

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 APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
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MAR 30 2021
1:43

KS DEPT OF AGRICULTURE

File No. 41995

2. Name of applicant: Craig E & Kenneta K Zwick Trusts

Address: 411 S Pioneer

City, State and Zip: Lyons, KS 67554

Phone Number: (620) 562-7143 E-mail address: craigz@bzbeeinc.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Craig E & Kenneta K Zwick Trusts

Address: 411 S Pioneer

City, State and Zip: Lyons, KS 67554

Phone Number: (620) 562-7143 E-mail address: craigz@bzbeeinc.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): The full water right is being converted to industrial use for a sand and gravel pit to open for a highway expansion project.

The change(s) will be completed by _____ (Date)

For Office Use Only:	
F.O. <u>2</u> GMD <u>2</u> Meets K.A.R. 5-5-1 (YES/NO) <input type="checkbox"/> Use <u>IRR</u> Source <u>G/S</u> County <u>RN</u> By <u>BMM</u> Date <u>3/30/21</u>	
Code <u>C-3</u> Fee \$ <u>700</u> TR # _____ Receipt Date <u>3-30-21</u> Check # <u>118532</u>	

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4. The presently authorized place of use is:

Owner of Land — NAME: Craig E & Kenneta K Zwick Trusts

ADDRESS: 411 S Pioneer, Lyons, KS 67554

KS DEPT OF AGRICULTURE

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			
3	22	7W																34	34		68

List any other water rights that cover this place of use. none

Owner of Land — NAME: _____

ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Craig E & Kenneta K Zwick Trusts

ADDRESS: 411 S Pioneer, Lyons, KS 67554

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			
3	22	7W	A 34.6 acre groundwater pit in the West Half of the Southeast Quarter																		

List any other water rights that cover this place of use. Hydraulic Dredge Term Permit

Owner of Land — NAME: _____

ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion is one groundwater well.
(Provide description and number of points)
- 7. The proposed point(s) of diversion is groundwater pit.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the --- Quarter of the --- Quarter of the NC SE Quarter of Section 3, Township 22 South, Range 7 W, in Reno County, Kansas, 1,151 feet North 1,372 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 99 AF
 (DWR use only: Computer ID No. 1 GPS 1,151 feet North 1,372 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the --- Quarter of the NC SW Quarter of the SE Quarter of Section 3, Township 22 South, Range 7 W, in Reno County, Kansas, 789 feet North 2,058 feet West of Southeast corner of section.
 Proposed Rate natural evaporation Proposed Quantity 78.903 AF
 This point is: Additional Well Geo Center List other water rights that will use this point HYD term.

9. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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File No. 41995

12. The presently authorized use of water is for Irrigation KS DEPT OF AGRICULTURE purposes.

It is proposed that the use be changed to Industrial purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The authorized quantity will be reduced to account for the change in consumptive use. Per K.A.R. 5-5-9, Reno County
has a consumptive use percent of 79.7%

99 AF x 0.797 = 78.903 AF that can be retained for industrial use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 78.903 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to natural evaporation gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

The proposed groundwater pit is on the same property and will be in the same aquifer system.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated as being needed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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KANSAS DEPT. OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 3-24-2021 Lyons, Kansas, this 24 day of March, 2021.

Craig E Zwick Trustee (Owner)
Craig E Zwick Trustee (Please Print)

Kenneta K Zwick Trustee (Spouse)
Kenneta K. Zwick Trustee (Please Print)

(Owner)
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
(Spouse)
(Please Print)

State of Kansas
County of Rice } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24 day of March, 2021.

My Commission Expires 5-9-2021

AMY FELDMAN Notary Public - State of Kansas
My Appt. Expires 5-9-2021
Amy Feldman Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
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File No. 41995 Change Application Nearby Well Owners

Domestic Well 1

Harrison Farms Limited
11014 W 95th Ave
Nickerson KS 67561-9008

Domestic Well 2

Sharol L & Edward J Rudolph
9612 N Riverton Rd
Nickerson, KS 67561

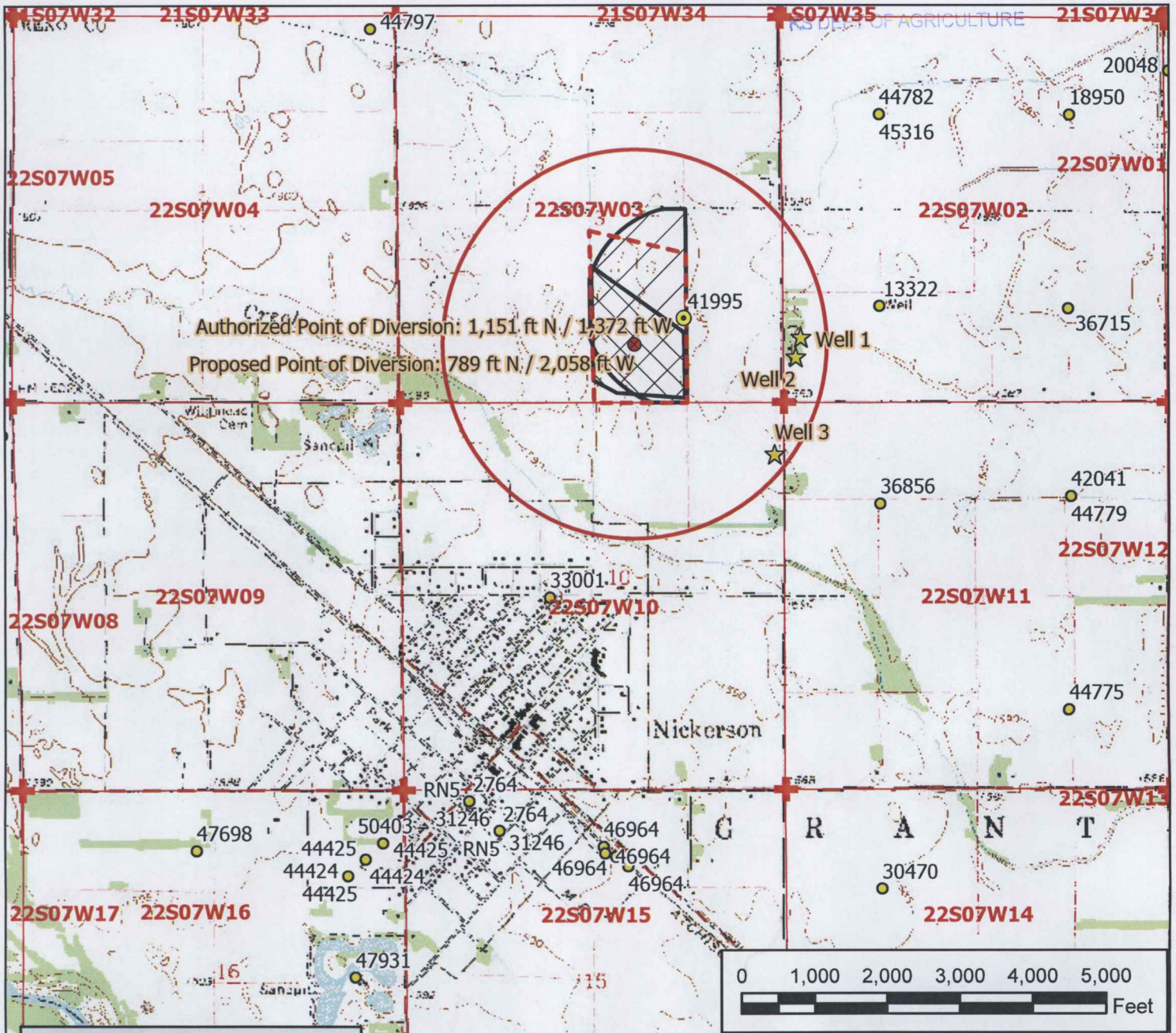
Domestic Well 3

Ethan C Rule
9209 N Riverton Rd
Nickerson, KS 67561

Domestic Well 4

RANDY J & KAREN E HUJING
10721 NW 120TH ST
WHITEWATER, KS 67154-8950

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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- ▨ Authorized Place of Use IRR
- ▨ Proposed Place of Use IND
- - - Property Line

Water Right, File No. 41995

Change in Point of Diversion, Place of Use and Use Made of Water Map 3-22S-7W // Reno County

To the best of my knowledge, all groundwater wells within one-half mile of the proposed point of diversion have been shown.

Signature / Date

3/15/2021 EKF/SFFO 1:24,000 scale



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INDUSTRIAL USE
SUPPLEMENTAL SHEET

KS DEPT OF AGRICULTURE

File No. 41995

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 <u>ACRES OF GROUNDWATER</u>	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	34.6	24,465,545	1,938
Year 2	34.6	24,465,545	1,938
Year 3	34.6	24,465,545	1,938
Year 4	34.6	24,465,545	1,938
Year 5	34.6	24,465,545	1,938

Number of days of operation of the industry per year is 365 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				WY2 SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	22	7W																	34.6

3 22 7W A 34.6 ACRE GROUNDWATER PIT IN THE WEST HALF OF THE SOUTHEAST QUARTER
You may attach any additional information you believe will assist in informing the Division of the need for your request.

MAR 30 2021

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

KS DEPT 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. 41995 (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. 34.6 acres in the ---1/4 of the ---1/4 of the W1/2 SE 1/4 of Section 03, 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. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.

4. What year did, or will, the excavation of the pit begin? 2021

5. Indicate the proposed final size of the pit in acres. 34.6 acres.

6. Estimate the year the pit will be completed? 2023

7. By what method will the pit be excavated?
Hydraulic 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 . 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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KS DEPT OF AGRICULTURE

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

Permanent – Seeded berms, 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	34.6
Year 2	34.6
Year 3	34.6
Year 4	34.6
Year 5	34.6

12. Owner's Name (Please Print) Craig E & Kenneta K Zwick Trusts

Address 411 S Pioneer

Lyons KS 67554

Telephone (620) 562-7143

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.

Craig E Zwick
Name (Please Print)

3-23-2021
Date

Craig E Zwick
Signature

Trustee

Title/Relationship to Owner

*Hydraulic excavation will be for borrow fill material for K14 Highway Project. Project completion is June 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.

NEW APPLICATION

WATER RESOURCES RECEIVED

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

MAR 30 2021

1" = 2000'



2,058'

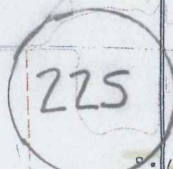
POD REQUESTED THIS APPLICATION

DOM HARRISON FARMS LTD
11014 N 95TH
NICKERSON KS 67566

DOM SHAROLL & EDWARD J RUDOLPH
9612 N RIVERTON
NICKERSON KS 67561

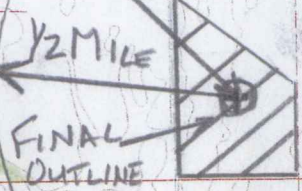
DOM ETHAN RULE
9209 N RIVERTON
NICKERSON KS 67561

DOM RANDY & KAREN HUJING
10721 N 120TH
WHITWATER KS 67154



Creek

789'



RICE CO
RENO CO

BM 1602

Wildmead Cem

Sandpit

Nickerson

G R A N T

LEGEND

PLACE OF USE AND FINAL OUTLINE OF PROPOSED PIT
PROPOSE POD

DOM WELL

SECTION CORNER



Well

RIVER

Sandpit

ATCHISON

TOPEKA MISSOURI

AND



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

WATER RESOURCES
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MAR 30 2021

KS DEPT OF AGRICULTURE

March 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
S03 T22S R07W Reno County
Changes to Water File 41995, Reno County

Enclosed From: Bob Bergkamp Construction Co., Inc.
-Industrial Use Supplemental Sheet
-Notice Of Intent To Open Or Expand A Sand And Gravel Pit Operation

Enclosed From: Craig E and Kenneta K Zwick Trust
File No. 41995

-Application For Approval To Change The Place Of Use, The Point Of Diversion Or The Use
Made Of The Water Under An Existing Water Right + Fees \$300 (By Bergkamp Construction)
-Application For Term Permit (Hydraulic Excavation) + Fee \$200 (By Bergkamp Construction)
5900

Bob Bergkamp Const. Co. is submitting these changes and new applications as a package,
since each one depends on the others. This package is basically all or none

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.

The end result will be a permanent groundwater pit.

Chris Snook
CEO
Bob Bergkamp Construction Co., Inc.