualifier S T R ID 'N 'W </td> <td></td> </tr> <tr> <td> DEL 88767 NCW$\frac{1}{2}$SW$\frac{1}{4}$SE$\frac{1}{4}$ 9 21 8W 5 560 590 2200 </td> <td style="text-align: center;"> 800 47.25 800 47.25 6979 IND 20219043 </td> </tr> <tr> <td colspan="2">COMMENT GEO CTR – GW PIT</td> </tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"> </td></tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT	17. Rate and Quantity Authorized Additional Rate gpm Quantity mgy Rate gpm Quantity mgy Overlap PD Files	Qualifier S T R ID 'N 'W		DEL 88767 NCW$\frac{1}{2}$SW$\frac{1}{4}$SE$\frac{1}{4}$ 9 21 8W 5 560 590 2200	800 47.25 800 47.25 6979 IND 20219043	COMMENT GEO CTR – GW PIT									
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COMMENT GEO CTR – GW PIT																					
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. 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) _____																					
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE$\frac{1}{4}$ NW$\frac{1}{4}$ SW$\frac{1}{4}$ SE$\frac{1}{4}$				Total	Owner	Chg? YES	Overlap Files												
PUSE S T R ID	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$																
DEL 70370 9 21 8W 5	21 A S&G GW PIT (NC W/2 SW SE) K14 HWY CONSTRUCTION					7b Y	6979 IND 20219043														

Comments: **This term permit is being dismissed and replace by File No. 20219043**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 2, 2021

FROM: Leslie Ireland

RE: Application for Term Permit
File No. 20219027

On April 19, 2021, an application was filed by Rick Thome on behalf of Bob Bergkamp Construction Co Inc. for the operation of a hydrologic dredge at a rate of 800 gallons per minute for the diversion of 47.25 acre-feet of water per year at a groundwater pit located in the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 9, Township 21 South, Range 8 West, Rice County, Kansas.

It was determined the rate and quantity were insufficient for the operation of a dredge and a replacement application under File No. 20219043 was filed, and a voluntary request to dismiss the referenced file was received on May 19, 2021.

Based on the above discussion it is recommended that the application filed on April 19, 2021, be dismissed. A Findings and Order has been prepared to dismiss the application and should be processed with the replacement application under File No. 20219043.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

6/9/2021
KJN

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF APPLICATION
FILE NO. 20219027

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on April 19, 2021, the Chief Engineer received an application for Term Permit filed by Bob Bergkamp Construction Co., Inc., to appropriate groundwater for beneficial use and was assigned File No. 20219027, for a Term Permit, proposing the appropriation of 47.25 acre-feet of groundwater per year, at a maximum diversion rate of 800 gallons per minute for industrial use.
2. That a request for Voluntary Dismissal of an Application for Permit to Appropriate Water for Application, File No. 20219027 was received in the office of the Chief Engineer on May 19, 2021, from Rick Thome, authorized representative for Bob Bergkamp Construction Co., Inc.
3. That the application should be dismissed, and its priority forfeited as requested by applicant.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with law, Application, File No. 20219027, is herewith dismissed and the priority assigned to it is considered to be forfeited.

Ordered this 9 day of June, 2021, in Manhattan, Riley County, Kansas.

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

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 9 day of June, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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 11, 2021

BOB BERGKAMP CONSTRUCTION CO INC
RICK THOME
3709 S WEST ST
WICHITA, KS 67217-3803

RE: Application for Appropriation,
File No. 20219027

Dear Mr. Thome:

Your request for *Voluntary Dismissal of a Water Right or Permit & Waiver of Hearing*, received in our office on May 19, 2021, has been processed. Enclosed is the findings and order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Term Permit Application, File No. 20219027, as requested.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

If you have any questions, please contact our office at (785) 564-6640 or Jeff Lanterman, Water Commissioner of the Stafford Field Office at (620) 234-5311. If you wish to discuss a specific file, please reference the file number listed herein so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:li

Enclosures

pc: Stafford Field Office
Big Bend GMD No. 5

RIGHT TO PETITION ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901(c), 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 review 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, Kansas 66502, FAX 785-564-6777.

If no 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 administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 16 day of June, 2021, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of Application, File No. 20219027, dated, 9 June 2021 was mailed postage prepaid, first class, US mail to the following:

BOB BERGKAMP CONSTRUCTION CO INC
RICH THOME
3709 S WEST ST
WICHITA, KS 67217-3803

With photocopies to:

Stafford Field Office

Big Bend GMD No. 5


Division of Water Resources