

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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OCT 13 2020

11:21

KS DEPT OF AGRICULTURE

File No. 48403

2. Name of applicant: BOB BERGKAMP CONST. CO, INC.

Address: 3709 S. WEST STREET

City, State and Zip: WICHITA KS 67217

Phone Number: (316) 522 3471 E-mail address: rthome@bergkampconstruction.com

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

Name of water use correspondent: RKK THOME

Address: 3709 S WEST STREET

City, State and Zip: WICHITA KS 67217

Phone Number: (316) 522 3471 E-mail address: rthome@bergkampconstruction.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): POD IS FOR EVAPORATION FROM AN OLD SAND PIT THAT WAS ABANDONED 40+ YEARS AGO. POD IS CURRENTLY USED FOR RECREATIONAL PURPOSES. PROPOSAL IS TO CHANGE USE FROM IND TO REC

The change(s) (was) (will be) completed by DECEMBER 31, 2014
(Date)

For Office Use Only:														
F.O.	<u>2</u>	GMD	<u>-</u>	Meets K.A.R. 5-5-1	<u>(YES)</u> / NO	Use	<u>IND</u>	Source	<u>G/S</u> County	<u>SG</u>	By	<u>KJN</u>	Date	<u>10/13/2020</u>
Code	<u>CWU</u>			Fee \$	<u>300</u>	TR #		Receipt Date	<u>10/13/2020</u>	Check #	<u>116972</u>			

10/13/2020
LMoody

Assisted by: _____

4. The presently authorized place of use is:

Owner of Land — NAME: GO LAKE INC c/o BOB GARLICK
 ADDRESS: 3360 S BROADWAY WICHITA KS 67216

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	
<u>9</u>	<u>28S</u>	<u>1E</u>																	<u>39</u>

Lot 8 & 9
(NW1/4)

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List any other water rights that cover this place of use. EKF/DWR 8/2/21

Owner of Land — NAME: _____
 ADDRESS: _____

OCT 13 2020

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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: _____
 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. _____

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

6. The presently authorized point(s) of diversion (is) (are) 4300'N 4000'W S9 T28S R1E
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) NA
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

One in the NW ^{SE} Quarter of the NW Quarter of the NW ^{Lot 9} Quarter of Section 9, Township 28 South, Range 1E (E/W), in SEDGWICK County, Kansas, 4300 feet North 4000 feet West of Southeast corner of section. Authorized Rate EVAPORATION Authorized Quantity 65 AF
 (DWR use only: Computer ID No. 3 GPS 4,317 feet North 4,373 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 OCT 13 2020 (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 _____

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 Per File. EKF/DWR
8/2/2021
KS DEPT OF AGRICULTURE

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

OCT 13 2020

12. The presently authorized use of water is for INDUSTRIAL purposes.
It is proposed that the use be changed to RECREATIONAL AGRICULTURE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
POD IS A STATIC ABANDONED SAND PIT AREA OF EXPOSED WATER
TO EVAPORATION DOES NOT CHANGE, SO CONSUMPTION CANNOT INCREASE

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA 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.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 WICHITA, Kansas, this 9TH day of OCTOBER, 2020.

Go Lake Inc. _____
(Owner) (Spouse)

Robert GARLUK _____
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of October, 2020.

My Commission Expires 01-04-2021  [Signature]
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:

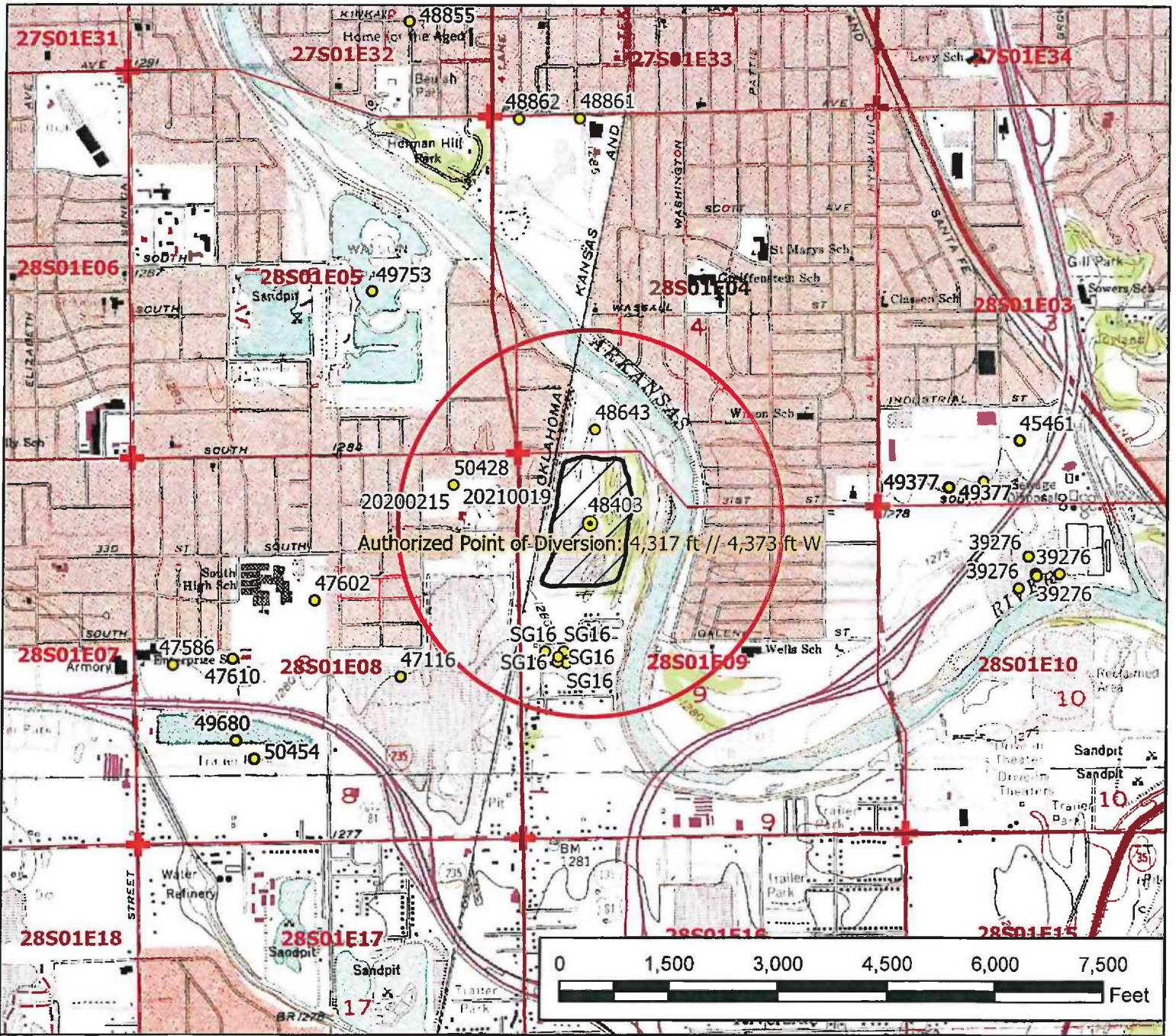
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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Legend

- Water Appropriation
- Authorized Point of Diversion
- ⊕ Section Corner
- ▭ Section Line
- ▭ Half Mile Circle
- ▭ Authorized Place of Use

Water Appropriation, File No. 48403

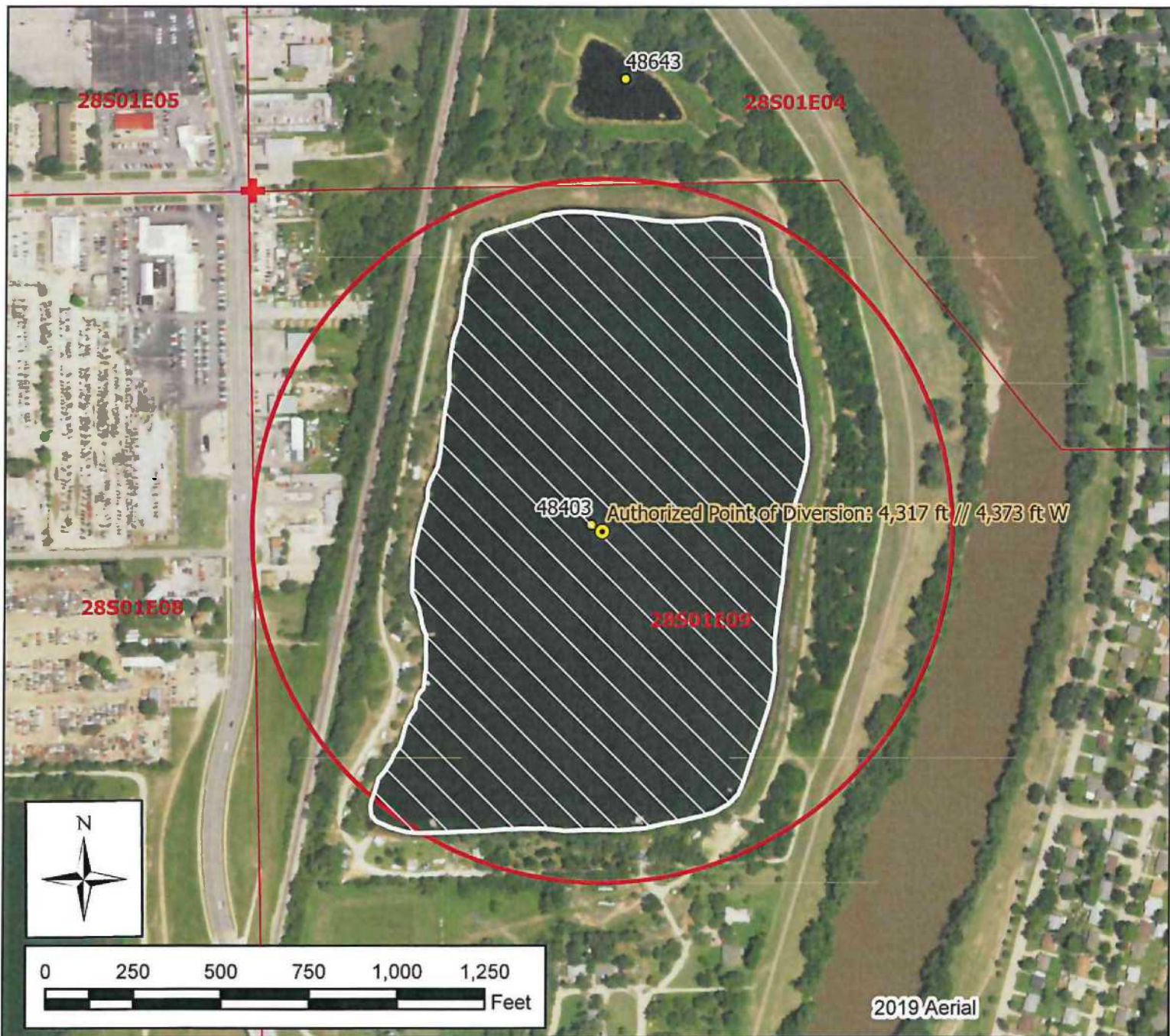
Change in Use Made of Water Application Map
9-28S-1E // Sedgwick County

Due to the potential for a large number of wells within one-half mile of the authorized point of diversion, assistance with a public notice is being requested.

Rick Thorne

7/27/2021





Legend

- Water Appropriation
- Authorized Point of Diversion
- ⊕ Section Corner
- Section Line
- 1,000 ft Circle
- ▨ Authorized Place of Use

Water Appropriation, File No. 48403

Change in UMW Application Map 2
9-28S-1E // Sedgwick County

To the best of my knowledge, all groundwater wells within 1,000 feet of the authorized point of diversion have been shown.

Rick Thorne

Signature / Date

7/27/2021

7/23/2021 EKF/SFFO 1:5,000 scale

DWR FILE 48403 SECTION 09 TOWNSHIP 28S RANGE 01E 4317N 4373W SEDGWICK COUNTY
 DOMESTIC WELLS WITHIN 1/2 MILE OF GEOCENTER OF GROUNDWATER POND

BY: Rick Thome
 RICK THOME BOB BERGKAMP CONSTRUCTION

DATE: 7/27/2021

SECTRON	1/4 1/4 1/4	USE	OWNER	STREET	CITY	STATE	ZIP CODE
9	SE NW NE	DOMESTIC	DAVID N GOUPAL	1233 E FORTUNA	WICHITA	KS	67216
	NW SW NE	DOMESTIC	HUONG VAN NGUYEN	1210 E FORTUNA	WICHITA	KS	67216
	SE NW NE	DOMESTIC	RYAN P PFANNESNSTIEL	1202 E LABRADOR BLVD	GARDEN CITY	KS	67846
			WELL LOCATION	1102 CATALINA	WICHITA	KS	67216
	SW SW NE	DOMESTIC	STEVEN C COWLEY	3452 S IDA	WICHITA	KS	67216
	NW SE NE	DOMESTIC	CHERYL L SEYLER	1101 DEL MAR	WICHITA	KS	67216
	NW SW NE	DOMESTIC	KYLE P WRIGHT	1221 EL MONTE	WICHITA	KS	67216
	NW SW NE	DOMESTIC	GRANDMA GLOW LLC	1551 N WATERFRONT PARKWAY STE 100	WICHITA	KS	67206
			WELL LOCATION	1215 EL MONTE	WICHITA	KS	67216
	NW NE NE	DOMESTIC	ROBER NUGEN	1211 E BERKELEY	WICHITA	KS	67216
SW SW NW	DOMESTIC	LYNN R BEHNKE	440 E GALENA	WICHITA	KS	67216	
NW NW NE	DOMESTIC	VAN LE THANH	1108 E DEL MAR	WICHITA	KS	67216	
NE SE NW	DOMESTIC	MONARK INVESTMENTS LLC	701 N 1ST STREET UNIT 125	COLWICH	KS	67030	
			WELL LOCATION	1215 EL MONTE	WICHITA	KS	67216
4	SW SW SW	DOMESTIC	CHARLES BOLDEN	2250 N ROCK RD #118	WICHITA	KS	67226
			WELL LOCATION	415 E EVANS	WICHITA	KS	67216
	NE SW SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	SE SE SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	SW SW SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	NW SW SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	SE SE SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	SE NE SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	SE NE SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	NE SW SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	NW SW SW	MONITORING	CITY OF WICHITA	1900 E 9TH	WICHITA	KS	67214
	NW NE SW	DOMESTIC	LES HORNING	2838 S MEAD	WICHITA	KS	67216
	NE SE SW	DOMESTIC	MICHAEL D WEST	2945 S WASHINGTON	WICHITA	KS	67216
SW NW SE	DOMESTIC	CONNER NEHLS	2933 IDA	WICHITA	KS	67216	
5	SE SE SE	DOMESTIC	MIDPOINT PROPERTY MANAGEMENT LLC	1920 S SENECA	WICHITA	KS	67213
			WELL LOCATION	3155 S BROADWAY	WICHITA	KS	67217
8	NE NE NE	DOMESTIC	TRI M VOH	2705 W 43RD SOUTH	WICHITA	KS	67217
			WELL ADDRESS	101 E 31ST SOUTH	WICHITA	KS	67217
	NW NE NE	DOMESTIC	ROLLING RIDGE PROPERTIES LLC	5463 W 26TH CT NORTH	WICHITA	KS	67205
			WELL LOCATION	3237 S WICHITA	WICHITA	KS	67217
SW NW NE	DOMESTIC	CAROLYN S OSBORN	10808 W 17TH NORTH	WICHITA	KS	67212	
		WELL LOCATION	326 W PATTERSON	WICHITA	KS	67217	
NW NE NE	DOMESTIC	THE GARDENS AT WICHITA PLACE	555 N WOODLAWN STE 3105	WICHITA	KS	67208	
		WELL LOCATION	3242 S WICHITA	WICHITA	KS	67217	

APPLICATION TO CHANGE THE
USE MADE OF WATER
FROM INDUSTRIAL TO RECREATION

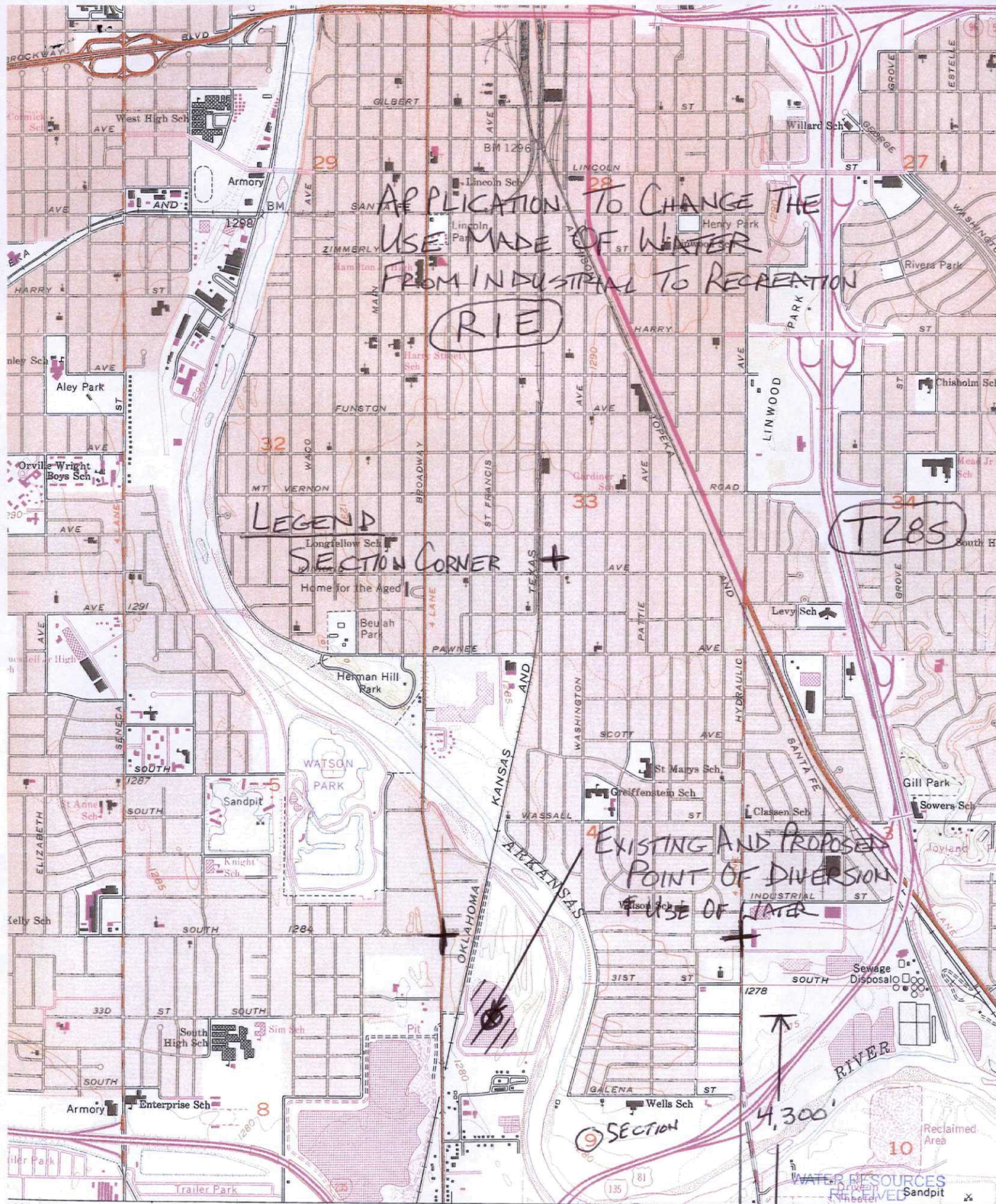
RIE

T285

LEGEND
SECTION CORNER

EXISTING AND PROPOSED
POINT OF DIVERSION
USE OF WATER

SECTION



1"=2,000'
N

See REVISED Map
EKF/DWR 8/2/21

OCT 13 2020

4,000'

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