

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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DEC 26 2023

12:24

KS DEPT OF AGRICULTURE

File No. 50614

2. Name of applicant: BOB BERGKAMP CONST CO INC

Address: 3709 S WEST STR

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: RICHARD SCHULLER

Address: 6912 W 56TH AVE NICKERSON KS 67561

City, State and Zip: _____

Phone Number: (620) 921-5822 E-mail address: rick_schuller@yahoo.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): CHANGE OF USE FROM IND TO REC. ORIGINAL IND USE WAS FOR EXCAVATION OF BORROW MATERIAL FOR KDOT K14 HIGHWAY REALIGNMENT IN RENO COUNTY. WORK IS COMPLETED. FINAL GROUNDWATER POND IS COMPLETED FOR RECREATIONAL USE

The change(s) (was) (will be) completed by 11/22/2022

(Date)

For Office Use Only:

F.O. 2 GMD 2 Meets K.A.R. 5-5-1 (YES/NO) Use IND Source G/S County RN By ALB Date 12/26/23
Code CWU Fee \$ 300 TR # _____ Receipt Date 12/26/23 Check # 128539

4. The presently authorized place of use is:

Owner of Land — NAME: RICHARD SCHULLER
 ADDRESS: 6912 W 56TH AVE NICKERSON KS 67561

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>24</u>	<u>22S</u>	<u>07W</u>	<u>groundwater pit</u>																<u>24</u>	<u>24.0</u>

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: _____
 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. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 26 2023

6. The presently authorized point(s) of diversion (is) (are) _____
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 24, Township 22 South, Range 07 (E/W) in RENO County, Kansas, 785 feet North 525 feet West of Southeast corner of section.
 Authorized Rate 2.17 EWP Authorized Quantity 52.0 AF **805 ft N, 520 ft W**
 (DWR use only: Computer ID No. 9 GPS 805 feet North 520 feet West)
 This point will not be changed This point will be changed as follows: **per certificate issued 6/28/24**
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the 7/2/2024 Quarter of Section _____, Township _____ South, Range EKF (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 _____

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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12. The presently authorized use of water is for IND purposes.
It is proposed that the use be changed to REC purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
PROPOSED CHANGE OF USE IS FOR A COMPLETED GROUNDWATER POND, CONSUMPTIVE USE IS FOR ANNUAL EVAPORATION. POND SIZE IS STATIC AND WILL NOT CHANGE

24 AC @ 2.17 NATURAL EVAPORATION = 52.0 AF
(Please show any calculations here.)

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

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

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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 21 day of DECEMBER, 2023.

[Signature]
(Owner)

(Spouse)

RICHARD Schaller
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of December, 2023.

[Signature]

Notary Public

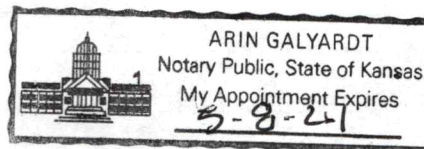
My Commission Expires 5-8-24

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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CHANGE OF USE APPLICATION FILE # 50614

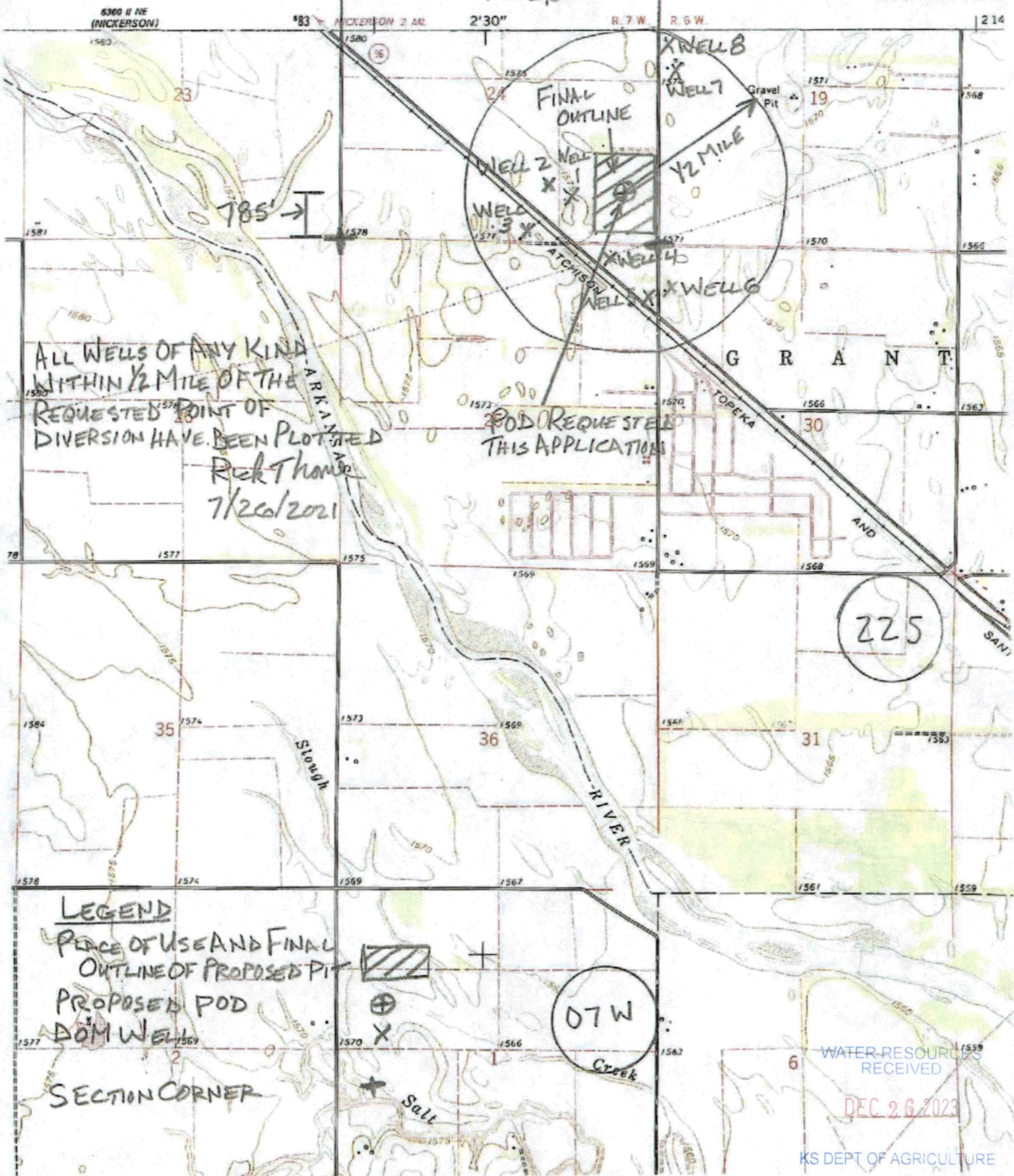
~~NEW APPLICATION~~

STATE OF KANSAS

YAGGY
KANS
7.5. MINUTE S

N
1" = 2,000'

525'



ALL WELLS OF ANY KIND
WITHIN 1/2 MILE OF THE
REQUESTED POINT OF
DIVERSION HAVE BEEN PLOTTED
Rick Thomas
7/26/2021

POD REQUESTED
THIS APPLICATION

LEGEND

PLACE OF USE AND FINAL
OUTLINE OF PROPOSED PI

PROPOSED POD

DOM WELL

SECTION CORNER



07W

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CHANGE OF USE APPLICATION FILE # 50614
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~~ **David M & Susan J Stroberg Trusts**
~~5000 N Hendrix~~ **5016 N Hendricks St**
~~Hutchinson KS 67502-9676~~ **Hutchinson KS 67502-9677**

Domestic Well 4
~~Sharon Haffinger~~ **Ralph Elio**
6903 W 56th Ave
Nickerson KS 67561-9199

Updates per Reno Co. online parcel search

6/28/2024
EKF

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

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December 21, 2023

Chief Engineer
Division of Water Resources
Department of Agriculture
1320 Research Park Drive
Manhattan KS 68052-5000

Re: Application For Approval To Change The Use Made Of Water Under An Existing Water Right

Enclosed are completed Applications For Change Of Use Made Of Water File Nos:

50614 Change from IND to REC for Groundwater Pond Natural Evaporation

41995 Change from IND to REC for Groundwater Pond Natural Evaporation

50546 Change from IND to REC for Groundwater Pond Natural Evaporation

6979 Change from IND to REC for Groundwater Pond Natural Evaporation (No change for IRR Well)

Also enclosed is a check for \$1,200.00 – 4 x \$300.00

Sincerely

Rick Thome
Bob Bergkamp Construction Co Inc
Cell: 316-218-8718
Email: rthome@bergkampconstruction.com

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

January 2, 2024

BOB BERGKAMP CONSTRUCT CO INC
3709 S WEST STREET
WICHITA KS 67217

RE: File No(s). **50614**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for 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(s) 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. If you have any other questions, please contact our office at 785-564-6640 or your local 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 "Kristen A. Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program