Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

Document Signature		+ , ` .		
1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5 GMD:
47584	5/4/2017	C1	· 02	02
6. Status: Approved De	enied by DWR/GMD	Dismiss by Reque	est/Failure to Return	7. Filing Date of Change:
	,			28-MAR-2016
8a. Applicant(s) New to system □	Person ID <u>59218</u> Add Seq# <u>1</u>	8c. Landown New to sy		Person ID <u>05482</u> Add Seq# <u>/</u>
MATT BRACK 4001 E AVENUE G HUTCHINSON KS 67	'501-8280	4745 S	BRACK W FAIRLAWN R (A KS 66610	(D
		8d. Landown		Person IDAdd Seq#
* 				
8b. Landowner(s) New to system □	Person ID <u>54904</u> Add Seq# <u>1</u>	8e. WUC New to sy	stem 🗌	Person IDAdd Seq#
HAROLD E SWANSO 5500 E AVE G HUTCHINSON KS 67	· · · · · · · · · · · · · · · · · · ·	No cha	ınge	
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9. Documents and Enclosure(s):	DWR Meter(s) Date to Com	ply: <u>12/31/18</u>	N & P Date	to Comply:12/31/18
☐ Anti-Reverse Meter ☐ Mete	er Seal 🔲 Check Valve	⊠ N & P Form	☑ Water Tube 区	Driller Copy
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10. Use Made of Water From:		То	; <u>:</u>	
			Date Prepared: 05/0 Date Entered: <i>5/9</i>	1

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

<u>MEMORANDUM</u>

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. 47584 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



May 9, 2017

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

Jackie McClaskey, Secretary

Governor Sam Brownback

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



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION APPROPRIATION OF WATER FILE NO. 47.584

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Matt and Valerie Brack, 4001 East Avenue G, Hutchinson, Kansas, 67501, Donna Swanson, Trustee, Guy S. Swanson, Trustee, and Guy S. Swanson, P.O.A., on behalf of the Harold E. Swanson Trust, Guy S. Swanson Trust, Hal E. Swanson, and Harold E. and Donna J. Swanson Trust No. 2, 5500 East Avenue, Hutchinson, Kansas 67501, and Kim E. Brack, 4745 Southwest Fairlawn Road, Topeka, Kansas, 66610, received in this office on March 28, 2016, for approval of a change in the location of the point of diversion under Approval of Application, File No. 47,584, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE½ NW½ SW½) 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 map accompanying the application to change the point of diversion.

The point of diversion described herein as a battery of four (4) wells is further limited such that the 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 not in excess of four hundred (400) gallons per minute (0.89 c.f.s.) per well.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order 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.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 47,584, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated December 20, 2010.

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. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) 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 4th day of May

, *2017* in Topeka, Shawnee County, Kansas.

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 day of day of John Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

Notary Public

CERTIFICATE OF SERVICE

On this 9thday of May 3017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 47,584, dated May 4, 3017 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

KIM E BRACK 4745 SOUTHWEST FAIRLAWN ROAD TOPEKA KS 66610

MATT BRACK 4001 E AVENUE G HUTCHINSON KS 67501-8280

Stafford Field Office Groundwater Management District No 2

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. WATER RESOURCES RECEIVED File No. 47584 MAR 2 8 2016 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): **ID: OI** KS DEPT OF AGRICULTURE ■ Point of Diversion ☐ Place of Use under the water right which is the subject of this application in accordance with the conditions described below. The source of supply is: ■ Groundwater ☐ Surface water 2. Name and address of Applicant: Matt Brack 4001 E ave. G Hutchinson, KS 67501 Phone Number: (Email address: Name and address of Water Use Correspondent: same as owner Phone Number: (Email address: 3. The presently authorized place of use is: Owner of Land ---- NAME: Harold E. Swanson Trust ADDRESS: 5500 E Avenue G, Hutchinson, KS 67501 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 TOTAL ACRES NE' NW' SW' SE' NE14 NW14 SW14 SE1/4 NE1/4 NW1/4 SW1/4 NE¼ NW¼ SW¼ SE¼ SE1/4 Twp. Range Sec 32.5 23\$ 5W 32.5 65 28 4. If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land ---- NAME: no change ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 TOTAL ACRES NE¼ NW¼ SW¼ NW1/4 SW1/4 SE1/4 NE1/4 NW14 SW14 SE14 NW14 SW14 Sec. Twp. Range SE1/4 NE1/4 Receipt Date 3/28/16 Check # 3014 For Office Use Only: Code CLT Fee \$

014). 4/13/17

SCANNED File No. 47584

(*)5.	One in the of Section 28 in Reno County Authorized Rate 800 GPM	ersion: Geocenter	Butter of 2	well	
	One in the	_Quarter of the <u>NC</u>	<u> </u>	Quarter of the SW	Quarter
	of Section ²⁸	, Township <u>²³ </u>		South, Range <u>5W</u>	(E/W),
	in Reno County	, Kansas, <u>1300 </u>	_ feet North ³⁹⁶	feet West of Sou	theast corner of section.
	Authorized Rate 800 GPM	Authorized Quantity	91 AF	_ Depth of well	(feet)
	(DWR use only: Computer ID No.	3 POTVI 1/677 GF	S 1331	feet North 3961	feet West)
	☐ This point will not be changed	This point will	l be changed as	follows:	(1)
*	Proposed point of diversion: (Cor	nplete only if chan	<u>ge is requested)</u>	Geocenter Battery	of 4 wells
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	Proposed Rate 800GPM This point is: Additional Well	Proposed Quantity <u></u>	1 AF	_ Proposed well depth (fee	t)
	This point is: Additional Well	■ Geo Center List of	ther water rights	that will use this point 4	7601 449600
(A .6 [Presently authorized point of dive	ersion: But lo	F2 Wells F	at Well	
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	of Section 28	, Township ²³		South, Range 5W	(E/W),
	in RENO County	. Kansas, ¹³⁰⁰	feet North 3670	feet West of Sou	theast corner of section.
	Authorized Rate				
74441	(DWR use only: Computer ID No.				
	■ This point will not be changed				•
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κ	One in the SW of Section	Quarter of the	NE	Quarter of the	. W Quarter
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	in Reno County	Kansas. /33/	feet North 37	76つ feet West of Sou	theast corner of section.
	Proposed Rate This point is: Additional Well	Proposed Quantity		Proposed well depth (fee	t)
	This point is: Additional Well	Geo Center List o	ther water rights	that will use this point	17601 + 49600
-				,	
	Why do you need a new point of diver	Sion?	the dia (PLE A	f the existing point of diver agram below in relation to the	•
8.	If a well, is the test hole log attached?	☐ Yes ■ No		100 50 0	<u>50 10</u> 0
9.	When do you propose to comple diversion? 4/1/2017	ete the new point	of	50 - + =	+ = 50
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10.	If the point of diversion is a well:		Wes	¢ 0[—̃ X	
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				50 - + -	+ \exists^{50}
	(b) When will this be done? 4/1/2017				₫
				<u> </u>	
11.	Groundwater Management Dis	trict recommendati	on	100 50 0	50 100
	attached? ☐ Yes ■ No		•	South	
	,		405 1545		
12.	Assisted by Steve Flaherty - GMD2		100 fe	eet but within 1320 feet	will be relocated more than from the existing point of
	* Modified per Applicati	n File No. 4960	divers For gr o within names water landov	ion, attach a topographic oundwater sources, show a one-half mile of the propos and mailing addresses of sources, show the nam	map or aerial photograph. Il wells (including domestic) ed point of diversion and the if the owners. For surface es and addresses of the nstream and one-half mile
DW	R 1-121 (Revised 06/16/2014)		Page 2		File No. <u>47584</u>
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>47584</u>

(X)	Presently authorized point of diversion	n: a d 1 0 2 4-115	Wort Wall	
\heartsuit	One in the NE Out	enter of the SW	Ouarter of the	SW Quarter
	of Section 28 To County, Kan Authorized Rate Authorized Route 10 No. 2 PA	ownship23	South, Range	5W (E/W).
	in RENO County, Kan	nsas, <u>1300</u> feet North	4250 feet West of Sc	outheast corner of section.
	Authorized Rate Authorized	orized Quantity	Depth of well	(feet)
	(DWR use only: Computer ID No. & ₱₱₱ ☐ This point will not be changed	This point will be shanged.	feet North <u>4159</u>	feet West)
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*	Proposed point of diversion: (Complete	te only if change is requeste	d) Ball of 4 Wells	5/
	One in the SE Qua of Section 38 , To in Reno County, Kan	arter of the	Quarter of the3	Quarter Quarter
	of Section 48 , 10	ownship / A)	South, Range	Uthood corner of codi
	Proposed Rate Proposed	osed Quantity	Proposed well denth (feet)
	Proposed Rate Proposed This point is: Additional Well Ge	o Center List other water righ	ts that will use this point	47601 + 49600
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	One in the Qua		Quarter of the	Quarter
	of Section , To	ownship	South, Range	
	of Section, To	isas,feet North	feet West of Sc	utheast corner of section.
	Authorized Rate Authorized	orized Quantity	Depth of well	(feet)
	Authorized Rate Authorized Rate Authorized Computer ID No This point will not be changed	GPS	feet North	feet West)
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*	Proposed point of diversion: (Complet	<u>te only if change is requeste</u>	d) Batt lof 4 Wells	5
	One in the NÉSE Qua of Section 28 , To	arter of the SW NV	U Quarter of the	SW Quarter
	of Section, To, To, In RENO County, Kan	ownship 23	South, Range	5W WEST,
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	Proposed Rate Proportion Proportion Proportion Proportion Proportion Proportion Proportion Proportion Proposed Rate Proposed Rat	o Center List other water righ	ts that will use this point	47601 + 49600
ı		3		
ſ	Presently authorized point of diversion	n:		
	One in the Qua	arter of the	Quarter of the	Quarter I
	One in the Qua	arter of the ownship	Quarter of the South, Range	Quarter (E/W),
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	One in the Qua of Section, To in County, Kan Authorized Rate Author	arter of the ownship osas, feet North _ orized Quantity	Quarter of the South, Range feet West of So Depth of well	Quarter (E/W), outheast corner of section.
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14. If the proposed groundwater point of diversion is 3	300 or fewer feet fro	m existing point of diversion, complete the	: following:
(a) Does the undersigned represent all owners o	of the currently authornust sign this applic		ication?
 (b) Will the ownership interest of any owner of affected if this application is approved as req ☐ Yes ☐ No (If yes, all owners 			ication be adversely
(c) If this application is not approved expeditious ☐ Yes ☐ No (If no, all owners or	sly, will there be subs must sign this applic		or safety?
If the application proposes a surface water change in or a change in place of use, the application must be s agent (attach notarized statement authorizing represe	igned by all owners		
I hereby verify, being first duly sworn upon nage and the owner, the spouse of the owner, their behalf, in regard to the water right(s) to contained in this application are true, correct	or a duly authorize which this appl	zed agent of the owner(s) to make t	his application on
Dated at Julyco	, Kansas, this _	25 day of Mcrch	, 20_16
///////		Valeri Brao	K
(Owner)	,	(Spouse)	
(Please Print)	<u> </u>	(Please Print)	
(Owner)		(Spouse)	·
(Please Print)		(Please Print)	
(Quant)		(\$20,000)	, e
(Owner)		(Spouse)	
(Please Print)		(Please Print)	
State of Kansas County of Havey SS			~
Notar State o	M. Watkins y Public f KANSAS ssion expires	resence and sworn to before me to Notary Public	his 25 day of
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED accurate information; maps, if necessary, must be included; the appropriate fee must be paid.			
Each application to change the place of use or the poi forth in the schedule below. Make checks payable to: (1) Application to change a point of diversion (2) Application to change a point of diversion (3) Application to change the place of use	Kansas Departme 300 feet or less more than 300 feet	r this section shall be accompanied by the ent of Agriculture	<u>(\$100</u> 7
		WATER RESOURCES RECEIVED	
DWR 1-121 (Revised 06/16/2014)	Page 3	MAR 2 8 2016	File No. 47584
		KS DEPT OF AGRICULTURE SCANN	IED

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K.A	s Summary Order is issued under authority of K.S.A. 8 visions of the <i>Kansas Water Appropriation Law, K.S.A.</i> 82 .R. 5-1-1 <i>et.seq.</i> With the exception of those conditions ex ns, conditions and limitations of File No	a-701 et. seg., and rules and re	egulations promulgated thereunder,
1.	A change application was received on diversion authorized under the above-referenced file number	requesting the representation of the representation to the representation to the representation of the represe	at the place of use and / or point of the application.
2.	On and after the effective date of this summary order, the on the topographic map accompanying the application to companying t	authorized place(s) of use shathcharpoons authorized place of use. \square A	Il be located substantially as shown pplicable ☐ Not Applicable
3.	The change in point of diversion shall not impair existing ripreviously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	y this summary order shall be lo	same source or sources of water as cated within a foot
4.	The point(s) of diversion authorized herein shall not actual authorized point(s) of diversion. Applicable	ly be located more than Not Applicable	feet from the previously
5.	As required by K.A.R. 5-3-5d, if the works for diversion is tube or other device suitable for making water level measu with K.A.R. 5-6-13. Applicable Not Applicable	ırements shall be installed, oper	f 100 gallons per minute or more, a rated and maintained in accordance
6.	The owner of the authorized place(s) of use shall proceed by the first use of water operated and maintained in accordance with K.A.R. 5-1-4 K.A.R. 5-3-5e, the owner shall maintain records and report diverted annually to the Chief Engineer by March 1 following Applicable Not Applicable	, whichever occurs first. The value through 5-1-12. As required by the reading of the water flow r	water flow meter shall be installed, K.S.A. 82a-732, as amended, and neter and the total quantity of water
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provi	e completed on or before De applicant shall notify the Chie ded by the Chief Engineer, as re	cember 31, 20, or within any of Engineer that construction of the equired by K.A.R. 5-8-4e.
8.	The completed well log shall be submitted with the req	ruired notice. Applicable	e ☐ Not Applicable
9.	All diversion works into which any type of chemical or othe with an in-line, automatic, quick-closing check valve capa check valve(s) shall be installed, operated and maintained	ible of preventing pollution of th	ne source of the water supply. The
10.	Additional Conditions are attached. $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$		
11.	In accordance with K.S.A. 82a-708a, as amended, and K water appropriated under the above-referenced file numlimitations, as amended and/or supplemented by this Sur Appropriation Law and the Rules and Regulations promersult in civil penalties pursuant to K.S.A. 82a-737, as ar water or appropriation right or any other enforcement actio	ber are responsible for complianmary Order, and with applical ulgated thereunder. Failure to mended, and/or the suspension	ance with its terms, conditions and ble provisions of the <i>Kansas Water</i> comply with these provisions may
	Administrative Appeal and Effective Date of Order		OFFICE USE ONLY
Yοι	have the right to a hearing in accordance with K.A.R. 5-14-3		ON APPROVED AND
befo	ore this Summary Order becomes final action of the Kansas	SUMMAR	Y ORDER ISSUED
filed	man are emer Engineer, Division of water recodinees,	in the second of the proposed process of the second of the	AFW + 1 2
Driv	isas Department of Agriculture, 1320 Research Park ve, Topeka, Kansas 66502, within 15 days after the date	By:	Designee of the Chief Engineer
sho	wn on the Certificate of Service attached hereto. If a hearing	(Print Name):	
Ord	ot requested in accordance with K.A.R. 5-14-3, this Summary er will become effective on the 15 th day after the date shown	Division of Water Resource	ces - Kansas Department of Agriculture
on t	he Certificate of Service. For Use by Register of Deeds	Date of Issuance:	
	Tor ose by Neglator of Decas	State of Kansas)
		County of) SS
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		by	•
		Signature:	Notary Public
			Notary Public
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	g general agreement of the common of the com	My commission expires: _	
		· -	(Notary Seal)
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File No.	47584
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 us authorized to make this application on their behalf, and declare fu	
complete. By filing this application I authorize the chief engineer to	
as specified in sections 14 and 15 of this application	
Dateda Hotchiwan, KS, Kansas, th	ais 31^{52} day of $31/\gamma$, 20.1%
(Dema) Vuana Justee	Suy Savansan, PoA
(Owner)	(Spouse) (Own(+)
Haryld E. Swanson Trust	Hal E. Swanson
(Please Print)	All (Please Print)
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Kin E. Brack	
	Horald E, Swanson Trat # 2
(Please Print)	(Please Print)
/ Ing of over	(Casura)
(Owner)	(Spouse)
Loy J. Junson	
(Please Print)	(Please Print)
State of Kansas County of SS	
	312
I hereby certify that the foregoing application was signed in my	y presence and sworn to before me this day of
8	Commission Stall man
M. Commission France 7-19-18	Notary Public Notary Public
My Commission Expires	NOTARY PUBLIC - State of Kan JENNIFER STALLM
	My Appt. Exp. 7-14-
FEE SCHI	EDULE
Each application to change the place of use, the point of diversion or the application fee set forth in the schedule below:	use made of the water under this section shall be accompanied by the
(1) Application to change a point of diversion 300 feet or less	
(2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	\$200 \$200
(4) Application to change the use made of the water	\$300
Make check payable to Kansas Department of Agriculture	MATER RESOLUTIONS

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OCT 2 0 2016

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

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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.

Dated at	, Kansas, this	day of		, 20
(Owner)			(Spouse)	
(Please Print)		(P	lease Print)	
(Owner)			(Spouse)	
(Please Print)	<u> </u>	(P	lease Print)	· · · · ·
(Owner)			(Spouse)	
(Please Print)		(P	lease Print)	
State of Kansas) SS				·
I hereby certify that the foregoing application was, 20	s signed in my preser	nce and sworn to be	fore me this	day of
My Commission Expires		Ne	otary Public	

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 Application to change a point of diversion more than 300 feet Application to change the place of use Application to change the use made of the water	. \$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

OCT 2 0 2016

KS DEPT OF AGRICULTURE

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

							File No	4758	34								V		R RESOURCES ECEIVED
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3.	Phone N The pres Owner o	ently a	uthoriz N/ ADDR	ed pla AME: ESS:	ce of u Harold 5500 E	ise is: E. Swa Avenu	inson T e G, Hi	utchinso	on, KS 6							KS	DEPT	OF AG	RICULTURE
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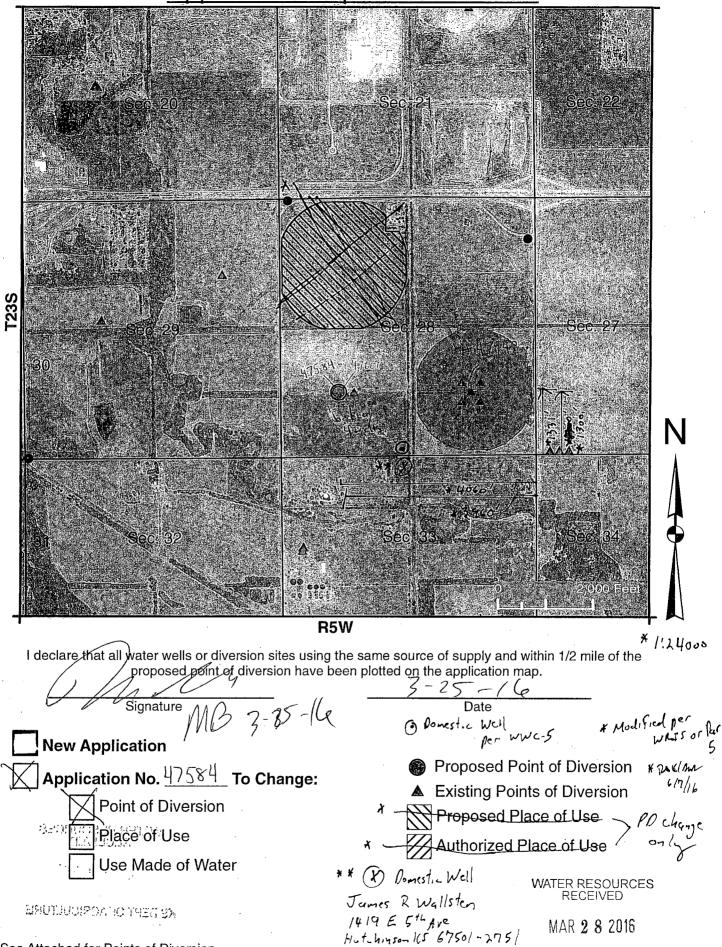
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	of Section: 28	, Township	25	Sou	ıth, Range	5	(E/
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>47584</u>

X	Presently authorized	point of di	version:	10F Zwells-	West Well		
\forall	One in the	NE	Quarter of the _	SW	West Well Quarter of the South, Range 4250	SW	Quarter
	of Section	28	, Township	23	South, Range	5W _	(E/W),
·	in <u>RENO</u>	Coun	ity, Kansas, <u>1300</u>	<u>U </u>	4250 teet West o	ا Southeast cori 2/	ner of section.
	Authorized Hate	nnuter ID N	_ Authorized Quant o_2_paty=a77/98	пу GPS 1331	Depth of well feet North4	(I 159	Vest)
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ĺ	of Section	2 & 7 E	Quarter of the _	7 2 2	Quarter of the	<u> </u>	(F/W)
	in Reno	Coun	tv Kansas 133	feet North	4159 feet West o	f Southeast corr	ner of section.
	Proposed Rate		Proposed Quantit	y	Proposed well dep	th (feet)	
ľ	This point is: Addit	ional Well	☐ Geo Center Li	st other water rig	Proposed well dep	nt	·
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ſ	Presently authorized	point of di	version:			*	
	One in the		Quarter of the		Quarter of the		Quarter
	of Section		, Township		South, Range feet West o		<u> </u>
	in	Coun	ity, Kansas,	feet North _	feet West o	f Southeast corr	ner of section.
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_*					ed) Ball 10f4h		
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	One in the	IXIE SE	Quarter of the	SW /V	W Quarter of the South, Range	SW	Quarter
	in RENO	Coun	, rownsnip .tv_Kansas = 133:		3961 feet West o	Southeast corr	er of section
	Proposed Rate	Coun	Proposed Quantit	v leet North _	3961 feet West o Proposed well dep hts that will use this poin	th (feet)	
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Γ	Presently authorized	المائم فياني					
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Application Map for Matt Brack



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

per own Records 47584, 47601 SCA A Reno Co Paral Search AX DAVIAN LIMITS

SCANNEBEPT OF AGRICULTURE
Completed By GMD2 Staff
S. Flaherty - 3/25/2016

14. If the proposed groundwater point of divers	ion is 300 or fewer feet from existin	g point of diversion, complete	the following:
(a) Does the undersigned represent all ow ☐ Yes ☐ No (If no, all ov	ners of the currently authorized pla wners must sign this application.)	ce(s) of use identified in this a	pplication?
(b) Will the ownership interest of any owr affected if this application is approved ☐ Yes ☑ No (If yes, all o		e(s) of use identified in this a	pplication be adversely
(c) If this application is not approved expe ☐ Yes ☑ No (If no, all ov	ditiously, will there be substantial dawners must sign this application.)	amage to property, public heal	Ith or safety?
If the application proposes a surface water char or a change in place of use, the application mus agent (attach notarized statement authorizing re	st be signed by all owners of the cu	ater change in point of diversi- rrently authorized place of use	on greater than 300 feet, e, or their duly authorized
I hereby verify, being first duly sworn up age and the owner, the spouse of the ov their behalf, in regard to the water right contained in this application are true, co	wner, or a duly authorized age t(s) to which this application orrect and complete.	nt of the owner(s) to mak pertains. I further verify	te this application on that the statements
Dated at TUSCU C	, Kansas, this <u>25</u>	_ day of <u>Mcre h</u>	, 20 <u>/ (</u> .
//m//M	[//	Peri Bra	ak
(Owner)		(Spouse)	:
Matt Brack	Val	erie Hau	<u>k</u>
(Please Print)	•	(Please Print)	
(Owner)		(Spouse)	
(Please Print)		(Please Print)	
(Owner)		(Spouse)	
(Please Print)		(Please Print)	
State of Kansas)			
County of Harrier SS	5		
ST MOTAL S	helly M. Watkins Notary Public state of KANSAS commission expires	te and sworn to before me Notary Public	e this day of
ONLY COMPLETE APPLICATIONS WILL BE PROCE accurate information; maps, if necessary, must be incl	ESSED. To be complete, all of the appli luded; signatures of all the appropriate o	cable portions of the application fowners' must be affixed to the app	orm must be completed with lication and notarized; and
the appropriate fee must be paid.			
Each application to change the place of use or t	FEE SCHEDULE	ion shall be accompanied by t	he application fee set
forth in the schedule below: Make checks payal (1) Application to change a point of dive (2) Application to change a point of dive (3) Application to change the place of the change the change the change the change the place of the change	ble to: Kansas Department of Agr ersion 3001feet or lessi ersion more than 300 feet	iculture	
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DWR 1-121 (Revised 06/16/2014)	Page 3		File No. <u>47584</u>

KS DEPT OF AGRICULTURE SCANNED

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K.	is Summary Order is issued under authority of K.S.A. 82: ovisions of the <i>Kansas Water Appropriation Law, K.S.A. 82a</i> - A.R. 5-1-1 <i>et.seq.</i> With the exception of those conditions expr ms, conditions and limitations of File No.	701 et. seq., and rules an	d regulations promulgated thereunder.
1.	A change application was received on diversion authorized under the above-referenced file number	requesting be changed as described	that the place of use and / or point of in the application.
2.	On and after the effective date of this summary order, the a on the topographic map accompanying the application to cha	uthorized place(s) of use sange the place of use.	shall be located substantially as shown ☐ Applicable ☐ Not Applicable
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by tradius of the authorized point(s) of diversion.	his summary order shall be	ne same source or sources of water as located within a foot
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.	be located more than	feet from the previously
5.	As required by K.A.R. 5-3-5d, if the works for diversion is a tube or other device suitable for making water level measure	well with a diversion rate	of 100 gallons per minute or more, a perated and maintained in accordance
6.	with K.A.R. 5-6-13. Applicable Not Applicable The owner of the authorized place(s) of use shall pro December 31, 20, or before the first use of water, v operated and maintained in accordance with K.A.R. 5-1-4 th K.A.R. 5-3-5e, the owner shall maintain records and report tl diverted annually to the Chief Engineer by March 1 following Applicable Not Applicable	vhichever occurs first. Th rough 5-1-12. As required he reading of the water flo	e water flow meter shall be installed, by K.S.A. 82a-732, as amended, and w meter and the total quantity of water
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the a works for diversion has been completed, on the form provided Applicable \(\begin{array}{c} \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	completed on or before l pplicant shall notify the Cl d by the Chief Engineer, as	December 31, 20 , or within any hief Engineer that construction of the required by K.A.R. 5-8-4e.
8.	The completed well log shall be submitted with the requi	red notice. Applica	ble
9.	All diversion works into which any type of chemical or other for with an in-line, automatic, quick-closing check valve capable check valve(s) shall be installed, operated and maintained in	e of preventing pollution of	the source of the water supply. The
10.	Additional Conditions are attached.		
11.	In accordance with K.S.A. 82a-708a, as amended, and K.A. water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Summ <i>Appropriation Law</i> and the <i>Rules and Regulations</i> promulg result in civil penalties pursuant to K.S.A. 82a-737, as amer water or appropriation right or any other enforcement actions	r are responsible for comp eary Order, and with applic ated thereunder. Failure nded, and/or the suspension	oliance with its terms, conditions and cable provisions of the Kansas Water to comply with these provisions may
1	Administrative Appeal and Effective Date of Order		R OFFICE USE ONLY
pefo Dep iled Can Oriv shows orde	ore this Summary Order becomes final action of the Kansas artment of Agriculture. Any request for a hearing must be with the Chief Engineer, Division of Water Resources, usas Department of Agriculture, 1320 Research Park re, Topeka, Kansas 66502, within 15 days after the date with on the Certificate of Service attached hereto. If a hearing of requested in accordance with K.A.R. 5-14-3, this Summary er will become effective on the 15 th day after the date shown the Certificate of Service.	By: Duly Authorized (Print Name):	Designee of the Chief Engineer urces - Kansas Department of Agriculture
	For Use by Register of Deeds	State of Kansas)
		County of) SS)
		•	on
	•	Signature:	
•		Signature:	Notary Public
	WATER RESOURCES RECEIVED	My commission expires:	(Notary Seal)
	OCT 2 0 2016	4	
VVF	1-121 (Revised 06/16/2014) Page	4	File No. <u>47584</u>

KS DEPT OF AGRICULTURE

Reno County Property Data

General Information

Subject Property

Parcel ID: 0781382800000006000

Owner Name: SWANSON, HAROLD E TRUST

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

Legal Desc : CLAY TOWNSHIP, S28, T23, R05W, ACRES 77.7, S1/2 SW1/4 RD ROW.

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

Property Status:

Active

Eff Width:

Year:

Total:

Property Details

Property Type:

Agricultural Use

Market Land Details

Actual Width:

No Property Outbuildings or Improvements found.

No Permit Details found.

Value Details

Current Final Value (Agricultural) : Building :

Deed Book/Page Historical

Deed Book/Page Current Listing Date:

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

11/5/2009

1/27/2011

Book: 608

616

Taxing Unit:

156

Eff Depth:

2016

\$29,130 \$0

\$29,130

Book / Page List and Misc Legal Description Info: Book/Page 463/ 74 589/ 497 589/ 499 06PR/ 38 596/ 441 596/ 442

301

Page: 24

Case :

Print

Tuesday June 07 2016 8:34:47 AM

Click here to locate on Map

Click here for the photo

Click here for the PRC

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

Neighborhood Code: 056.2

Acres:

Tract / Tax ID: See Tax History

Square Feet:

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 SW½ 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 NW%) 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 (please note e-mail address change)
www.ksda.gov/dwr

Krueger, Richelle

From:

Rebecca Wilson < rwilson@gmd2.org >

Sent:

Friday, October 14, 2016 1:20 PM

To:

Krueger, Richelle

Cc:

Engelbrecht, Jęssica, \

Subject:

47584, 49601 Change in Point of Diversion Approval

Attachments:

47584, 49601 Change in Point of Diversion Approval.pdf

47601

Richelle,

41601

Attached is documentation regarding the Approval of Change in Point of Diversion for 47584 and 49601.

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

WATER RESOURCES

OCT 17 2016

KS DEPT OF AGRICULTURE

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 Drive Manhattan, Kansas 66502

Re: Change in Point of Diversion Applications - Water Permit Nos. 47584 & 47601 - Matt Brack

Dear Ms. Krueger:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced change in point of diversion applications 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 change in point of diversion applications propose to add two wells to the existing battery of two wells, creating a battery four wells. The proposed geocenter is located 1331 feet north and 4060 feet west of the apparent Southeast corner of Section 28, Township 23 South, Range 5 West, Reno County.

The District's review found that the change applications comply with the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore the change applications are recommended for approval by the Equus Beds Groundwater Management District No. 2.

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.

Sincerely,

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Tim'Boese Manager

TDB/SF

Pc: Matt Brack, Applicant

Harold E. Swanson Trust, Landowner - Water Permit No. 47584

Jean Anne Beal – Landowner – Water Permit No. 47601 Jeff Lanterman, Division of Water Resources, Stafford WATER RESOURCES

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OCT 17 2016

KS DEPT OF AGRICULTURE

H:\MSOFFICE\LETTERS\APP\CHANGE_PD\Recommendation\Approval\#47584_47601_Brack.docx

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ル This is a 🌂 ル recommendation by

the Equus Beds

Groundwater

Management District and not an

approval of an application or water



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

2) P	pplication No. <u>47601</u> roposed maximum quantity: roposed Use: <u>Irrigation</u>	91 acre-feet/ye	Date ar I	filed: Rate:	March 30, 201 800 GPM	6
4) P	/D location: <u>SENWSW</u> umber and type of points of divers	28-23S-5W sion listed on the		enter: North	1331 ft, West 4 Well Battery	
7) M	the well location on the app the s leter required K.A.R. 5-22-4a or K leets change app requirements K.	.A.R. 5-22-8?	uation sheet?		⊠Yes □No ⊠Yes □No, ⊠Yes □No	Why N/A
9) M	leets Safe Yield K.A.R. 5-22-7? 9(a) Safe yield analysis total existing a 9(b) Safe yield total allowable appropriations for small use 9(d) Total appropriations for non-consumpt (total existing appropriations) – (non-con 9(f) exempt from regulation?	ations: r exemptions: umptive use: ive use:			□Yes □No	⊠N/A
10) M	leets Well Spacing K.A.R. 5-22-27 10(a) POD in enhanced well spacing a 10(b) Domestic well spacing interval: 10(c) Non-Domestic well spacing inter	rea? □Y ≥96		Supplied the state of the state	⊠Yes □No	□N⁄A
12) R 13) D		e (acre-feet) / propose acre-feet) / propose by sage in Gallons per Capiers use for industries that us	GPD Acre GCD ta per Day (GCD) or (GCD) e over 200,000 gallons		☐Yes ☐No	□N/A
15) R	late reviewed: <u>9/30/16</u> leviewed by: <u>S. Flaherty</u> T listrict recommendation:	itle: <u>Hydrogeol</u> ⊠Approve		Revre □Othe	er, see comme	3-56/6 // nt
17) C Revie Applic Overl 4760 Notice Notice Applic Item 1	comments and Calculations: we completed for a change in point of diversion cation proposes to add two wells to create a bapping point of diversion with 47584 and 4960 in has no overlapping place of use to completion filed before 12/31/12 and withing of completion submitted before two of the foreation 47601 is not subject to safe yield. # 11a - 91 acre feet of water per year / 65 acremmend approval, complies with K.A.R. 5-22-1	application submitted attery of four wells 0 n 300 feet of originally ur wells were drilled s of land = 1.4 acre feet through 5-22-17	by Matt Brack for Ir authorized and 150 eet per acre	rigation use in R	eno County. dilocation RESOURI NA RECENTION OCT 17	CES 2016 AG ^{RICUL} TURE AG ^{RICUL} TURE St#47631_Brack,docx

SCANNED

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 Drive Manhattan, Kansas 66502

Re: Change in Point of Diversion Applications - Water Permit Nos. 47584 & 47601 - Matt Brack

Dear Ms. Krueger:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced change in point of diversion applications 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 change in point of diversion applications propose to add two wells to the existing battery of two wells, creating a battery four wells. The proposed geocenter is located 1331 feet north and 4060 feet west of the apparent Southeast corner of Section 28, Township 23 South, Range 5 West, Reno County.

The District's review found that the change applications comply with the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore the change applications are recommended for approval by the Equus Beds Groundwater Management District No. 2.

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.

Sincerely,

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Tim Boese Manager

TDB/SF

The Deal of

Pc:

Matt Brack, Applicant

Harold E. Swanson Trust, Landowner – Water Permit No. 47584 Jean Anne Beal – Landowner – Water Permit No. 47601 Jeff Lanterman, Division of Water Resources, Stafford

This is a

recommendation by

the Equus Beds

Groundwater

Management

District and not an

approval of an

permit

permit

WATER RESOURCES

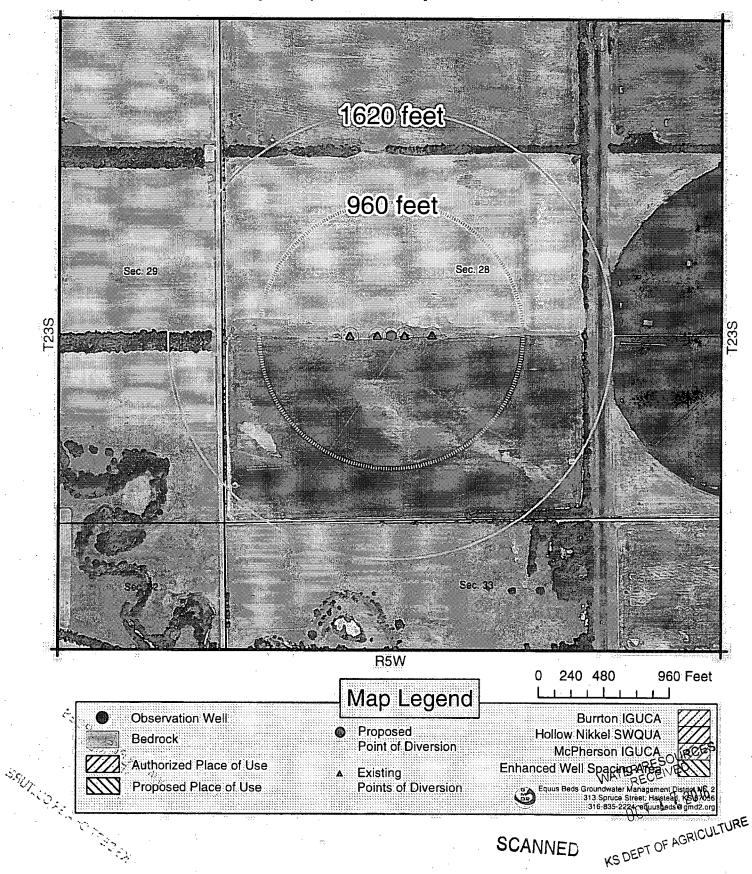
OCT 17 2016

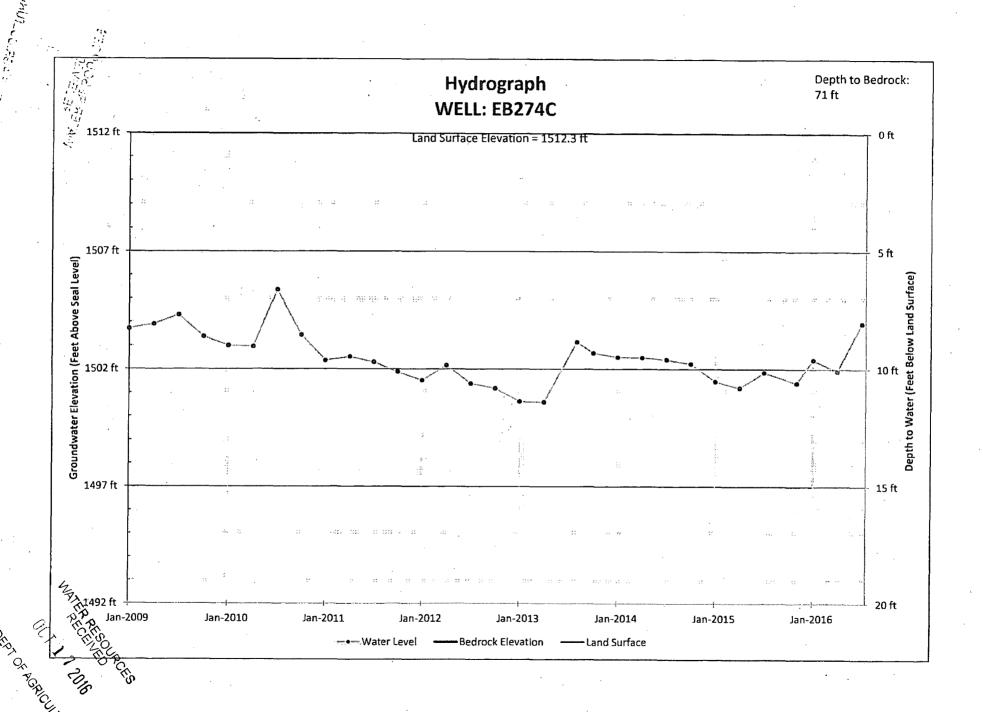
KS DEPT OF AGRICULTURE

Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 47601 Matt Brack SENWSW (1331'N & 4060'W) 28-23S-05W, Reno County

Prepared By: Stephen Flaherty Date: 9/29/2016

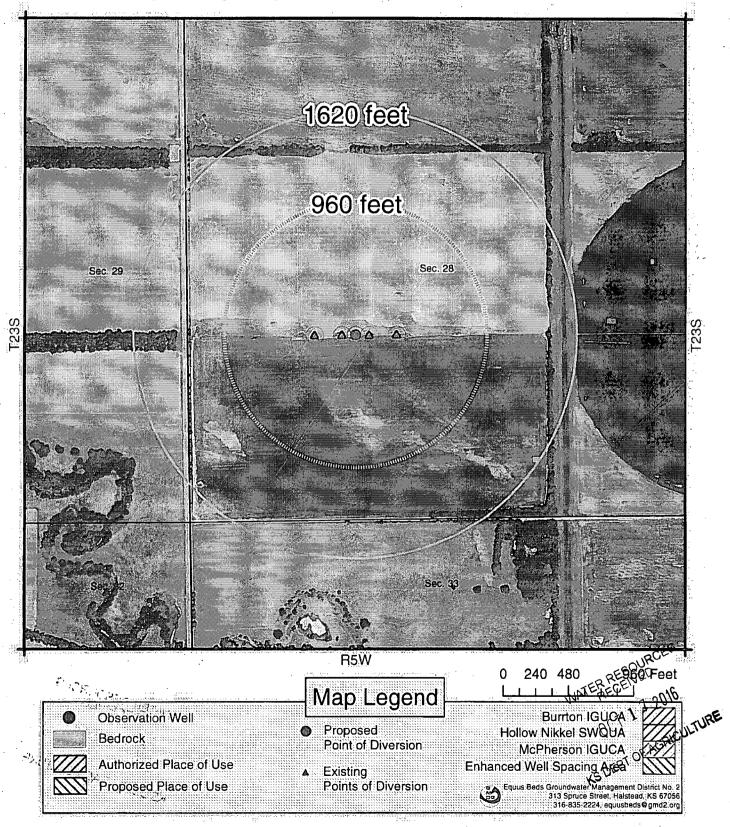




Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 47584 Matt Brack SENWSW (1331'N & 4060'W) 28-23S-05W, Reno County

Prepared By: Stephen Flaherty Date: 9/29/2016



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

1)	Application No.		O1 para foa	thor	Date	e filed: Rate:	March 28, 201 800 GPM	16
2) 3)	Proposed maxi Proposed Use:		91 acre-fee	vyear		nate:	800 GPW	
4)	P/D location:		28-23S-5W	,	Geo C	enter: North	1331 ft, West	4060 ft
5)		pe of points of dive		•			4 Well Battery	

6)		tion on the app the			ion sheet?	?	⊠Yes □No	
-7)		K.A.R. 5-22-4a or l						Why
8)	Meets change	app requirements k	CA.H. 5-22-8	? 			⊠Yes □No	∐N/A
9)	Meets Safe Yie	eld K.A.R. 5-22-7?			**************************************	ing property and the second second second second second second second second second second second second second	□Yes □No	⊠N/A
,		d analysis total existing	appropriations:	а	ıf/yr			
		d total allowable approp			ıf/yr			
٠.		propriations for small use propriations for non-cons			ıf/yr ıf/yr	è		
		propriations for consump			ıf/yr		<u>*</u> .	
		g appropriations) - (non-co	nsumptive approp					
	9(1) exempt tr	om regulation?	Cite exemption:	∐Yes	□No,		•	
			ORC CACITIFUOTI.					
10)	Meets Well Sp	acing K.A.R. 5-22-2	!?				⊠Yes ⊟No	□N/A
		enhanced well spacing	area?	□Yes	⊠No			
		lic well spacing interval: mestic well spacing inte	nval·	>960 ft >1620 f			•	
	10(0) 11011-100	mestic well spacing inte	ivai.	210201				
11)	Meets Max Re	asonable Quantity l	K.A.R. 5-22-1	4?			☐Yes ☐No	⊠N/A
•		n max quantity:			-feet/facre			•
		ication paragraph 3 valu	ie (acre-feet) / pi			. miš		
		ater max quantity: / max quantity:			SPD Acre	unit		
		stry standard:				•		•
	11(d) Municip	al max quantity:			GCD			
		ser of either 200 GCD or $*(X-Y)*365 d*(z+$						
		X - Average of last three years	usage in Gallons pe	r Capita pe	r Day (GCD)			
		Y - water usage for industries Z - Projected population in 20	that use over 200,000	0 gal/yr (GC	D)			
		T - Reasonable projected water		hat use ove	r 200,000 galloi	ns per year (GCD)		
	11(e) Pond m (Net	iax quantity is evap + seepage)/12 x p	ond area + anv	initial fill				
		vater pit max Q:						•
		evap * pit area/12	_					
		te for intended use		ED07			⊠Yes	□N/A
13,	Depth to water	: <u>8 it</u> bis at obse	ervation well:	EB2/4	<u>IC</u>			· .
14	Date reviewed:	9/29/16	.43	· ·	* 4 2 %	בה בת	110-1	1-2016
,	Reviewed by:	-	Title: <u>Hydro</u>	aeologis	st	REVIE	10-1	
	District recomn		⊠App		Deny	□Oth	er, see comme	nt

•	Comments and							C
		change in point of diversion and two wells to create a b			latt Brack for	Irrigation use in F	Neno County. WATER RE	BOURCES
Ov	erlapping point of div	ersion with 47601 and 496		3			WATER RECE	EIVED
	584 has no overlapping		sin 200 faat -f -:	inellu cuit	orizod and th	O foot of access	d location	7 2016
		d before 12/31/12 and with bmitted before two of the fo		`			- CT	(, = .
Ap	plication 47584 is not	subject to safe yield.			•		00,	TURE
		t of water per year / 65 acr complies with K.A.R. 5-22-		cre reet pe	er acre	•	۲ میر	OF AGRICULTURE
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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

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

Re: Change in Point of Diversion Applications - Water Permit Nos. 47584 & 47601

Dear Mr. Brack:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that change Application Nos. 47584 & 47601 be approved. Pursuant to K.A.R. 5-22-4a, the well battery described in the applications 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 Water Permit Nos. 47584 & 47601, and must be metered separately from the water being used on the place of use authorized by Water Permit No. 49600.

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 meters 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

Marin Contracts of the Contract of the

Enclosures

Jeff Lanterman, Division of Water Resources, Stafford
Harold E. Swanson Trust, Landowner – Water Permit No. 47584
Jean Anne Beal – Landowner – Water Permit No. 47601

WATER PEEF VEO 2016





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



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 4:43 PM

To:

Krueger, Richelle

Subject:

Request for Extension - File No. 47584

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. 47584. 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

WATER RESOURCES

OCT 07 2016

OCT 0F AGRICULTURE



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

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]

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.

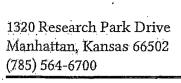
Please let me know if you have any concerns or questions.

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

WATER RESOURCES RECEIVED

AUG 9 3 2016

KS DEPT OF AGRICULTURE





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: Cc: 'Stephen Flaherty'

Cc: Subject: Turney, Brent 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
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

SCANNED



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,

Richeffe A. Krueger Environmental Scientist

Water Appropriation Program

Enclosures

pc: Stafford Field Office



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 <u>original notarized signatures of all owners and spouses</u> 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.

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



Jackie McClaskey, Secretary

Governor Sam Brownback

900 SW Jackson, Room 456

Topeka, Kansas 66612

(785) 296-3556

June 8, 2016

JAMES R WALLSTEN 1419 E 5TH 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 (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.

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 (SW¹/₄) 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 (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.

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

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. Kruegef Environmental Scientist

Water Appropriation Program

RAK

pc: Stafford Field Office

Groundwater Management District No. 2

Matt Brack



Jackie McClaskey, Secretary

Governor Sam Brownback

900 SW Jackson, Room 456

Topeka, Kansas 66612

(785) 296-3556

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:

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OVER →

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

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

MATT BRACK 4001 E AVE G HUTCHINSON KS 67501

March 28, 2016

RE: File No. 47584

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

☐ place of use PD
☐ point of diversion
☐ use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.

Change Applications Unit Supervisor

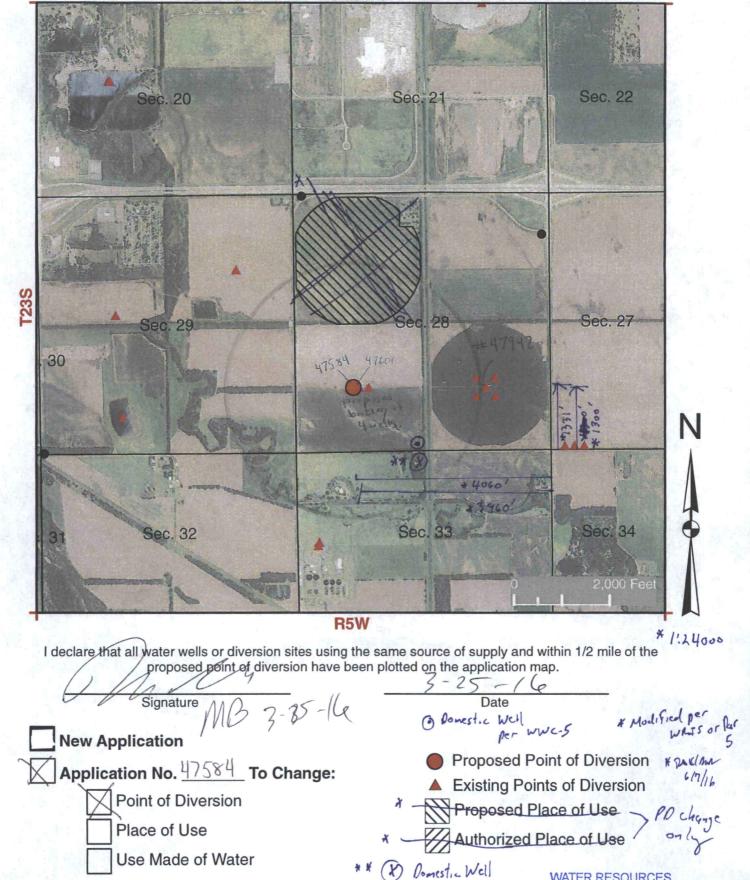
Water Appropriation Program

BAT: DLW

pc: STAFFORD Field Office GMD 2

* File No 47584

Application Map for Matt Brack



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

per own Records 47584, 47601 SCA

Reno Co Parel Search XX DAKIOW 6/7/16

James R Wallston

1419 E 5th Ave Hut-hinson KS 67501-2751

SCANNEBEPT OF AGRICULTURE Completed By GMD2 Staff S. Flaherty - 3/25/2016

WATER RESOURCES

MAR 2 8 2016

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

TREAT OF WELLSEL

WATER RESOURCES

SCANNESSEN OF VERICULINER