

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align:center"><b>49,600</b></p>	2. Status Change Date: <p style="text-align:center"><b>5/4/2017</b></p>	3. Field Office: <p style="text-align:center"><b>02</b></p>	4. GMD: <p style="text-align:center"><b>02</b></p>
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5. Status:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied by DWR/GMD	<input type="checkbox"/> Dismiss by Request/Failure to Return
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6. Enclosures:	<input checked="" type="checkbox"/> Check Valve	<input checked="" type="checkbox"/> N of C Form	<input checked="" type="checkbox"/> Water Tube	<input checked="" type="checkbox"/> Driller Copy	<input checked="" type="checkbox"/> Meter
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7a. Applicant(s) New to system <input type="checkbox"/>  <b>MATT BRACK</b> <b>4001 E AVENUE G</b> <b>HUTCHINSON KS 67501-8280</b>  Person ID <b>59218</b> Add Seq# <b>1</b>	7c. Landowner(s) New to system <input type="checkbox"/>  <b>KIM E BRACK</b> <b>4745 SW FAIRLAWN RD</b> <b>TOPEKA KS 66610</b>  Person ID <b>65482</b> Add Seq# <b>1</b>
7b. Landowner(s) New to system <input type="checkbox"/>  <b>HAROLD E SWANSON TRUST ET AL</b> <b>5500 E AVE G</b> <b>HUTCHINSON KS 67501</b>  Person ID <b>54904</b> Add Seq# <b>1</b>	7d. Landowner New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>MATT BRACK</b> <b>4001 E AVENUE G</b> <b>HUTCHINSON KS 67501-8280</b>  Person ID <b>59218</b> Add Seq# <b>1</b> Notarized WUC Form	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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10. Completion Date: <b>12/31/2018</b>	11. Perfection Date: <b>12/31/2022</b>	12. Exp Date: _____
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13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date Required: _____	Date Approved: _____	Date to Comply: _____
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14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date to Comply: _____	Date WLMD Installed: _____
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Date Prepared: <b>05/01/2017</b> By: <b>RAK</b>
Date Entered: <b>5/9/2017</b> By: <b>LM</b>

File No. <b>49,600</b>	15. Formation Code: <b>190</b>	Drainage Basin: <b>COW CREEK</b> <b>(PLEASE CHANGE)</b>	County: <b>RN</b>	Special Use:	Stream:																
16. Points of Diversion MOD DEL PDIV ENT			17. Rate and Quantity																		
			Authorized	Additional																	
Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files										
MOD 85142 SE¼ NW¼ SW¼	28	23S	5W	9	1331	4060	<b>800 g.p.m.</b>	<b>183.4 AF</b>	<b>0</b>	<b>183.4</b>	<b>47584 &amp;47601</b>										
PD COMMENT GEO CTR																					
ENT 77697 SW¼ NE¼ SW¼	28	23S	5W	1	1331	3762					<b>47584 &amp;47601</b>										
PD COMMENT BATT 1 OF 4 WELLS																					
ENT 77698 SE¼ NW¼ SW¼	28	23S	5W	2	1331	4159					<b>47584 &amp;47601</b>										
PD COMMENT BATT 1 OF 4 WELLS																					
MOD 85144 SE¼ NW¼ SW¼	28	23S	5W	11	1331	3961					<b>47584 &amp;47601</b>										
PD COMMENT BATT 1 OF 4 WELLS																					
MOD 85146 SE¼ NW¼ SW¼	28	23S	5W	13	1331	4359					<b>47584 &amp;47601</b>										
PD COMMENT BATT 1 OF 4 WELLS																					
DEL 85143 SW¼ NE¼ SW¼	28	23S	5W	10	1331	3762															
DEL 85145 SE¼ NW¼ SW¼	28	23S	5W	12	1331	4159															
<b>Battery ID #2028</b>																					
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. <b>ADD</b> Limitation: _____ af/yr at <b>800</b> gpm ( _____ cfs) when combined with file number(s) <b>47584 &amp; 47601</b>																					
Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2018</b> Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ENT	PUSE	S	T	R	ID	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼				
MOD	67658	28	23S	5W	4					<b>32</b>	<b>33</b>	<b>33</b>	<b>33</b>					<b>131</b>	<b>7b &amp; 7c</b>	<b>yes</b>	<b>NO</b>
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** May 1, 2017  
**RE:** Application, File No. 49,600  
Change Application, File Nos. 47,584 and  
47,601

Matt Brack filed the referenced application to appropriate groundwater for irrigation use, requesting a quantity of 183.4 acre-feet and a limited diversion rate of 800 gallons per minute. The proposed point of diversion will be a battery of four (4) wells with a geographic center located 1,331 feet North and 4,060 feet West of the Southeast corner of Section 28, Township 23 South, Range 5 West, Reno County within the drainage basin of Cow Creek (Not Arkansas River as shown in WRIS & application). The proposed point of diversion will overlap the geocenter of the battery proposed for File Nos. 47,584 and 47,601 by change in point of diversion applications filed by Mr. Brack. No overlaps in the authorized places of use are proposed for any of the referenced files. The proposed acreage is owned by Harold E. Swanson Trust, Hal E. Swanson, Kim E. Brack, Guy S. Swanson Trust, Harold E. and Donna J. Swanson Trust No. 2. File No. 49,600 will be limited to 800 gallons per minute when combined with File Nos. 47,584 and 47,601.

The referenced change applications are not abandoned pursuant to K.S.A. 82a-718 and the perfection periods for File Nos. 47,584 and 47,601 expired on December 31, 2016. The same local source of supply will not change for either file. The proposed change in point of diversion involves a move of 105 feet from the presently authorized geocenter.

WRIS does not indicate any non-domestic wells within one-half mile of the proposed geocenter other than the two irrigation wells under common ownership within the four-well battery authorized by Appropriation of Water, File No. 47,942. However, the application map indicates possibly two domestic wells, one under common ownership. The nearby domestic well owner was notified of the referenced application by letter dated June 8, 2016; no response has been received as of today's date.

In letter dated October 13, 2016 with attachments, Equus Beds Groundwater Management District No. 2 recommended the referenced applications be approved and indicated that the applications comply with K.A.R. 5-22-1 through K.A.R. 5-22-17.

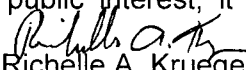
The total quantity available for irrigation use by File No. 49,600, 183.4 acre-feet, will irrigate the proposed 131 acres with 1.4 acre-feet per acre and is the maximum reasonable quantity allowed pursuant to K.A.R. 5-3-24 in Reno County.

Two of the wells in the four well battery are existing wells so no test hole log was submitted with the pending new application. The source of supply was previously determined to be Equus Beds (190).

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required. The applicant signed, notarized, and returned a minimum desirable streamflow form to our office.

In a December 1, 2016 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications. Jeff wants File No. 49,600 to be metered separately in order that the quantity of water perfected by File No. 49,600 may be readily determined; this will be mentioned in the transmittal letter.

Based on the above discussion, safe yield criteria are met, approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it has been recommended that the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 9, 2017

MATT AND VALERIE BRACK  
4001 E AVENUE G  
HUTCHINSON KS 67501-8280

**FILE COPY**

RE: Appropriation of Water, File Nos. 47,584; 47,601 and 49,600

Dear Mr. and Mrs. Brack:

There is enclosed a permit (File No. 49,600) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

Acceptable water flow meters must be installed on the diversion works in such a manner that the quantity of water perfected by File No. 49,600 may be readily determined. The quantity of water to be pumped to the authorized place of use of File No. 49,600 should be metered exclusively for perfection and compliance determinations. Please contact Jeff Lanterman, Water Commissioner of the Stafford Field Office, at (620) 234-5311 prior to construction of the diversion works to discuss how the referenced battery of wells should be metered.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

(OVER→)

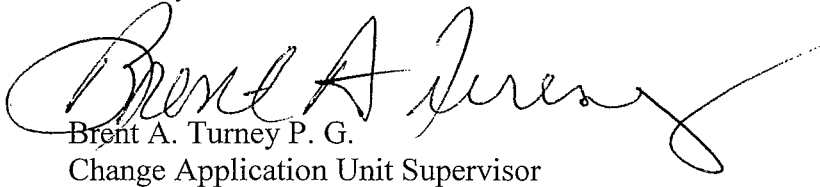
Matt and Valerie Brack  
File Nos. 47,584; 47,601 and 49,600  
Page 2

In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Appropriation of Water, File Nos. 47,584 and 47,601. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the installation of the required meters as soon as these actions are completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney P. G.  
Change Application Unit Supervisor

BAT:rak

pc: Stafford Field Office  
Groundwater Management District No. 2  
Harold E. Swanson Trust Etal  
Matt and Valerie Brack  
Jean Anne Beal  
Kim Brack

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**  
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. **49,600** of the applicant

**MATT BRACK  
4001 E AVENUE G  
HUTCHINSON KS 67501-8280**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 28, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28	23S	5W					32.00	33.00	33.00	33.00									131.00

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¼ NW¼ SW¼) of Section 28, more particularly described as being near a point 1,331 feet North and 4,060 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **183.40 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That 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.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with 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.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That this permit is further limited such that the four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall be limited to a maximum diversion rate of four hundred (400) gallons per minute (0.89 c.f.s.) per well.

19. That the rate of diversion approved under this permit is further limited to the rate which combined with Appropriation of Water, File Nos. 47,584 and 47,601, will provide a maximum diversion rate **not in excess of 800 gallons per minute** (1.78 c.f.s.) for irrigation use from the authorized point of diversion as described herein.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 4<sup>th</sup> day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas             )  
                                          ) SS  
County of Riley             )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public





### CERTIFICATE OF SERVICE

On this 9<sup>th</sup> day of May, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,600, dated May 4, 2017 was mailed postage prepaid, first class, US mail to the following:

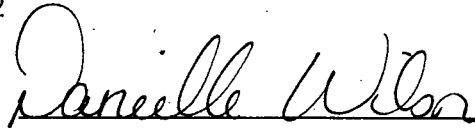
MATT AND VALERIE BRACK  
4001 E AVENUE G  
HUTCHINSON KS 67501-8280

With photocopies to:

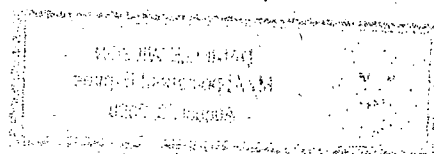
HAROLD E SWANSON TRUST ETAL  
5500 E AVE G  
HUTCHINSON KS 67501

KIM E BRACK  
4745 SOUTHWEST FAIRLAWN ROAD  
TOPEKA KS 66610

Stafford Field Office  
Groundwater Management District No. 2



Division of Water Resources



#1

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,600  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**  
Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

MAR 28 2016  
10:00  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Matt Brack  
Address: 4001 E ave. G  
City: Hutchinson State KS Zip Code 67501  
Telephone Number: (620) 694-4018

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Arkansas River Basin - Equus Beds Aquifer \* Cow Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 183.4 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 LTD gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County LN By ASW Date 3/28/16  
Code RE2 Fee \$ 309/400 TR # \_\_\_\_\_ Receipt Date 3/28/16 Check # 3019

DWR 1-100 (Revised 06/16/2014)  
APPLICATION COMPLETE  
4/13/16  
Reviewer ROY

\* per Wimas  
\* RAK/DWR 12/16/16

SCANNED 4/15/2016 UM



- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes    No   If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?    Yes    No

- If yes, show the Water Structures permit number here NA
  - If no, explain here why a Water Structures permit is not required NA
- 
- 

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Same Point of diversion as 47601 and 47584. Pending change pd on 47601 and 47584

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New place of use.

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WATER RESOURCES RECEIVED

MAR 28 2016

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	Geo Ctr	9/8/2010	9/8/2010	_____
Total depth of well	_____	30 ft	30 ft	_____
Depth to water bearing formation	_____	6 ft	6 ft	_____
Depth to static water level	_____	8 ft	8 ft	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

**Owner**

(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

**Harold E. Swanson Trust, 5500 E Avenue G, Hutchinson, KS 67501**

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Halstead, Kansas, this 25 day of March, 2016.  
(month) (year)



(Applicant Signature)

By \_\_\_\_\_

(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Stephen Flaherty

Hydrogeologist

(office/title)

Date: 3/22/16

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Kaskan Loam</u>	<u>4.8</u>	<u>.06-.2</u>	
<u>Mahone Loamy fine sand</u>	<u>19.2</u>	<u>.06-.2</u>	
<u>Farnum loam</u>	<u>59.9</u>	<u>.2-.6</u>	
<u>Saltcreek and Naron fine sandy loam</u>	<u>.6</u>	<u>.06-.2</u>	
<u>Taver Loam</u>	<u>15.5</u>	<u>0.0-.6</u>	

Total: 100%

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 2 %

c. Type of irrigation system you propose to use (check one):

- Center pivot       Center pivot - LEPA       "Big gun" sprinkler
- Gravity system (furrows)       Gravity system (borders)       Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: Not yet available psi
- (2) What is the sprinkler package design rate? Not yet available gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? Not yet available feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, Soy, Wheat, Milo

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). Crop Consultant

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MAR 28 2016

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

COMMUNICATIONS SECTION  
COMMUNICATIONS

49,000

Wells Within ½ Mile

1. Irrigation Well #47942  
Harold E Swanson Trust  
5500 E Avenue G  
Hutchinson, KS 67501

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MAR 28 2016

KS DEPT OF AGRICULTURE  
**SCANNED**



## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,600

Name of Applicant (Please Print): Matt Brack

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: Harold E Swanson Trust Etal \*Kim E Brack  
 ADDRESS: 5500 E Avenue G. Hutchinson, KS 67501 4745 SW Fairlawn Rd Topeka KS 66610

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	23S	5W					32	33	33	33									131

**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

*X per Reno County  
Parcel Search  
\* RAK/low 5/2/12*

MAR 28 2016

3-25-16  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application File No. 49,600

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Signature]  
Signature of Applicant

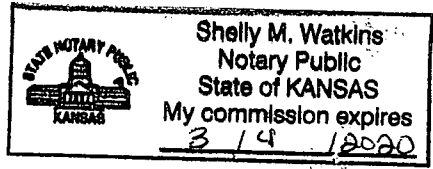
State of Kansas )  
County of Harvey ) ss

Matt Brank  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25 day of March, 2016.

[Signature]  
Notary Public

My Commission Expires:



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KS DEPT OF AGRICULTURE

SCANNED

49,600

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

- |                                 |                            |
|---------------------------------|----------------------------|
| Arkansas River                  | Ninnescah River            |
| Big Blue River                  | North Fork Ninnescah River |
| Chapman Creek                   | Rattlesnake Creek          |
| Chikaskia River                 | Republican River           |
| Cottonwood River                | Saline River               |
| Delaware River                  | Smoky Hill River           |
| Little Arkansas River           | Solomon River              |
| Little Blue River               | South Fork Ninnescah       |
| Marais des Cygnes River         | Spring River               |
| Medicine Lodge River            | Walnut River               |
| Mill Creek (Wabaunsee Co. area) | Whitewater River           |
| Neosho River                    |                            |

WATER RESOURCES  
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KS DEPT OF AGRICULTURE

# Reno County Property Data

## General Information

Tuesday April 19 2016 2:28:08 PM

### Subject Property

[Print](#)

Parcel ID : 078138280000003000

[Click here to locate on Map](#)

Owner Name : SWANSON, HAROLD E TRUST

[Click here for the photo](#)

Location : 00000 E BLANCHARD AVE, Hutchinson, KS 67501.

[Click here for the PRC](#)

Legal Desc : CLAY TOWNSHIP, S28, T23, R05W, ACRES 71, E/2 NW/4 EXC TR COM NE COR NW/ 4 FOR POB S 686.6FT W 422.02FT N 686.6FT E 422.02FT TO POB LESS RDWY R/W EXC HWY R/W.

*The legal description displayed above is not adequate for use in legal documents*

### Owner Information

Owner :  
SWANSON, HAROLD E TRUST  
SWANSON, HAL E  
BRACK, KIM E  
SWANSON, GUY S TRUST  
SWANSON, HAROLD E & DONNA J TRUST NO 2

Mailing Address :  
5500 E AVENUE G HUTCHINSON, KS 67501-8264  
5500 E AVENUE G HUTCHINSON, KS 67501-8264  
4745 SW FAIRLAWN RD TOPEKA, KS 66610  
5500 E AVENUE G HUTCHINSON, KS 67501-8264  
5500 E AVENUE G HUTCHINSON, KS 67501-8264

### Property Details

Property Type : Agricultural Use	Property Status : Active	Taxing Unit : 148	Neighborhood Code : 056.2	Tract / Tax ID : See Tax History
-------------------------------------	-----------------------------	----------------------	------------------------------	-------------------------------------

### Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
----------------	-------------	-------------	---------	---------------

No Property Outbuildings or Improvements found.

No Permit Details found.

### Value Details

	Year :	2016
Current Final Value (Agricultural) :	Land :	\$23,380
	Building :	\$0
	Total :	\$23,380

### Deed Book/Page Historical

#### Book / Page List and Misc Legal Description Info :

Book/Page 461/ 337 582/ 311 589/ 497 589/ 499 06PR/ 38 596/ 441 596/ 442

### Deed Book/Page Current Listing

Date :	Book :	Page :	Case :
11/5/2009	608	301	
1/27/2011	616	24	

No Sale Details found. (Please log in to view this data.)

# Reno County Property Data

## General Information

Tuesday April 19 2016 2:28:29 PM

### Subject Property

[Print](#)

[Click here to locate on Map](#)  
[Click here for the photo](#)  
[Click here for the PRC](#)

Parcel ID : 078138280000004000

Owner Name : SWANSON, HAROLD E TRUST

Location : 00000 S HALSTEAD ST; Hutchinson, KS 67501.

Legal Desc : CLAY TOWNSHIP, S28, T23, R05W, ACRES 72, W/2 NW/4 LESS RDWY R/W EXC HWY R/W.

*The legal description displayed above is not adequate for use in legal documents*

### Owner Information

#### Owner :

SWANSON, HAROLD E TRUST

BRACK, KIM E

SWANSON, GUY S TRUST

SWANSON, HAL E

SWANSON, HAROLD E & DONNA J TRUST NO 2

#### Mailing Address :

5500 E AVENUE G HUTCHINSON, KS 67501-8264

4745 SW FAIRLAWN RD TOPEKA, KS 66610

5500 E AVENUE G HUTCHINSON, KS 67501-8264

5500 E AVENUE G HUTCHINSON, KS 67501-8264

5500 E AVENUE G HUTCHINSON, KS 67501-8264

### Property Details

Property Type :

Agricultural Use

Property Status :

Active

Taxing Unit :

148

Neighborhood Code :

056.2

Tract / Tax ID :

See Tax History

### Market Land Details

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

No Property Outbuildings or Improvements found.

No Permit Details found.

### Value Details

Year :

2016

Current Final Value (Agricultural) :

Land :

\$18,580

Building :

\$0

Total :

\$18,580

### Deed Book/Page Historical

Book / Page List and Misc Legal Description Info :

Book/Page 463/ 76 484/ 354 582/ 311 589/ 497 589/ 499 06PR/ 38 596/ 441 596/ 442

### Deed Book/Page Current Listing

Date :

11/5/2009

1/27/2011

Book :

608

616

Page :

301

24

Case :

No Sale Details found. (Please log in to view this data.)

## Krueger, Richelle

---

**From:** Lanterman, Jeff  
**Sent:** Thursday, December 01, 2016 3:35 PM  
**To:** Krueger, Richelle  
**Cc:** Conant, Cameron; Turney, Brent  
**Subject:** RE: Request for Recommendation Application, File No. 49600 Change in PD File Nos. 47584 & 47601 Matt Brack

I don't think we need to give them more heads up on perfection of the seniors.

I do need a meter on 49600 exclusively for perfection and compliance though. Otherwise I have no way of knowing what is applied.

---

**From:** Krueger, Richelle  
**Sent:** Thursday, December 1, 2016 2:49 PM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** RE: Request for Recommendation Application, File No. 49600 Change in PD File Nos. 47584 & 47601 Matt Brack

Hi Jeff,

Thanks for the recommendation, I will put something in the transmittal letter about the metering. I talked about this with Brent and he said since we meter by point of diversion and not place of use, it would be difficult to put something in the approval documents. Cameron and I discussed that they are near the end of the perfection period on 47584 and 47601 (December 31, 2016), if I need to put another reminder in the transmittal letter about perfection extensions just let me know....I think Cameron was thinking they had perfected those rights.

Thanks,  
Richelle

---

**From:** Lanterman, Jeff  
**Sent:** Thursday, December 01, 2016 2:03 PM  
**To:** Krueger, Richelle  
**Cc:** Conant, Cameron  
**Subject:** FW: Request for Recommendation Application, File No. 49600 Change in PD File Nos. 47584 & 47601 Matt Brack

Richelle;

I don't have any concerns with these applications and recommend approval. 49600 will need to be metered separately so we can certify it. If you can write that in the cover letter and permit somehow. So we can figure out what water goes where for perfection and certification.

Thanks!

---

**From:** Conant, Cameron  
**Sent:** Thursday, December 1, 2016 1:36 PM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Request for Recommendation Application, File No. 49600 Change in PD File Nos. 47584 & 47601 Matt Brack

Jeff, I've attached a rough site map. To sum it all up, there are 2 existing water rights with separate quantities (47584 & 47601) that each authorize 65 separate acres in the SW¼ for a total of 130 irrigated acres. Both of these files will continue to have the same as currently authorized place of use. They both have requested changes to the point of diversion to add 2 more wells to the battery for a total of 4 wells and the geo-center which will completely overlap the proposed battery of wells for 49600.

49600 is a new application that completely overlaps the proposed battery of wells and will authorize a totally separate, additional quantity of water and a totally separate place of use (130 acres in the NW¼) from the 2 junior files.

The GMD#2 SY analysis shows water is still available and they recommended approval with no additional conditions.

We will need to make sure both pivots are metered separately.

The perfection period under 47584 & 47601 ends on 12/31/16. Based on my quick look at the water use history in WRIS and a water use report, it does not appear the junior files have been fully perfected as they are often only reporting the watering of 60 acres (one time 130 was reported, but use was only 126AF). In our approval letter, we may want to include reminder language about the perfection period ending on 12/31/16. If they get the extension they have the benefit of using the new battery of 4 wells which we would prefer anyway since up to this point in the junior files history, they've only been authorized and operated as a battery of 2 wells. From what I can tell, it makes sense for several reasons for them to request an extension on the junior files.

Jeff, I think we can recommend approval of this packet...what is your take on requesting extensions on the junior files so they can fully perfect and actually use the battery of 4 wells that will be authorized going forward? Pass on to Richelle if you agree. (((Richelle, File No. 49,602 is the one Jeff was concerned about with regard to the remediation and discussing it with Don Koci.)))

Cameron

---

**From:** Krueger, Richelle

**Sent:** Wednesday, October 26, 2016 12:11 PM

**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>

**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>

**Subject:** Request for Recommendation Application, File No. 49600 Change in PD File Nos. 47584 & 47601 Matt Brack

Hi Jeff,

Attached is a draft memo for a new app and pd changes for File Nos. 47584,47601 and 49600 Matt Brack. WIMAS indicates these files are in Cow Creek drainage basin instead of Arkansas River as shown in WRIS and on application, if you disagree please let me know.

Also, were these ones you were going to notify Don Koci about the catcher's mitt remediation??

Do you recommend approval of this new application and pd change package?

Thanks,  
Richelle

Richelle Krueger, Environmental Scientist

Kansas Department of Agriculture

Water Appropriation Program

(785) 564-6635

[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov) (please note e-mail address change)

[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 13, 2016

Chief Engineer, Division of Water Resources  
Attn: Richelle Krueger  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Appropriation Application No. 49600 – Matt Brack

Dear Ms. Krueger:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on October 13, 2016, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the maximum rate of diversion being further limited to 800 gallons per minute when combined with Water Permit Nos. 47584 and 47601.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese,  
Manager  
TDB/SF



Enclosures

pc: Matt Brack, Applicant  
Harold E Swanson Trust, Landowner  
Jeff Lanterman, Stafford Field Office

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11 MS OFFICE LETTERS WITH NonApp Recycled Paper 11lb 5000 Matt Brack, J...



SCANNEL



SAFEYIELD EVALUATION No. 49600							
LOCATION: SENW5W (1331°N & 4060°W) 28-235-05W, Reno County							
SPECIAL USE AREA: None							
EVALUATION DATE:- 10/13/2016							
Total Area: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres							
FILE ID	WELL ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A03480300	1473	235	05W	31	20002630	IRR	59
A03511900	205	235	05W	31	19902130	IRR	80
A03752300	3261	235	05W	33	33544870	IND	0
A03752300	1118	235	05W	33	33544870	IND	27.62
A04091500	1796	235	05W	33	33544870	IND	6.14
A04100600	1495	235	05W	20	38002400	IND	140
A04378800	2687	235	05W	21	39601320	IND	240
A04493100	2914	235	05W	29	38001200	IND	302
A04493200	2913	235	05W	20	24003800	IND	83.3
A04594600	3191	245	05W	5	31004275	IRR	0
A04594600	3794	245	05W	5	31043935	IRR	0
A04594600	3189	245	05W	5	31053964	IRR	141
A04594600	3190	245	05W	5	31113682	IRR	0
A04611100	3247	235	05W	30	24753000	REC	3.13
A04622000	3284	235	05W	27	14002600	IRR	0
A04622000	3285	235	05W	27	16002600	IRR	0
A04622000	3286	235	05W	27	12002600	IRR	0
A04622000	3287	235	05W	27	10002600	IRR	0
A04622000	3267	235	05W	27	13002600	IRR	184.8
A04658200	3403	235	05W	31	46272887	REC	3.02
A04734200	3602	235	05W	22	52784600	MUN	645
A04734500	3605	235	05W	21	52693532	MUN	645
A04758400	3677	235	05W	28	13314060	IRR	91
A04758400	3678	235	05W	28	13314159	IRR	0
A04758400	3679	235	05W	28	13313762	IRR	0
A04758400P	4890	235	05W	28	13313961	IRR	0
A04758400P	4891	235	05W	28	13314359	IRR	0
A04758500	3711	235	05W	27	3264750	IRR	182
A04758500	3715	235	05W	27	1284552	IRR	0
A04758500	3712	235	04W	27	1244955	IRR	0
A04758500	4883	235	05W	27	5244955	IRR	0
A04758500	4884	235	05W	27	5284552	IRR	0
A04758800	3689	235	05W	26	15204160	IRR	0
A04758800	3691	235	05W	26	11204160	IRR	0
A04760100	3720	235	05W	28	13314060	IRR	91
A04760100	3721	235	05W	28	13313762	IRR	0
A04760100	3722	235	05W	28	13314159	IRR	0
A04760100P	4892	235	05W	28	13313961	IRR	0
A04760100P	4893	235	05W	28	13314359	IRR	0
A04761800	3731	235	05W	31	501250	IRR	174
A04761800	3732	235	05W	31	501250	IRR	0
A04761800	3733	235	05W	31	501150	IRR	0
A04782500	3793	235	05W	29	28903730	IND	10.4
A04790600	3847	245	05W	5	26900945	IRR	91
A04790600	3848	245	05W	5	26901235	IRR	0
A04790600	3849	245	05W	5	26900555	IRR	0
A04794200	3837	235	05W	28	13201320	IRR	182
A04794200	3838	235	05W	28	15151515	IRR	0
A04794200	3839	235	05W	28	15151125	IRR	0
A04794200	3840	235	05W	28	11251125	IRR	0
A04794200	3841	235	05W	28	11251515	IRR	0
A04803300	3872	235	05W	29	8063604	REC	13.5
A04803400	3874	235	05W	34	13202635	IRR	112
A04803400	3875	235	05W	34	15202635	IRR	0
A04803400	3876	235	05W	34	11202635	IRR	0
A04803400	3877	235	05W	34	13202635	IRR	0
A04837800	4091	235	05W	31	51783259	IND	3.13
A04907000	4226	235	05W	34	13202635	IRR	103.6
A04907000	4851	235	05W	34	15202635	IRR	0
A04907000	4852	235	05W	34	11202635	IRR	0
A04907000	4855	235	05W	34	13202635	IRR	0
A04960000P	4934	245	06W	13	13314060	IRR	183.4
A04960000P	4935	245	06W	13	13313762	IRR	0
A04960000P	4936	245	06W	13	13313961	IRR	0
A04960000P	4937	245	06W	13	13314159	IRR	0
A04960000P	4938	245	06W	13	13314359	IRR	0
A04960100P	4885	235	05W	27	3264754	IRR	0
A04960100P	4886	235	05W	27	5244955	IRR	0
A04960100P	4887	235	05W	27	5284552	IRR	0
A04960100P	4888	235	05W	27	1244955	IRR	0
A04960100P	4889	235	05W	27	1284552	IRR	0
A20119045	3785	235	05W	29	38001200	HYD	368
Allowable Appropriations	4,021.00	Total Existing Appropriation				4,165.04	
Small User Quantity	33.18	Non Consumptive Appropriations				368	
Remaining SUQ	11.82	Consumptive Appropriations				3,797.04	
Note: Values are in acre-feet		Available Appropriations				223.96	

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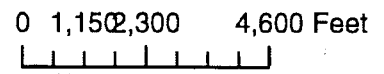
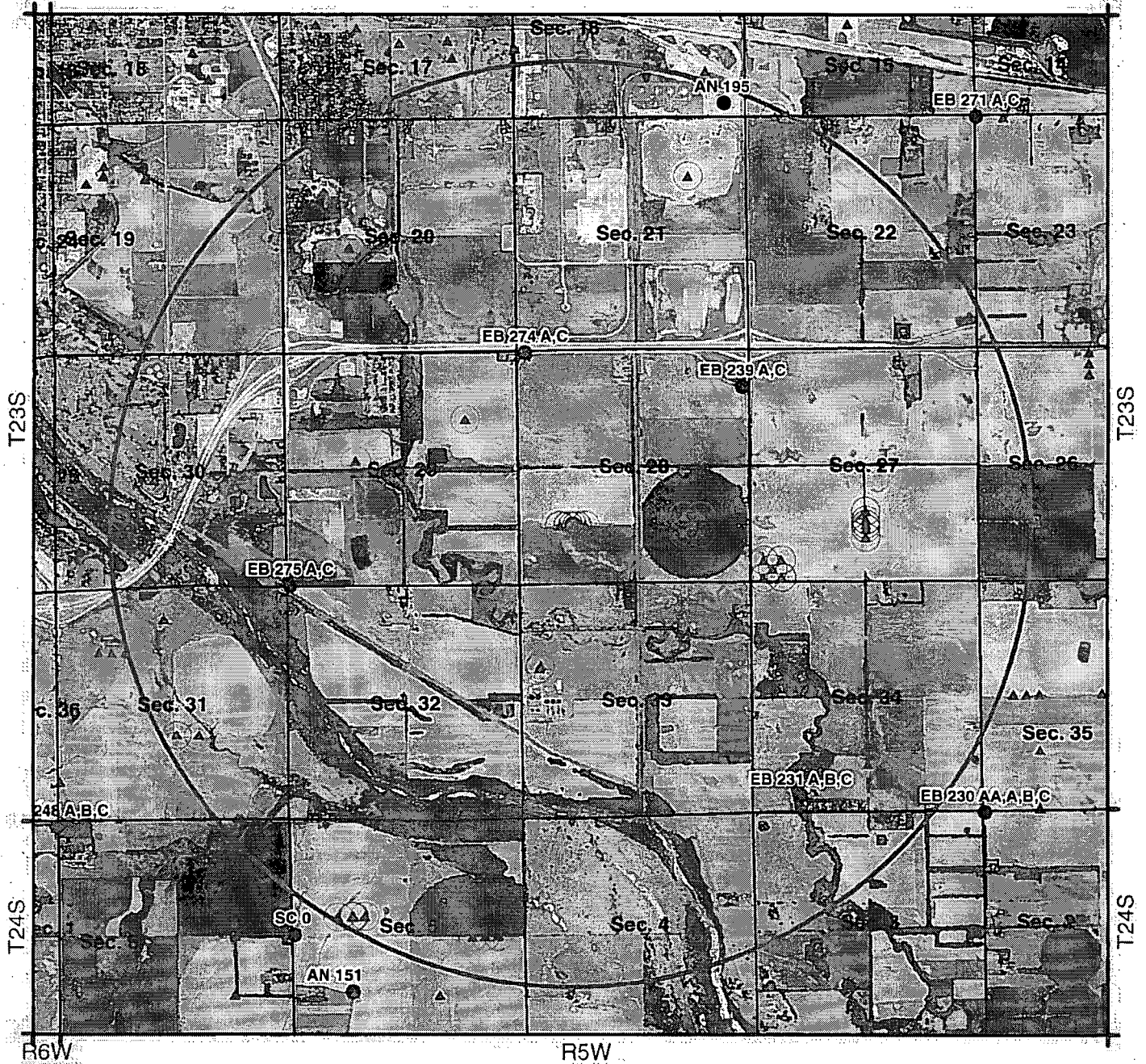
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OCT 17 2016

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OCT 17 2016

# Equus Beds Groundwater Management District No. 2

SAFE YIELD EVALUATION No. 49600 Matt Brack  
 SENWSW (1331'N & 4060'W) 28-23S-05W, Reno County

Prepared By: Stephen Flaherty Date: 10/13/2016



## Map Legend

	Observation Well		Proposed Point of Diversion		Burrton IGUCA
	Bedrock		Existing Points of Diversion		Hollow Nickel SWQUA
	Authorized Place of Use				McPherson IGUCA
	Proposed Place of Use				Enhanced Well Spacing Area

Equus Beds Groundwater Management District No. 2  
 316835-2224, equusbeds@gmd2.org

SCANNED

OCT 17 2016

KANSAS DEPT OF AGRICULTURE

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 49600 Date filed: March 28, 2016  
 2) Proposed maximum quantity: 183.4 acre-feet/year Rate: 800 GPM  
 3) Proposed Use: Irrigation  
 4) P/D location: SENWSW 28-23S-5W Geo Center: North 1331 ft, West 4060 ft  
 5) Number and type of points of diversion listed on the application 4 Well Battery

6) Is the well location on the app the same on the evaluation sheet?  Yes  No  
 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why       
 8) Meets change app requirements K.A.R. 5-22-8?  Yes  No  N/A

9) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A  
 9(a) Safe yield analysis total existing appropriations: 4165.04 af/yr  
 9(b) Safe yield total allowable appropriations: 4021 af/yr  
 9(c) Total appropriations for small user exemptions: 33.18 af/yr  
 9(d) Total appropriations for non-consumptive use: 368.00 af/yr  
 9(e) Total appropriations for consumptive use: 3797.04 af/yr  
 (total existing appropriations) - (non-consumptive appropriations)  
 9(f) exempt from regulation?  Yes  No,  
 Cite exemption:     

10) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A  
 10(a) POD in enhanced well spacing area?  Yes  No  
 10(b) Domestic well spacing interval: >960 ft  
 10(c) Non-Domestic well spacing interval: >1620 ft

11) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A  
 11(a) Irrigation max quantity: 1.4 acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 11(b) Stockwater max quantity:      GPD      unit  
 11(c) Industry max quantity:      Acre  
 Industry standard:       
 11(d) Municipal max quantity:      GCD  
 Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
 X - Average of last three years usage in Gallons per Capita per Day (GCD)  
 Y - water usage for industries that use over 200,000 gal/yr (GCD)  
 Z - Projected population in 20 years  
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)  
 11(e) Pond max quantity is       
 (Net evap + seepage)/12 x pond area + any initial fill  
 11(f) Groundwater pit max Q:       
 Net evap \* pit area/12

12) Reasonable rate for intended use?  Yes  No  N/A  
 13) Depth to water: 8 bls at observation well: EB274C

14) Date reviewed: 9/30/16 *Reviewed 10-13-2016*  
 15) Reviewed by: S. Flaherty Title: Hydrogeologist  
 16) District recommendation:  Approve  Deny  Other, see comment TS

17) Comments and Calculations:

Review completed for a new application submitted by Matt Brack for Irrigation use in Reno County.  
 Application proposes to create an identical point of diversion overlap with file nos. 47584 and 47601.  
 There is no place of use overlap  
 Item # 11a - 183.4 acre feet of water per year / 131 acres of land = 1.4 acre feet per acre  
 Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17

WATER RESOURCES  
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FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 13, 2016

Chief Engineer, Division of Water Resources  
Attn: Richelle Krueger  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Appropriation Application No. 49600 – Matt Brack

Dear Ms. Krueger:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on October 13, 2016, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the maximum rate of diversion being further limited to 800 gallons per minute when combined with Water Permit Nos. 47584 and 47601.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese,  
Manager  
TDB/SF

Enclosures

pc: Matt Brack, Applicant  
Harold E Swanson Trust, Landowner  
Jeff Lanterman, Stafford Field Office



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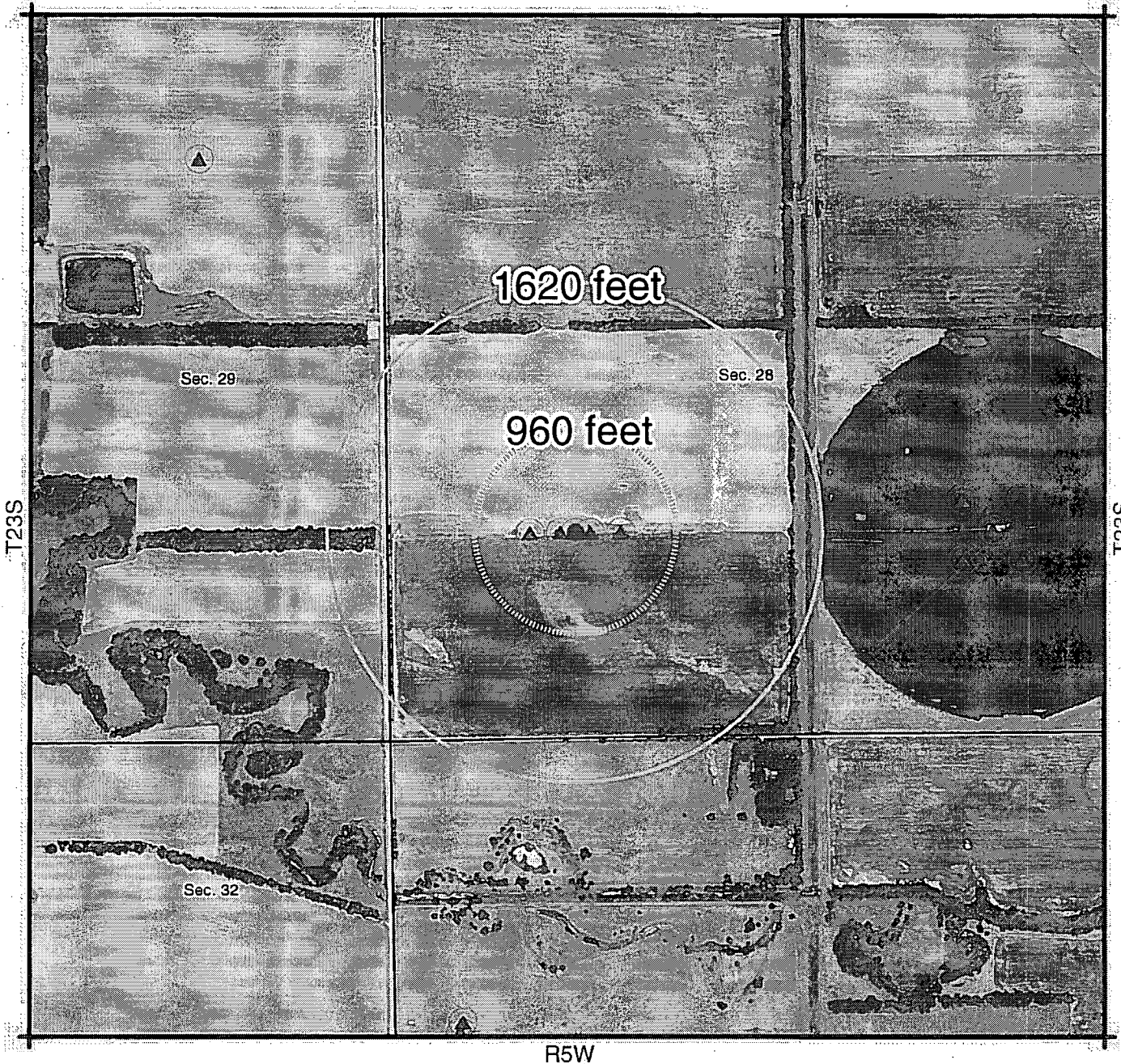




# Equus Beds Groundwater Management District No. 2

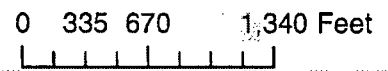
SPACING EVALUATION No 49600 Matt Brack  
 SENWSW (1331'N & 4060'W) 28-23S-05W, Reno County

Prepared By: Stephen Flaherty Date: 9/30/2016



## Map Legend

● Observation Well	● Proposed Point of Diversion	Burrton IGUCA Hollow Nickel SWQUA McPherson IGUCA Enhanced Well Spacing Area
■ Bedrock	▲ Existing Points of Diversion	
▨ Authorized Place of Use		Equus Beds Groundwater Management District No. 2 313 Spruce Street, Hays, KS 67056 P 316-835-2224, F 316-835-2225, E info@eqmd2.org
▨ Proposed Place of Use		



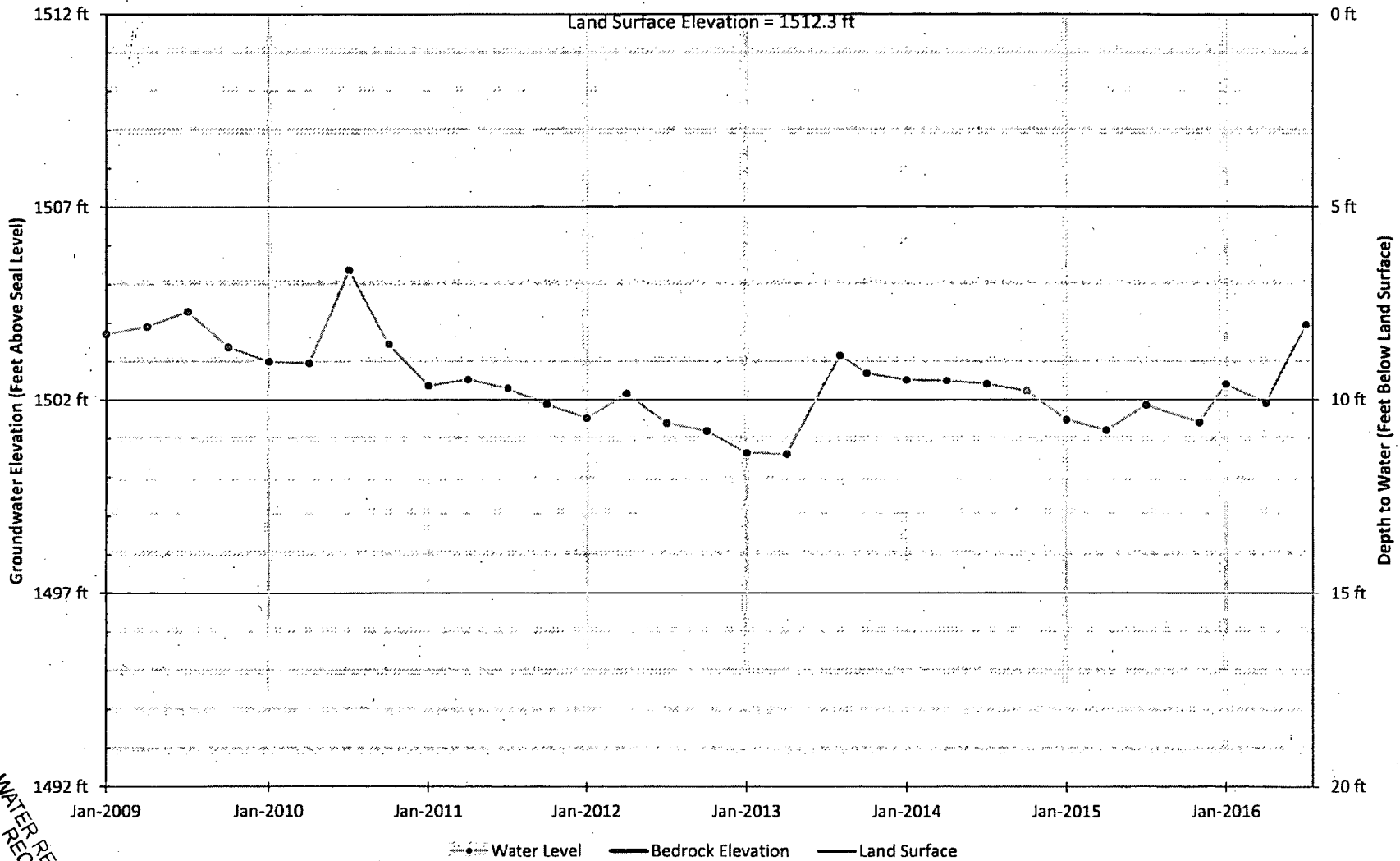
SCANNED

OCT 17 2016

DEPT OF AGRICULTURE

# Hydrograph WELL: EB274C

Depth to Bedrock:  
71 ft



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TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 13, 2016

Matt Brack  
4001 E. Ave. G  
Hutchinson, KS 67501

Re: Appropriation Application No. 49600

Dear Mr. Brack:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that Appropriation Application No. 49600 be approved. Pursuant to K.A.R. 5-22-4a, the well battery described in the application must be equipped with a District approved water flow meter. The well battery is to be located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 28, Township 23 South, Range 5 West, Reno County.

The well battery must be properly equipped with an approved meter within 30 days after the approved well battery is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Please note that the water flow meter must be installed in such a manner to only measure the water being used on the place of use authorized by No. 49600, and be must metered separately from the water being used on the place of use authorized by Water Permit Nos. 47584 & 47601.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. Water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Enclosures

pc: Jeff Lanterman, Division of Water Resources, Stafford  
Harold E. Swanson Trust, Landowner

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OCT 17 2016

KS DEPT OF AGRICULTURE

SCANNED



## Krueger, Richelle

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Friday, October 14, 2016 1:32 PM  
**To:** Krueger, Richelle  
**Cc:** Engelbrecht, Jessica  
**Subject:** 49600 New Application Approval  
**Attachments:** 49600 New App Approval.pdf

Richelle,

Attached is documentation regarding the Approval of New Application for 49600.

Please let me know if you have any questions or difficulty opening the attachment.

Thanks!

*Rebecca*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 10, 2016

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO 2  
ATTN STEPHEN FLAHERTY  
313 SPRUCE ST  
HALSTEAD KS 67056

**FILE COPY**


Re: Appropriation of Water, File Nos. 47,584; 47,585 and 47,601  
Application, File Nos. 49,600; 49,601 and 49,602

Dear Stephen:

In accordance with your request received in this office on October 6, 2016, the Chief Engineer has extended until November 7, 2016, the time in which to submit your recommendations concerning the applications to change the point of diversion under File Nos. 47,584; 47,585 and 47,601, and Application, File Nos. 49,600; 49,601 and 49,602.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

## Krueger, Richelle

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Thursday, October 06, 2016 5:03 PM  
**To:** Krueger, Richelle  
**Subject:** FW: Request for Extension - File No. 49600

Richelle,

I apologize, this file is in regards to a New Application, not a Change in Point of Diversion.

Thanks!

*Rebecca*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

---

**From:** Rebecca Wilson [mailto:rwilson@gmd2.org]  
**Sent:** Thursday, October 06, 2016 4:47 PM  
**To:** 'richelle.krueger@ks.gov'  
**Subject:** Request for Extension - File No. 49600

Richelle,

Steve Flaherty is requesting a 15 day extension from the date of this email to review the Change in Point of Diversion for File No. 49600. He apologizes for the delay, but he recently received numerous advanced copies, and he is now working each application in the order that it was filed.

Please let me know if you have any concerns or questions.

Thanks!

*Rebecca*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax

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OCT 07 2016  
KS DEPT OF AGRICULTURE

## Krueger, Richelle

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Thursday, October 06, 2016 4:47 PM  
**To:** Krueger, Richelle  
**Subject:** Request for Extension - File No. 49600

Richelle,

Steve Flaherty is requesting a 15 day extension from the date of this email to review the Change in Point of Diversion for File No. 49600. He apologizes for the delay, but he recently received numerous advanced copies, and he is now working each application in the order that it was filed.

Please let me know if you have any concerns or questions.

Thanks!

*Rebecca*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 24, 2016

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO 2  
ATTN STEPHEN FLAHERTY  
313 SPRUCE ST  
HALSTEAD KS 67056

**FILE COPY**


Re: Appropriation of Water, File Nos. 47,584; 47,585 and 47,601  
Application, File Nos. 49,600; 49,601 and 49,602

Dear Stephen:

In accordance with your request received in this office on August 23, 2016, the Chief Engineer has extended until September 24, 2016, the time in which to submit your recommendations concerning the applications to change the point of diversion under File Nos. 47,584; 47,585 and 47,601, and Application, File Nos. 49,600; 49,601 and 49,602.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

**Krueger, Richelle**

---

**From:** Krueger, Richelle  
**Sent:** Tuesday, August 23, 2016 11:28 AM  
**To:** 'Rebecca Wilson'  
**Subject:** RE: Request for Extension - File No. 47601

Thanks Rebecca, I will get that extension in the mail to you.  
Richelle

---

**From:** Rebecca Wilson [mailto:[rwilson@gmd2.org](mailto:rwilson@gmd2.org)]  
**Sent:** Tuesday, August 23, 2016 11:25 AM  
**To:** Krueger, Richelle  
**Subject:** Request for Extension - File No. 47601

Richelle,

Steve Flaherty is requesting a 30 day extension from the date of this email to review the Change in Point of Diversion for File No. 47601. He apologizes for the delay, but he has been consumed with completing annual county assessments, which are due to each county by August 25, 2016.

Please let me know if you have any concerns or questions.

Thanks!  
Rebecca Wilson  
Equus Beds GMD2  
313 Spruce, Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
[rwilson@gmd2.org](mailto:rwilson@gmd2.org)  
[www.gmd2.org](http://www.gmd2.org)

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AUG 23 2016  
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(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 28, 2016

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO 2  
ATTN STEPHEN FLAHERTY  
313 SPRUCE ST  
HALSTEAD KS 67056

Re: Appropriation of Water, File Nos. 47,584; 47,585 and 47,601  
Application, File Nos. 49,600; 49,601 and 49,602

Dear Stephen:

In accordance with your request received in this office on July 27, 2016, the Chief Engineer has extended until September 1, 2016, the time in which to submit your recommendations concerning the applications to change the point of diversion under File Nos. 47,584; 47,585 and 47,601, and Application, File Nos. 49,600; 49,601 and 49,602.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

**Krueger, Richelle**

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, July 27, 2016 11:50 AM  
**To:** 'Stephen Flaherty'  
**Cc:** Turney, Brent  
**Subject:** RE: Extension

Hi Stephen,  
I will get those extensions in the mail.  
Thanks,  
Richelle

---

**From:** Turney, Brent  
**Sent:** Wednesday, July 27, 2016 10:36 AM  
**To:** Krueger, Richelle  
**Subject:** FW: Extension

I think you to get this!

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@kda.ks.gov](mailto:Brent.Turney@kda.ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Stephen Flaherty [<mailto:sflaherty@gmd2.org>]  
**Sent:** Wednesday, July 27, 2016 10:28 AM  
**To:** Turney, Brent  
**Subject:** RE: Extension

Richelle,

Could I please have an extension on 49601, 49602, 47585, 49600, 47584, and 47601 until I receive the open records request Brent mentioned?

Thanks,  
Steve

---

**From:** Turney, Brent [<mailto:Brent.Turney@ks.gov>]  
**Sent:** Wednesday, July 27, 2016 10:00 AM  
**To:** Stephen Flaherty  
**Cc:** Pugh, Ginger; Krueger, Richelle  
**Subject:** FW: Extension

Steve,

**SCANNED**

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 1, 2016

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO 2  
ATTN TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056

Re: Application, File No. 49,600 and Appropriation of Water, File No. 47,584 and 47,601

Dear Tim:

We are enclosing a copy of Application, File No. 49,600 and copies of Applications to Change the Point of Diversion for File Nos. 47,584 and 47601.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Richele A. Krueger".

Richele A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office





1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 8, 2016

MATT BRACK  
4001 E AVENUE G  
HUTCHINSON KS 67501-8280

RE: Appropriation of Water, File Nos. 47,584; 47,585 and 47,601

Dear Mr. Brack,

Reference is made to the applications for approval of the Chief Engineer to change the point of diversion under the referenced file numbers which were received in the office of the Chief Engineer on March 28, 2016 and March 30, 2016. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office indicates that the following are owners of the authorized places of use:

**File No. 47,584:** 65 acres in the South Half of the Southwest Quarter (S½ SW¼) of 28-23S-5W Reno Co. - Harold E. Swanson Trust; Kim E. Brack; Guy S. Swanson Trust; Hal E. Swanson; Harold E. and Donna J. Swanson Trust No. 2.

**File No. 47,585:** 130 acres in the Southwest Quarter (SW¼) of 27-23S-5W Reno Co. - Harold E. Swanson Trust; Kim E. Brack; Guy S. Swanson Trust; Hal E. Swanson; Harold E. and Donna J. Swanson Trust No. 2.

**File No. 47,601:** 65 acres in the North Half of the Southwest Quarter (N½ SW¼) of 28-23S-5W Reno Co. - Jean Anne Beal (we need her spouse's notarized signature if applicable).

I am enclosing copies of the referenced change applications and additional signature forms so that you may obtain the original notarized signatures of all of the owners and spouses, if applicable. If this ownership information is not correct, please submit copies of the recorded deeds to clearly indicate the owners so that our records may be updated.

Please return the forms with the original notarized signatures of all owners and spouses at your earliest convenience so that I may continue with processing your applications.

Our staff at the Stafford Field office can provide assistance, if needed. If you would like assistance, please call (620) 234 -5311 to set an appointment time. We appreciate you making an appointment, as it will save you time and allows us to better serve you. If you do go to the field office for assistance, please take this letter and any attachments.

OVER →

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
Enclosures

pc: Stafford Field Office  
Groundwater Management District No. 2

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 8, 2016

JAMES R WALLSTEN  
1419 E 5<sup>TH</sup> AVE  
HUTCHINSON KS 67501-2751

RE: Appropriation of Water  
File Nos. 47,584 and 47,601  
Application  
File No. 49,600

Dear Sir or Madam:

This is to advise you that Matt Brack has filed with the Division of Water Resources, Kansas Department of Agriculture, one(1) application for permit to appropriate water for beneficial use, identified as File No. 49,600. File No. 49,600 proposes the appropriation of 183.4 acre-feet of groundwater for irrigation use to be diverted at a diversion rate of 800 gallons per minute from:

one (1) battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,331 feet North and 4,060 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas.

Matt Brack and Harold E. Swanson Trust etal also filed with the Division of Water Resources, Kansas Department of Agriculture, two (2) applications to change the point of diversion pursuant to Appropriation of Water, File Nos. 47,584 and 47,601. The applicant proposes to change the authorized point of diversion

from: one (1) battery of two (2) wells with a geographic center located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,300 feet North and 3,960 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas,

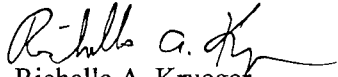
to: one (1) battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,331 feet North and 4,060 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

OVER →

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 2  
Matt Brack



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 8, 2016

HAROLD E SWANSON TRUST  
5500 E AVENUE G  
HUTCHINSON KS 67501

RE: Appropriation of Water  
File Nos. 47,584 and 47,601  
Application  
File No. 49,600

Dear Sir or Madam:

This is to advise you that Matt Brack has filed with the Division of Water Resources, Kansas Department of Agriculture, one(1) application for permit to appropriate water for beneficial use, identified as File No. 49,600. File No. 49,600 proposes the appropriation of 183.4 acre-feet of groundwater for irrigation use to be diverted at a diversion rate of 800 gallons per minute from:

one (1) battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,331 feet North and 4,060 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas.

Matt Brack and Harold E. Swanson Trust etal also filed with the Division of Water Resources, Kansas Department of Agriculture, two (2) applications to change the point of diversion pursuant to Appropriation of Water, File Nos. 47,584 and 47,601. The applicant proposes to change the authorized point of diversion

from: one (1) battery of two (2) wells with a geographic center located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,300 feet North and 3,960 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas,

to: one (1) battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 1,331 feet North and 4,060 feet West of the Southeast corner of said section, in Township 23 South, Range 5 West, Reno County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

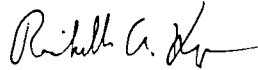
OVER →

RE: File Nos. 47,584, 47,601 and 49,600

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If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 2  
Matt Brack



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

March 28, 2016

MATT BRACK  
4001 E AVE G  
HUTCHINSON KS 67501

RE: Application  
File No. 49600

Dear Sir or Madam:

Your application for permit to appropriate water in 28-23S-5W in Reno County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

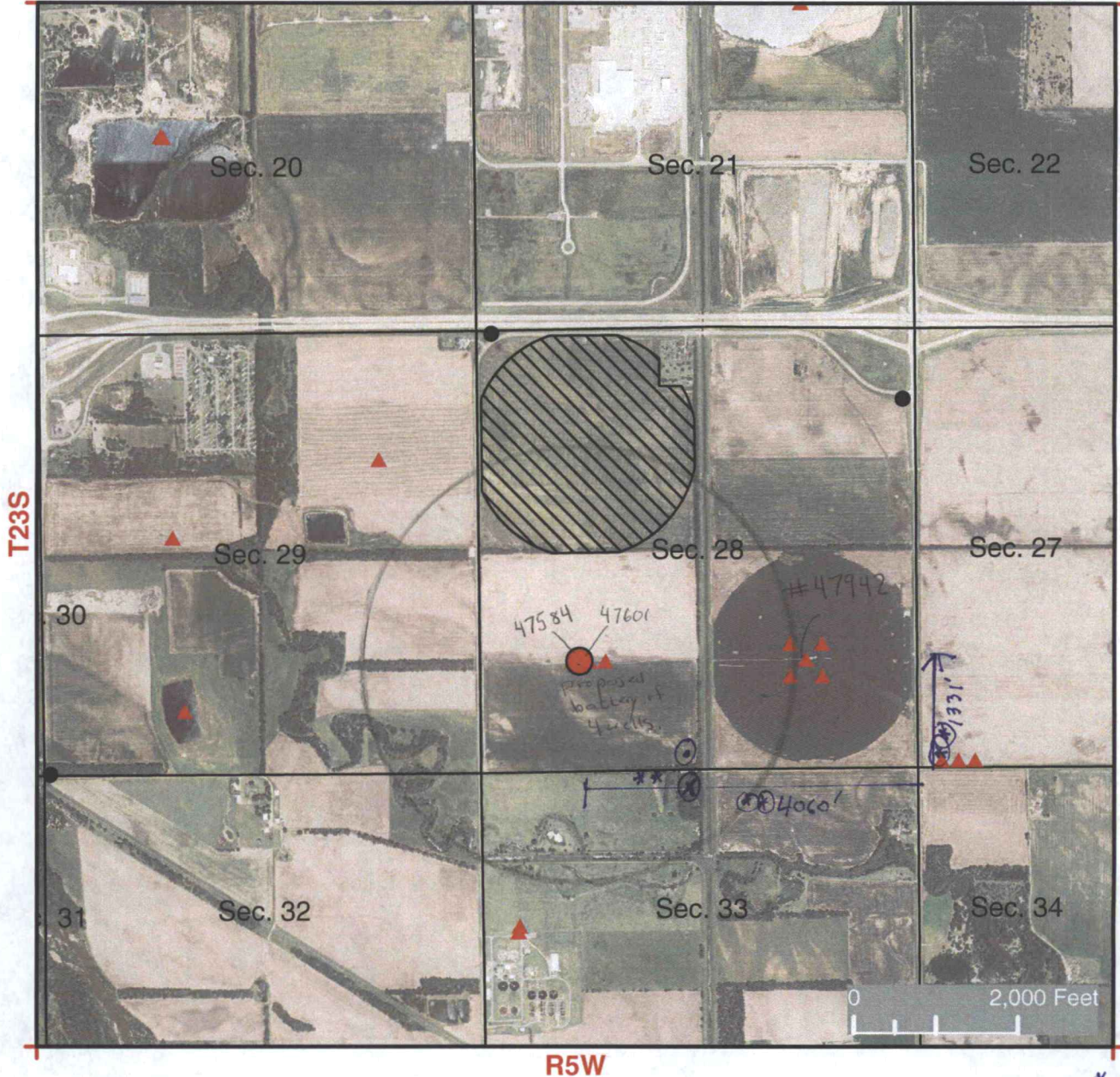
Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: STAFFORDField Office  
GMD 2

SCANNED



# Application Map for Matt Brack



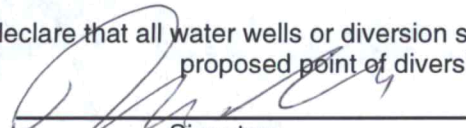
T23S

R5W



\* 1:24000

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.






  
 \_\_\_\_\_  
 Signature

3-25-16  
 \_\_\_\_\_  
 Date

**New Application**

**Application No. \_\_\_\_\_ To Change:**


- Point of Diversion
- Place of Use
- Use Made of Water

-  Domestic well per WWC-5
-  Proposed Point of Diversion
-  Existing Points of Diversion
-  Proposed Place of Use
-  Authorized Place of Use

*Proposed Geocenter Feet Distances*  
 \* per Application Par 5  
 \* RAK/DW 6/7/16

See Attached for Points of Diversion within 1/2 mile of proposed point

*Domestic Well*  
 \*\* per DWR Records File No  
 47584, 47601 + Reno Co parcel search  
 \*\* RAK/DW 6/7/16

\*\*  Domestic Well  
 James R Wallsten  
 1419 E 5<sup>th</sup> Ave  
 Hutchinson KS 67501-2751

*\* RAK/DW 6/7/16*  
 WATER RESOURCES RECEIVED

MAR 28 2016

KS DEPT OF AGRICULTURE

Completed By GMD2 Staff  
 S. Flaherty - 3/25/2016  
**SCANNED**