

# 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

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DEC 26 2023  
12:24

KS DEPT OF AGRICULTURE

File No. 6979

2. Name of applicant: TOWANDA LAND COMPANY

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: BOB BERGKAMP CONSTRUCTION

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): CHANGE OF USE FROM IND TO REC. ORIGINAL IND USE WAS FOR EXCAVATION OF BORROW MATERIAL FOR KDOT K14 HIGHWAY REALIGNMENT IN RICE COUNTY. WORK IS COMPLETED, FINAL GROUNDWATER POND IS COMPLETED FOR RECREATIONAL USE.

The change(s) (was) (will be) completed by 8/29/2022 (Date)

For Office Use Only:														
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>IND/REC</u>	Source	<u>G / S</u>	County	<u>RC</u>	By	<u>ALB</u>	Date	<u>12/26/23</u>
Code	<u>CWU</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>12/26/23</u>	Check #	<u>128539</u>					



- 6. The presently authorized point(s) of diversion (is) (are) PIT GEOCENTER (IND) # ONE WELL (IRR)  
(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:** INDUSTRIAL GROUNDWATER PIT  
 One in the NC W 1/2 SW Quarter of the SW Quarter of the SE Quarter  
 of Section 09, Township 21 South, Range 08 (E/W)  
 in RICE County, Kansas, 560 feet North 2200 feet West of Southeast corner of section.  
 Authorized Rate NAT EVAP Authorized Quantity 47.25  
 (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 \_\_\_\_\_

9. **Presently authorized point of diversion:** IRRIGATION WELL  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NE SE Quarter  
 of Section 09, Township 21 South, Range 08 (E/W)  
 in RICE County, Kansas, 1321 feet North 1309 feet West of Southeast corner of section.  
 Authorized Rate 800 GPM Authorized Quantity 51.8 AF  
 (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 IRR purposes.  
It is proposed that the use be changed to REC NO CHANGE 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.

21.0 AC @ 2.25 NATURAL EVAPORATION = 47.25 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](http://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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**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 21 day of DECEMBER, 2023.

<u>Chris</u> (Owner)	_____ (Spouse)
<u>TOWANDA LAND COMPANY - CHRIS SNOOK</u> (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 21st day of December, 2023.

[Signature]  
Notary Public

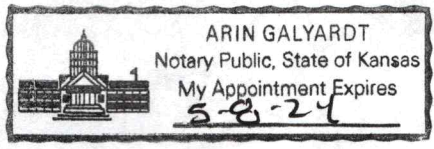
My Commission Expires 5-8-24

**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.

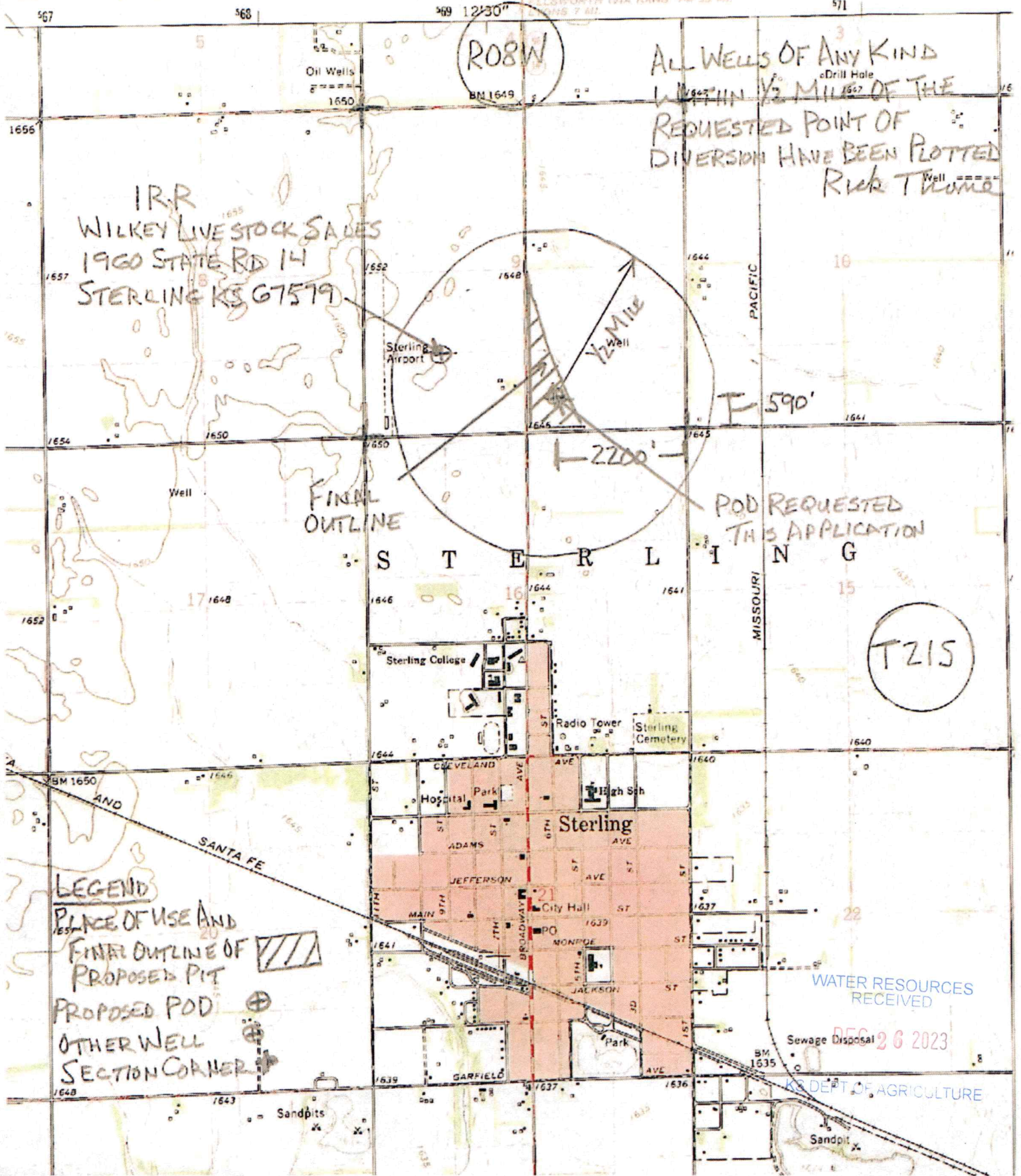


WATER RESOURCES RECEIVED  
DEC 26 2023

FILE #6979  
CHANGE OF USE APPLICATION  
~~NEW APPLICATION~~

↑ N  
1" = 2000'

STATE OF KANSAS



IRR  
WILKEY LIVESTOCK SALES  
1900 STATE RD 14  
STERLING KS 67579

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

RO8W  
BN 1649

FINAL  
OUTLINE

F 590'

POD REQUESTED  
THIS APPLICATION

TZ15

LEGEND

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

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SEWAGE DISPOSAL  
KS DEPT. OF AGRICULTURE

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

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KS DEPT OF AGRICULTURE

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](mailto: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

TOWANDA LAND COMPANY  
3709 S WEST STREET  
WICHITA KS 67217

RE: File No(s). **6979**

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](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. 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