

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
 Division of Water Resources  
 Kansas Department of Agriculture  
 1320 Research Park Drive  
 Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

**APPLICATION FOR TERM PERMIT**

GROUNDWATER  
 SURFACE WATER  
 (check one)

WATER RESOURCES RECEIVED

APR 28 2021

9:34



State of Kansas

**STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION**  
 (Make check payable to the Kansas Department of Agriculture)

20219033

1. Applicant: (Please print or type)  
 Name Bob Bergkamp Construction Co., Inc.  
 Street 3709 S. West Street  
 City and State Wichita KS  
 Zip Code 67217 Telephone No. (316) 522-3471  
 E-Mail Address rthome@bergkampconstruction.com  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. 48-0796660

2. Location of Point of Diversion:  
 Sec. 24, Twp. 22S, Rng. 07W,  
Reno County, Kansas.  
 Distance from Southeast Corner of Section:  
785 feet North from Southeast Corner  
525 feet West from Southeast Corner  
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:  
 Proposed Max. Pumping Rate (gpm) 800  
 Amount Requested (acre-feet) 265 total for 2-year period  
2021/2022 = 133 AF average per calendar year  
 Depth of Well (feet) Groundwater Pit  
 Date (completed) (will be completed) June 23, 2023  
 Drainage Basin Cow Creek  
 Name of Stream NA

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
K14 Highway – Dredge pit for fill material  
Dredge will be active approximately 7 months total

5. Location of place of use:  
S24 T22S R07W 785N 525W

6. Period of use:  
 Commencing date: June 1, 2021  
 Ending Date: June 23, 2023 Also enter on Item 12

If off-stream pit, check here X.  
 Will pit floor intersect water table? Yes  No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:  
See attached quadrangle map

**FEE SCHEDULE**

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

plus \$20 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

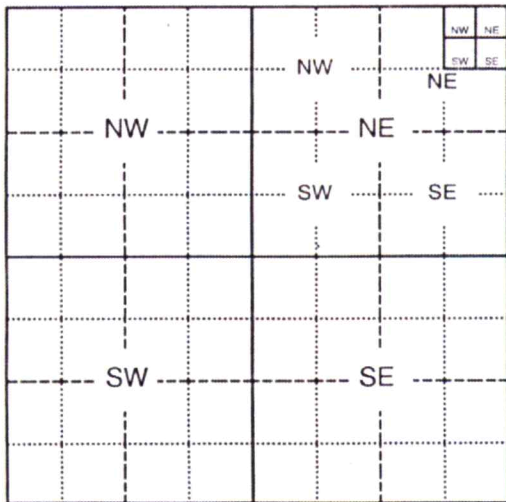
NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.

4. There is a separate application form for domestic use. Do not use this form for domestic use.

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons  
 1 million gallons equal 3.07 acre-feet



Assisted by Tim Boese GMD2

For Office Use Only: F.O. 2 GMD 2 Meets K.A.R. 5-3-1  (YES / NO) Use HYD Source  G / S County RN By BMM Date 4/28/21  
 Code TR2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 4-28-21 Check # 11862

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): See following list  
Address: \_\_\_\_\_

Well B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

Tract B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

10. The owner of the point of diversion, if other than the applicant is (please print):

Richard J Schuller 5907 N Dean Rd, Nickerson KS 67561 620-921-5822  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2021.

Rick Thome  
Applicant's Signature **RICK THOME**

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on June 23, 2023 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Loren Schroeder Telephone No. (316) 213-2311

\_\_\_\_\_  
Signature of Applicant or Rick Thome Authorized Representative 4/26/2021 Date

\_\_\_\_\_  
Applicant's Name Printed Rick Thome - Agent Title

**DO NOT WRITE BELOW THIS LINE**

**CONDITIONS OF APPROVAL:**

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

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KS DEPT OF AGRICULTURE



NEW APPLICATION S24 T22S R07W RENO COUNTY

Domestic Well 1

Eric Wade Richardson  
7012 W Nickerson Blvd  
Nickerson KS 67561

Domestic Well 2

Jeremy C Truitt and Aimee A Riddle  
7106 W Nickerson Blvd  
Nickerson KS 67561

Domestic Well 3

Bernadine M Stroberg Trust  
5000 N Hendrix  
Hutchinson KS 67502-9676

Domestic Well 4

Sharon Haflinger  
6903 W 56th Ave  
Nickerson KS 67561-9199

Domestic Well 5

Charles R Graham Jr and Elizabeth Ann Graham  
5401 N Dean Rd  
Nickerson KS 67561-9243

Domestic Well 6

Darin K Schartz and Lindsay R Schartz  
926 E 8th Ave  
Hutchinson KS 67501-2516

Domestic Well 7

Matthew Mark Harris and Dana Ann Harris  
6210 N Dean Rd  
Nickerson KS 67561-9094

Domestic Well 8

Dean L Palmquist and Kathryn J Palmquist  
6310 N Dean Rd  
Hutchinson KS 67502

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KS DEPT OF AGRICULTURE



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

NOTICE OF INTENT TO OPEN OR EXPAND A SAND AND GRAVEL PIT OPERATION
(In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto)

File No. \_\_\_\_\_ (Office Use Only)

1. Operator Name (Please Print) Bob Bergkamp Construction Co., Inc.

Address 3709 S West Street

Wichita KS 67217

Telephone (316) 522-3471

- 2. Please designate the legal description of the pit. 24 acres in the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 24, Township 22 South, Range 07 W, RENO County, Kansas.
3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit, and attach it to the Notice of Intent.
4. What year did, or will, the excavation of the pit begin? 2021
5. Indicate the proposed final size of the pit in acres. 24 acres.
6. Estimate the year the pit will be completed? 2023
7. By what method will the pit be excavated? Hydraulic X Mechanical Other
8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes No X. If yes, please specify the type of diversion and use to be made of the water.
9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.

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10. Please specify the measures you plan to use to protect groundwater from pollution, such as berms or vegetative strips. Temporary – silt fence and berms.

Permanent – Seeded berms and seeded slopes

11. Please complete the following table showing the estimated pit size at the end of each of the next five years.

Size of the Pit	Projected Pit Size in Acres
Current size of pit	
Year 1	24
Year 2	24
Year 3	24
Year 4	24
Year 5	24

12. Owner's Name (Please Print) Richard J Schuller

Address 5907 N Dean Rd

Nickerson KS 67561

Telephone (620) 921-5822

13. \* Please attach any additional information you believe will assist the Division in understanding the nature of your proposed pit or the expansion of your existing pit.

Rick Thome  
Name (Please Print)

4/26/2021  
Date

Rick Thome  
Signature

Agent  
Title/Relationship to Owner

\*Hydraulic excavation will be for borrow fill material for K14 Highway Project. Project completion is June 23, 2023. Request is to keep the pit active through the completion date. Actual excavation will last approximately 7 months. The end result will be a permanent groundwater pit Permitted for recreational use.

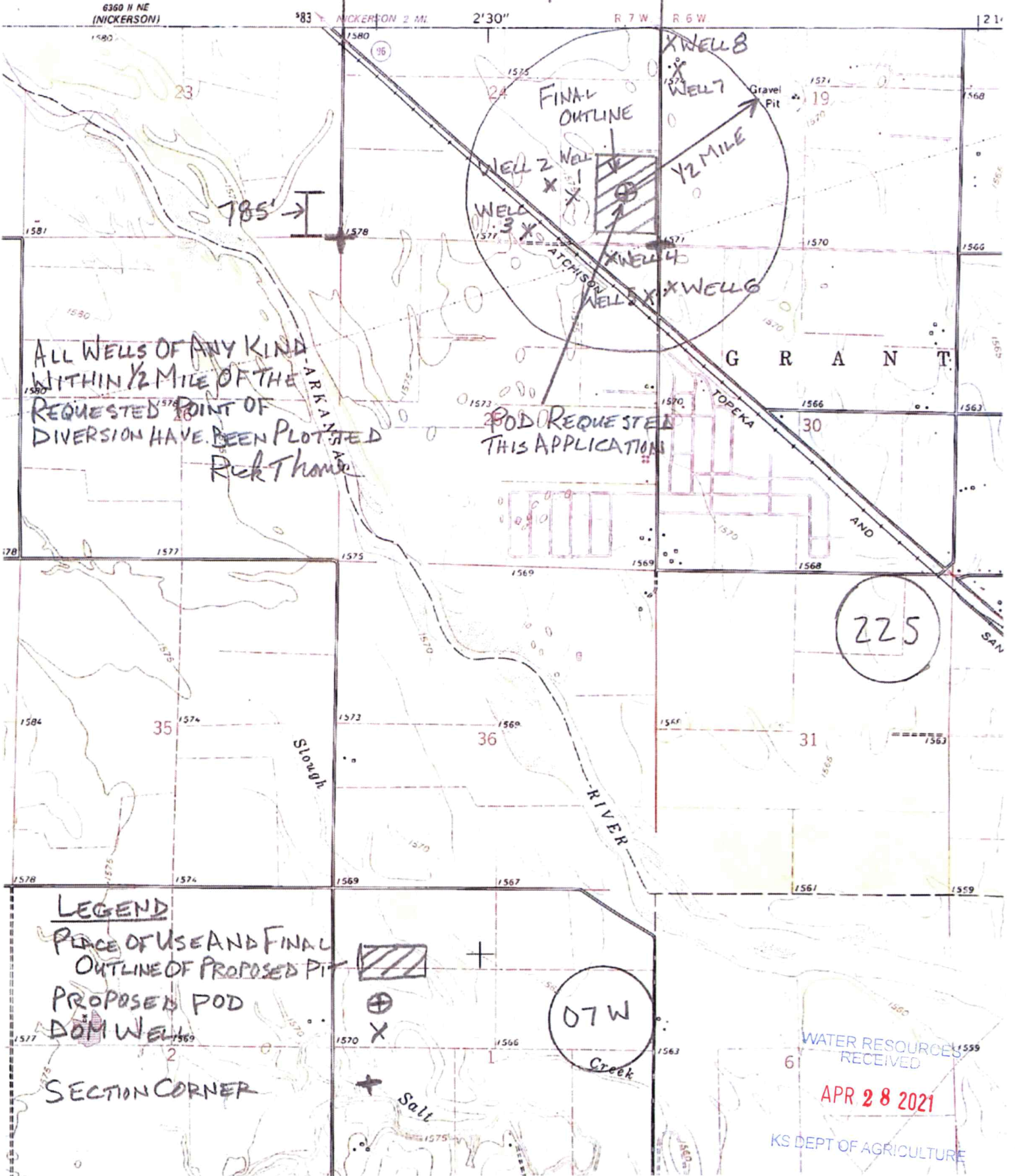
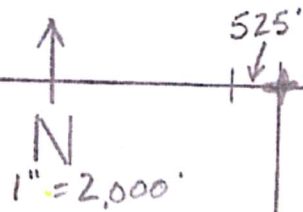
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KS DEPT OF AGRICULTURE

NEW APPLICATION  
STATE OF KANSAS

YAGGY  
KANSAS  
7.5. MINUTE S



ALL WELLS OF ANY KIND  
WITHIN 1/2 MILE OF THE  
REQUESTED POINT OF  
DIVERSION HAVE BEEN PLOTTED  
Rick Thomas

POD REQUESTED  
THIS APPLICATION

225

07W  
Creek

LEGEND

- PLACE OF USE AND FINAL OUTLINE OF PROPOSED PIT
- PROPOSED POD
- DOM WELL
- SECTION CORNER



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APR 28 2021  
KS DEPT OF AGRICULTURE



**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): BOB BERGKAMP CONSTRUCTION Co., Inc.

1. Please describe type of industry or product produced: K14 HIGHWAY - GROUNDWATER PIT FOR FILL MATERIAL Standard Industrial Classification Code Number: 237310

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
	<u>ACRES OF GROUNDWATER</u>		
Year 1	<u>24.0</u>	<u>16,944,252</u>	<u>1,934</u>
Year 2	<u>24.0</u>	<u>16,944,252</u>	<u>1,934</u>
Year 3	<u>24.0</u>	<u>16,944,252</u>	<u>1,934</u>
Year 4	<u>24.0</u>	<u>16,944,252</u>	<u>1,934</u>
Year 5	<u>24.0</u>	<u>16,944,252</u>	<u>1,934</u>

Number of days of operation of the industry per year is \_\_\_\_\_ days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>24</u>	<u>22</u>	<u>7W</u>																<u>24.0</u>	<u>24.0</u>

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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KS DEPT OF AGRICULTURE



"an equal opportunity employer"  
(316) 522-3471 • FAX # (316) 522-5296

April 26, 2021

Kansas Department of Agriculture  
Department of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502

Re: K14 Highway Reno County KDOT #14-78 KA 1007-02  
S24 T22S R07W Reno County  
Pending Application File 50407

Enclosed:

- Industrial Use Supplemental Sheet
- Application for Term Permit + \$300 Fee
- Notice Of Intent To Open Or Expand A Sand And Gravel Pit Operation

Hydraulic excavation will be to obtain fill material for the K14 Highway. We are asking to keep the Term Permit open through June 23, 2023, which is the completion date of the project. The actual dredging will last approximately 7 months total during the 2-year period..

The end result will be a permanent groundwater pit.

These applications should be worked with Application File No. 50407. Changes to File No. 50407 Are conditioned on approval of the enclosed forms.

Chris Snook  
CEO  
Bob Bergkamp Construction Co., Inc.

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APR 28 2021

KS DEPT OF AGRICULTURE

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

April 28, 2021

BOB BERGKAMP CONSTRUCTION CO., INC  
3709 S. WEST STREET  
WICHITA KS 67217

RE: Application, File No(s). **20219033**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. *Stafford Field Office at 620-234-5311*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program