FINDINGS & ORDER

Kansas Department of Agriculture
Division of Water Resources
CLOSURE OF NEW APPLICATION WORKSHEET

1. File Number:	20219027		2. Status ( 6/9/2	Change Date: 021	3. Field Office: <b>02</b>		4. GMD:	05
5. Status:		Denied by D	WR/GMD	🛛 Dis	miss by Request			
6. Enclosures:	Check Valve	□ N of C Form	🗌 Wa	ater Tube	Driller Copy	<u> </u>	<i>l</i> leter	
7a. Applicant(s) New to syste		Person ID Add Seq#	9370	7c. Landown New to sy			Person ID Add Seq#	
ATTN RI 3709 S W	RGKAMP CONS <sup>-</sup> CK THOME /EST ST ., KS 67217-3803		O INC					
7b. Landowner( New to syste	s) :m 🗌	Person ID 258 Add Seq#	90	7d. Misc. New to sy	/stem 🗌		Person ID Add Seq#	
ELLEN P 3300 SW	EVANS TRUST EVANS SKYLINE DR W , KS 66614							
8. WUR Corres New to syste	em 🔲	Person ID Add Seq#		9. Use of Wat	ter: Changing?		∕es ⊠ Surface Wate	No
Overlap File Agree 🏾 Ye		Notarized WUC	Form				DEW	
				🗆 ѕтк	SED		DOM	
				🖾 HYD DRG	U WTR PWR		ART RECHR	
					□	OTHE	R:	
10. Completion D	Pate:	11. Perfe	ection Date:		12. E	kp Date	:	
13. Conservation	Plan Required? 🗌 Ye	s 🛛 No Date Requ	uired:	Date Ap	oproved:	_ Date	e to Comply:	
14. Water Level N	Measuring Device? 🗌	Yes 🛛 No Date	e to Comply:	:	Date WLMD	Installe	:d:	
6/9/2021 KJN					Date Prepared: <b>6/3</b> Date Entered:		By: <b>LI</b> 202189: ody	

File No.	202190	)27		15. For	mation	tion Code: <b>180</b> Drainage Basin: <b>COW CREEK</b>						К	County: <b>RC</b> Special U					Jse: NO Stream: NA									
16. Points of Diversion T MOD															17. Rate and Quantity Authorized							Additional					
DEL ENT	PDIV		Qualit	ïer	S	-	г	R		ID	1'	N		ʻW			ate pm			antity ngy		Rate gpm		Qua mį		ap PD Files	
DEL	88767	NCV	V½S\	N¹∕₄SE	1⁄4 9	2	1	8W	;	5	56 5 <del>9</del>		2	200		8	00		4	7.25		800		47		979 IND 20219043	
СОМ	COMMENT GEO CTR – GW PIT																										
18. Stora	age: Rate				NF	:	Qua	antity _					ac/f	t	Additic	onal R	ate				1	NF Ad	ditional	Quanti	ity	;	ac/ft
	ation:				f/yr at									- /							ONE						
	Limitation:																										
21. Plac T	e of Use						NE	1⁄4			NV	<b>V</b> ¼			sv	SW1/4 SE1/4			Total	Owner		Chg? YES	Overlap File	:S			
MOD DEL ENT	PUSE S	S .	TR	ID		NE 1⁄4	NW 1⁄4	SW ¼	SE ¼	NE 1⁄4	NW 1⁄4	SW 1⁄4	SE 1⁄4	NE 1⁄4	NW 1⁄4	SW ¼	SE 1⁄4	NE ¼	NW 1⁄4	SW ¼	SE 1⁄4						
DEL 7	0370 9	2	1 8V	<b>V</b> 5						-21	A S8	k <del>C C</del>	W PI	<del>T (N</del>		2 SN	<del>/ SE)</del>	-K14	нwү с	ONSTR	UCTIO		76 7A	Y		6979 IND 20219043	
Commer	nts: <b>This</b> 1	term	perr	nit is	bein	g di	smi	ssed	l and	d rep	blace	e by	File	No.	2021	1904	3										

#### KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### <u>M E M O R A N D U M</u>

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 ( $W_2^{1}$  SE<sup>1</sup>/<sub>4</sub>) 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.

Redie Ireland

Leslie Ireland Environmental Scientist Water Appropriation Program



	VOLUNTARY DISMISSA WATER RIGHT OR PE <u>&amp; WAIVER OF HEAF</u>	ERMIT	
To:	Chief Engineer Kansas Department of Agriculture Division of Water Resources 1320 Research Park Drive Manhattan, Kansas 66502	Re: File No	Appropriation of Water
voluntarily	signed owner(s) and/or authorized agent(s) of the abov request that the file be dismissed and its priority forfeite lerstanding and agreement that I/we am relinquishing a	ed. By si	gning this waiver, I/we am indicating
	ure(s) below represent all present owners (or an authoriz licate copies of this document as necessary).	zed ager	t) for the file number(s) shown above
regarding t	ure(s) below also indicate(s) a waiver of any right to a h he dismissal and termination of the above referenced fi d to the Division of Water Resources, it will terminate this ver.	ile. I/we	recognize that if this closure request
Check the t	following if applicable:		
Process	ing dismissal is contingent upon approval of:	N	Observe Application at a include File N
U I wish to	retain the point(s) of diversion for domestic use (water		Change Application, etc., include File No.

5/19/2021

\_

Rick Thomas	
NOCK TVUN	
Signature of Owner or Authorized Agent Signature of Spouse or Title of Authorized Agent	_
Rick Thome - Bob Bergkamp Construction Co Inc	
Print Name Print Name	-
3709 S West Street	
Address Address	_3
Wichita KS 67217	
City, State, Zip City, State, Zip	_
State of Kansas County of <u>Sedgw.ck</u> ) I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this <u>1</u> day of <u>M4-1</u> , 20 <u>21</u> . My Commission Expires: 01-04-2025 BRIAN BLUE Notary Public BRIAN BLUE Notary Public DWR 1-205.9 (Revised 11/23/2020)	<u>8 ×</u>



**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 *Q* day of , 2021, in Manhattan, Riley County, Kansas.

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

State of Kansas County of Riley

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The foregoing instrument was acknowledged before me this  $\mathcal{A}$  day of  $\mathcal{T}$ . 2021. by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources. Kansas Department of Agriculture.



1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov

Mike Beam, Secretary



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

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,

KristendBaum

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 11 day of 5000, 2021, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of Application, File No. 20219027, dated, 35000 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