

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. 49601-D1

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 10:44  
 MAY 06 2024  
 Stafford Field Office  
 DIVISION OF WATER RESOURCES

- Application is hereby made for approval of the Chief Engineer to change the (check one or both):  
 Place of Use       Point of Diversion  
 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
- Name and address of Applicant: Matt & Valerie Brack  
4001 E Avenue G, Hutchinson KS 67501-8280  
 Phone Number: (620) 694-4018      Email address: brackv@gmail.com  
 Name and address of Water Use Correspondent: Matt & Valerie Brack  
4001 E Avenue G, Hutchinson KS 67501-8280  
 Phone Number: (620) 694-4018      Email address: brackv@gmail.com
- The presently authorized place of use is:  
 Owner of Land ---- NAME: \*Hal E Swanson // \*Harold E & Donna J Trust No. 2 // \*Guy S Swanson Trust // \*\*Kim E Brack  
 ADDRESS: \*5500 E Avenue G, Hutchinson KS 67501-8264 // \*\*4745 SW Fairlawn Rd, Topeka, KS 66610  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	23S	5W									32.0	32.0	31.0	31.0					126.0

- 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: NO CHANGE  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code CLT Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 2698

5. **Presently authorized point of diversion: Geo Center**

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 27, Township 23 South, Range 5 WEST, in Reno County, Kansas, 138 feet North 4762 feet West of Southeast corner of section.  
 Authorized Rate 170.8 AF Authorized Quantity 795 GPM Depth of well --- (feet)  
**(DWR use only: Computer ID No. 14 GPS --- feet North --- feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 27, Township 23 South, Range 5 WEST, in Reno County, Kansas, 332 feet North 4758 feet West of Southeast corner of section.  
 Proposed Rate 168 AF Proposed Quantity 795 GPM Proposed well depth (feet) ---  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 47585 & 49601-D2

6. **Presently authorized point of diversion: BATT 1 of 4 Wells (New Well) (NW Well)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_, South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 27, Township 23 South, Range 5 WEST, in Reno County, Kansas, 524 feet North 4955 feet West of Southeast corner of section.  
 Proposed Rate See Geo Proposed Quantity See Geo Proposed well depth (feet) 30  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 47585 & 49601-D2

7. The changes herein are desired for the following reasons?  
 (please be specific) Adding a 3<sup>rd</sup> and 4<sup>th</sup> well to reduce stress on the current wells.

8. If a well, is the test hole log attached?  Yes  No

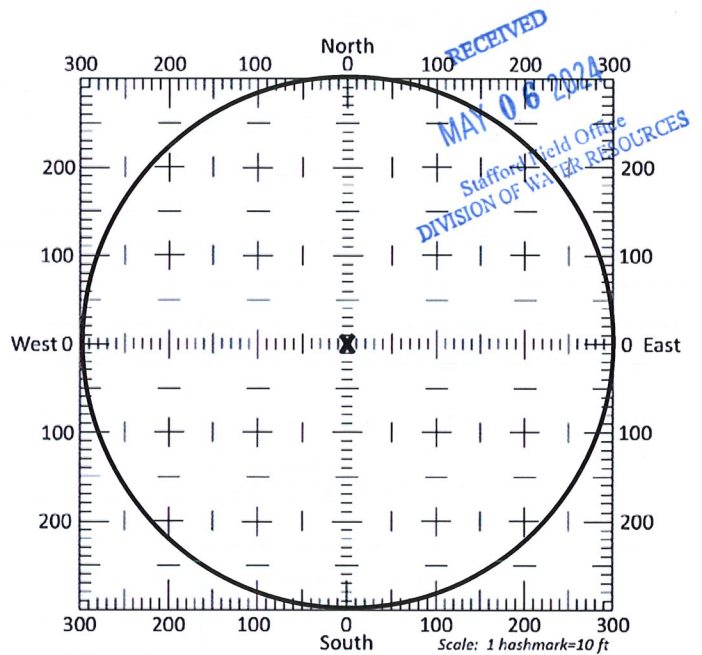
9. The change(s) (was)(will be) completed by?  
As soon as possible

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A Adding wells to the battery.  
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by JNE // SFFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
  - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

**I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.**

Dated at Atchison 5-2-24, Kansas, this 2 day of May, 2024.

[Signature]  
 \_\_\_\_\_  
 (Owner)

Math Brack  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (Please Print)

Valerie Brack  
 \_\_\_\_\_  
 (Spouse)

Valerie Brack  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (Please Print)

RECEIVED  
 MAY 06 2024  
 Stafford Field Office  
 DIVISION OF WATER RESOURCES

State of Kansas }  
 County of Lebo } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of May, 2024.

NOTARY PUBLIC - State of Kansas  
 DEE DEE MARKER  
 My Appt. Exp. 10-14-24

[Signature]  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 10-14-24

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 49601-D1

**Presently authorized point of diversion: BATT 1 of 4 Wells (New Well) (NE Well)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter  
of Section \_\_\_\_\_ 27, Township \_\_\_\_\_ 23 South, Range \_\_\_\_\_ 5 WEST,  
in Reno \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 528 feet North \_\_\_\_\_ 4552 feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ See Geo Proposed Quantity \_\_\_\_\_ See Geo Proposed well depth (feet) \_\_\_\_\_ 30  
This point is:  Additional Well  Geo Center List other water rights that will use this point 47585 & 49601-D2

**Presently authorized point of diversion: BATT 1 of 4 Wells (SW Well)**  
One in the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter  
of Section \_\_\_\_\_ 27, Township \_\_\_\_\_ 23 South, Range \_\_\_\_\_ 5 WEST,  
in Reno \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 135 feet North \_\_\_\_\_ 4964 feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ See Geo Authorized Quantity \_\_\_\_\_ See Geo Depth of well \_\_\_\_\_ 30 (feet)  
(DWR use only: Computer ID No. 9 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point 47585 & 49601-D2

**Presently authorized point of diversion: BATT 1 of 4 Wells (SE Well)**  
One in the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ SW Quarter  
of Section \_\_\_\_\_ 27, Township \_\_\_\_\_ 23 South, Range \_\_\_\_\_ 5 WEST,  
in Reno \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 142 feet North \_\_\_\_\_ 4561 feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ See Geo Authorized Quantity \_\_\_\_\_ See Geo Depth of well \_\_\_\_\_ 30 (feet)  
(DWR use only: Computer ID No. 12 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point 47585 & 49601-D2

**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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MAY 06 2012  
Station Field Office  
DIVISION OF WATER RESOURCES

**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 49601-D1.

1. A change application was received on May 6, 2024 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.     Applicable     Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion.     Applicable     Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.     Applicable     Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 244 feet from the previously authorized point(s) of diversion.     Applicable     Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.     Applicable     Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2024**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  
 Applicable     Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2024**, or within any authorized extension of time. By March 1, 2025 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable     Not Applicable
9. **The completed well log shall be submitted with the required notice.**     Applicable     Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable     Not Applicable
11. Additional Conditions are attached.     Yes     No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND**  
**SUMMARY ORDER ISSUED**  
 Registered Field Office  
 DIVISION OF WATER RESOURCES  
 MAY 06 2024

By: \_\_\_\_\_  
 Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )

) SS

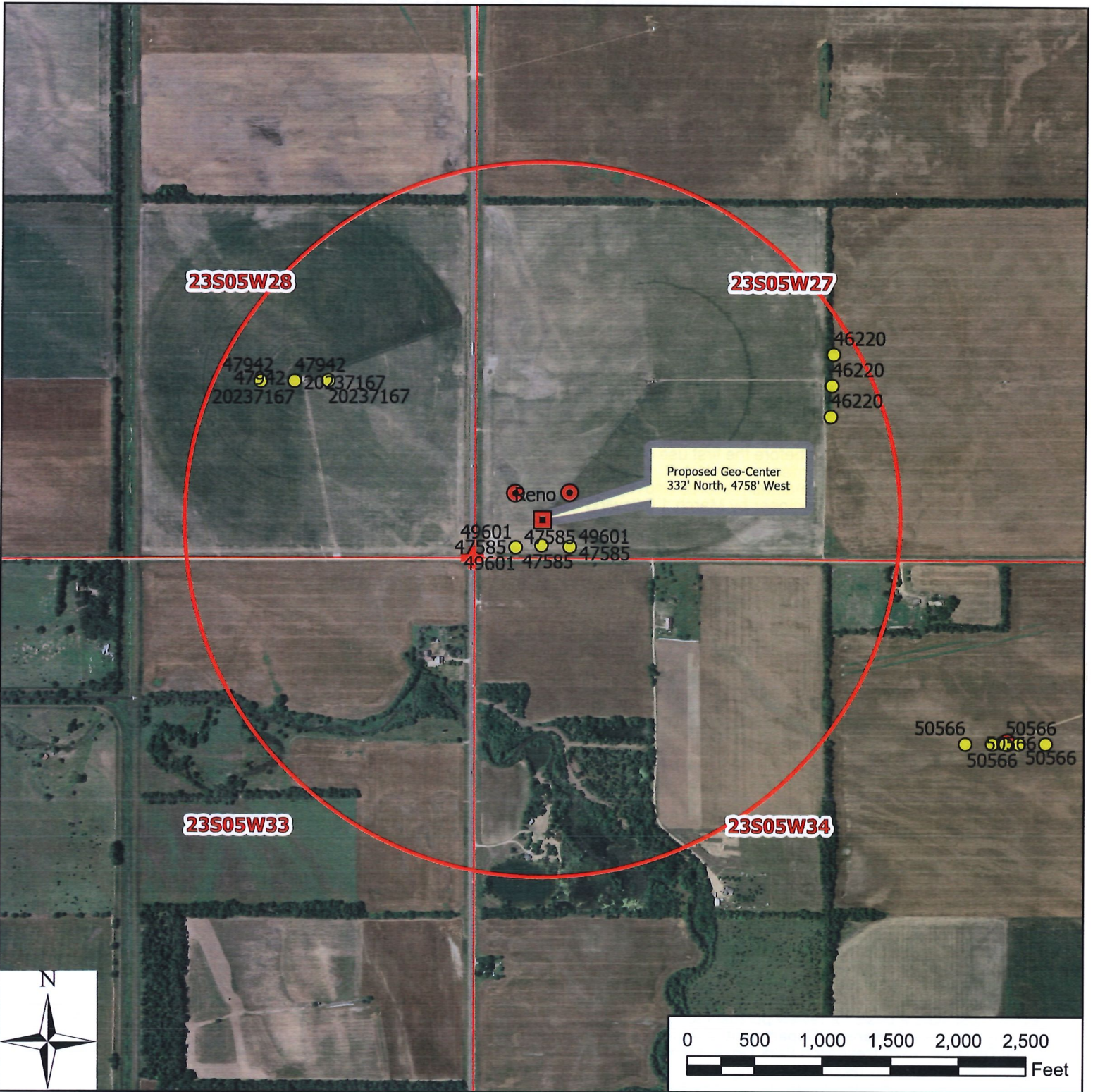
County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

Signature: \_\_\_\_\_  
 Notary Public

My commission expires: \_\_\_\_\_  
 (Notary Seal)



- Legend
- Water Appropriation
  - Proposed Battery Well
  - Proposed Geo-Center
  - + Section Corner
  - Section Line
  - Half-Mile

**Water Right, File Nos. 47585, 49601-D1 & 49601-D2**  
 Change in Point of Diversion Map  
 27-23-5W // Reno County

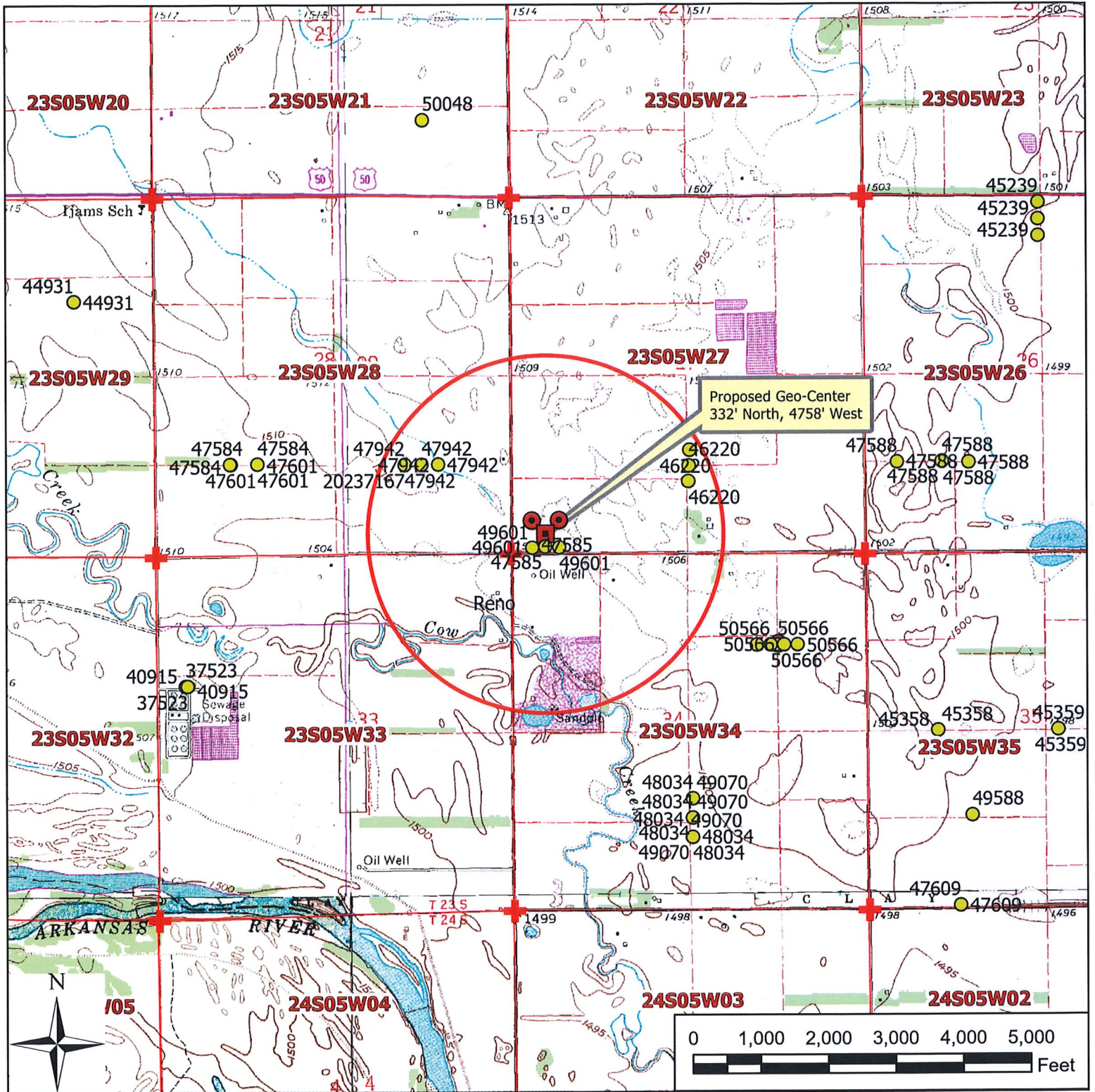
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 DIVISION OF WATER RESOURCES

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

[Signature]

Signature / Date

04/22/2024 JNE/SFFO 1:12,000



**Legend**

- Water Appropriation
- Proposed Battery Well
- Proposed Geo-Center
- + Section Corner
- Section Line
- Half-Mile

**Water Right, File Nos. 47585, 49601-D1 & 49601-D2**

Change in Point of Diversion Map  
27-23-5W // Reno County

**MAY 06 2024**

Stafford Field Office  
DIVISION OF WATER RESOURCES

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

*[Handwritten Signature]* 4/27/2024

Signature / Date 04/22/2024 JNE/SFFO 1:24,000