

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit 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. 21528

RECEIVED
 2:56 pm
 JUN 15 2020

Garden City Field Office
 Division of Water Resources

1. 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

2. Name and address of Applicant: Hartland Farms LLC Vynland 3' cattle
PO BOX 1567 DALHART TX 79022

Phone Number: _____ Email address: _____

Name and address of Water Use Correspondent: _____

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: _____

ADDRESS: _____

(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	

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: Vyn Land + Cattle

ADDRESS: PO Box 1227 Syracuse KS 67878-1227

(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 _____ Fee \$ 200.00 TR # _____ Receipt Date 6-15-20 Check # 1261

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the NW Quarter
 of Section 10, Township 25 South, Range 35 W (E/W)
 in KE County, Kansas, 3960 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 04 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 NW Quarter of the NW Quarter of the NW Quarter
 of Section 10, Township 25 South, Range 35 W (E/W),
 in KE County, Kansas, 5004 feet North 4854 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 _____

6. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NE Quarter
 of Section 10, Township 25 South, Range 35 (E/W),
 in KE County, Kansas, 4954 feet North 1319 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 06 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 _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____

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

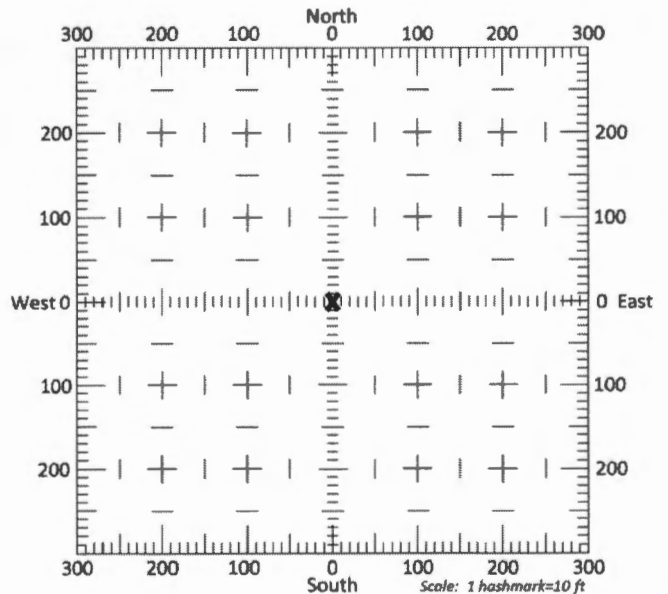
9. The change(s) (was)(will be) completed by?

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG / CAP
 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AT/GCFO

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (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.)

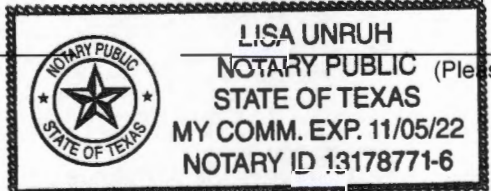
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 Dallam ^{Texas} ~~Kansas~~, this 8th day of June, 2020.

<p><u><i>Justin Van</i></u> (Owner)</p> <p><u>Justin Van</u> (Please Print)</p> <hr/> <p>(Owner)</p> <p>(Please Print)</p> <hr/> <p>(Owner)</p> <p>(Please Print)</p>	<p>(Spouse)</p> <p>(Please Print)</p> <hr/> <p>(Spouse)</p> <p>(Please Print)</p> <hr/> <p>(Spouse)</p> <p>(Please Print)</p>
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State of ~~Kansas~~ ^{Texas}
County of Dallam } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of June, 2020.

Lisa Unruh
Notary Public

My Commission Expires 11/05/2022

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

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. 21528.

- 1. A change application was received on June 15, 2020 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 _____ 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 _____ 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, 20_____**, 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, 20_____**, or within any authorized extension of time. By March 1, 20_____ 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

By: _____
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: _____

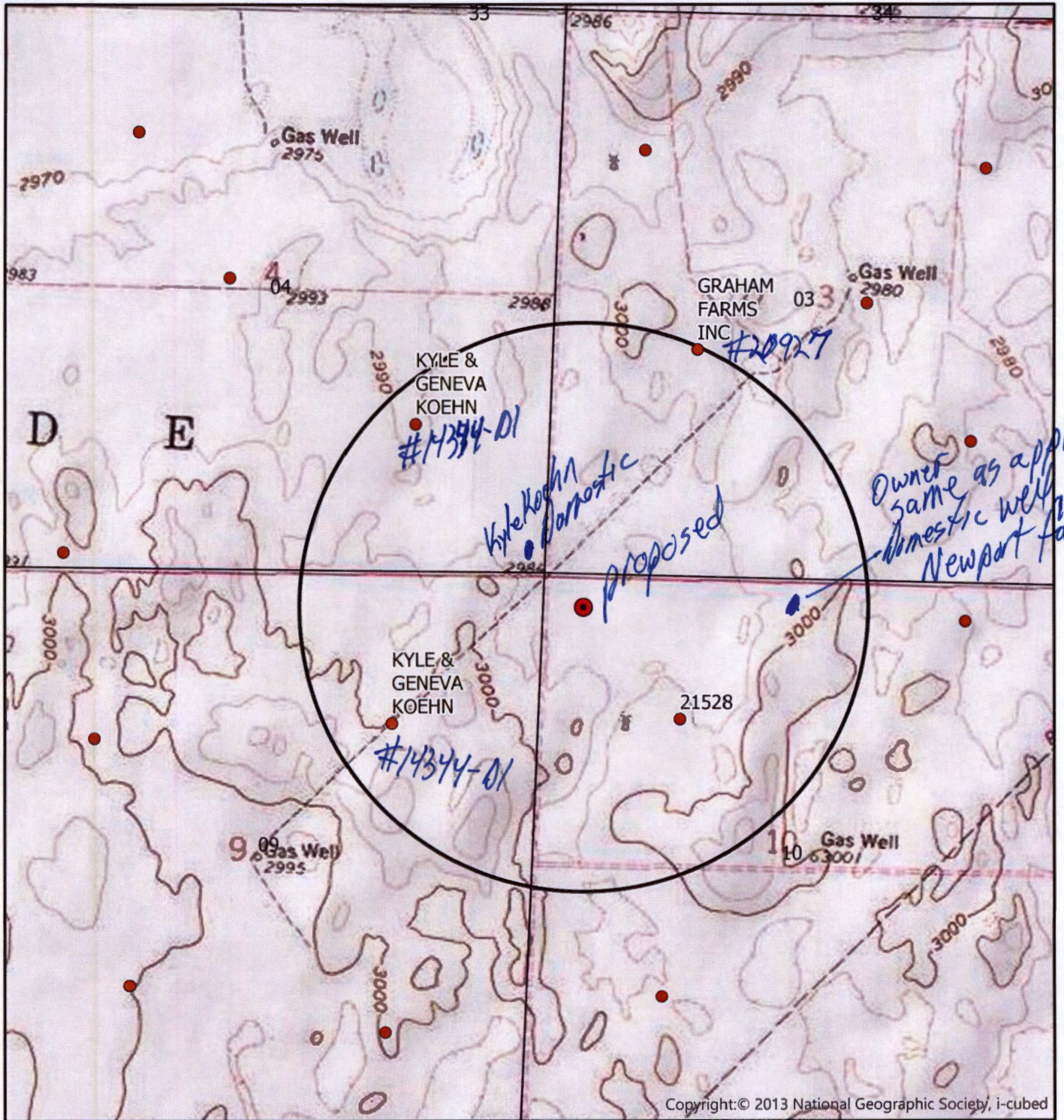
State of Kansas)
County of _____) SS

Acknowledged before me on _____
by _____

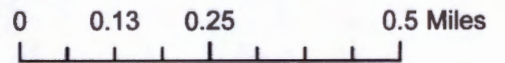
Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

CHANGE IN POINT OF DIVERSION FILE NO. 21528



Township 25 South Range 35 West
Kearny County



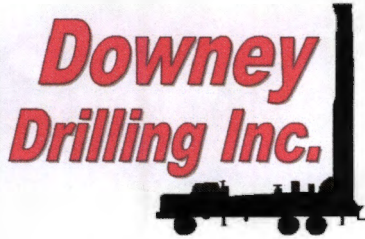
- POINT OF DIVERSION
- PROPOSED PD

All wells of any kind within a half mile of the proposed point of diversion are shown:



WELL LOG

DATE: 5/7/2020



CUSTOMER NAME: HARTLAND FARMS

M7

LEGAL: NW/NW 10-25S-35W

COUNTY: KEARNY

WR File # 21528

GPS: 37.90065 N

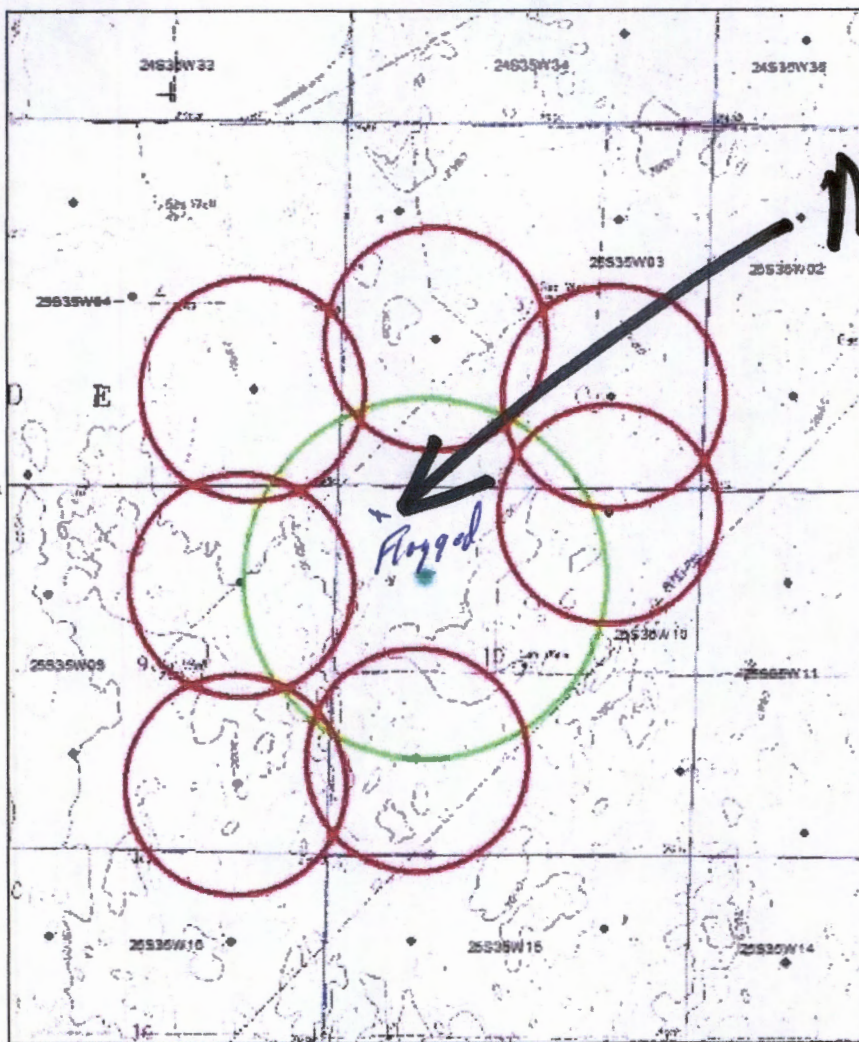
-101.15707

DRILLER: ROCKY

WO: 20-262

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	3	SANDY TOP SOIL	SOFT	DARK	FAST		SMOOTH
	3	33	SAND & GRAVEL	SOFT	RED	FAST		CHATTER/CHOPPY
	33	52	MEDIUM TR. COARSE SAND	SOFT	BROWN	FAST		LT CHATTER
	52	66	SAND, SANDY CLAY	SOFT	BROWN	FAST		SMOOTHER
	66	116	SAND & GRAVEL	SOFT	RED	FAST		CHATTER
	116	146	CLAY, SANDY CLAY W/ SAND LENSES	SOFT	BLUE	SLOWER		SMOOTHER
	146	156	SAND & GRAVEL	SOFT	RED	FAST		CHATTER
	156	169	CLAY	SOFT	BLUE	NOT AS FAST		SMOOTH
	169	193	MEDIUM-COARSE SAND, FINE TR. MED GRAVEL	SOFT	RED	FAST		CHATTER
	193	198	CLAY	SOFT	TAN	SLOWER		SMOOTH
	198	223	COARSE SAND, FINE-MEDIUM, TR. COARSE GRAVEL	SOFT	RED	FAST		CHATTER
	223	243	MED - COARSE SAND, FINE GRAVEL	SOFT	RED / BROWN	FAST		CHATTER
	243	251	SAND, SANDY CLAY	SOFT	TAN / BROWN	SLOWER		SMOOTHER
X	251	285	MED.-COARSE SAND, FINE GRAVEL	SOFT	RED	FAST		CHATTER
	285	298	SANDY CLAY, W/MED SAND LENSES	SOFT	BROWN	SLOWER		SMOOTHER
	298	315	MED. - COARSE SAND	SOFT	TAN / BROWN	FAST		LT. CHATTER
	315	318	SANDY CLAY, W/MED SAND LENSES	FIRM	TAN / BROWN	SLOWER		SMOOTHER
X	318	374	FINE-MEDIUM-SOME COARSE SAND, W/BROWN ROCK, SANDSTONE	SOFTER	TAN / BROWN	FASTER		CHATTER
	374	378	CLAY / SHALE	STIFF	GRAY	SLOW		SMOOTH
X	378	402	FINE-MEDIUM SAND	SOFTER	GRAY	FASTER		LT. CHATTER
X	402	423	MED - COARSE SAND, BROWN ROCK, SANDSTONE	SOFTER	GRAY / BROWN	FASTER		CHATTER
	423	442	SHALE	STIFF / DENSE	GRAY	SLOW		SMOOTH
X	442	445	FINE SAND	SOFTER	GRAY	SEMI FAST		VERY LT. CHATTER
	445	463	SHALE	STIFF / DENSE	GRAY	SLOW		SMOOTH
X	463	470	FINE SAND - MEDIUM SAND	SEMI SOFT	GRAY	FASTER		CHATTER @ TIMES
	470	514	SHALE W/ VERY THIN SAND LENSES	STIFF / DENSE	GRAY / BLUE	SLOW		SMOOTH
X	514	617	FINE, MED SAND, SANDSTONE	SEMI SOFT	GRAY	FASTER		CHATTER
X	680	660	SHALE	STIFF / DENSE	GRAY	SLOW		SMOOTH
			QUIKGEL - 18					HOLEPLUG - 2
			SODA ASH - .5					CASING SEAL - 1
			EZ MUD - 1					TEST HOLE IS PLUGGED
			BRAN - 1					
			WATER - 3 LOADS					

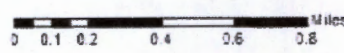
Possible well location for water right 21528



M-7

$N 37^{\circ} 54.039'$
 $W 101^{\circ} 9.424'$

 37.90065
 $- 101.157067$
 - 101' NW Sec 10



- Maximum move is 2,640'
- Constraining distance is 1,600'

This map was generated using the best information available on April 8, 2020

HARTLAND FARMS M7

NW/NW 10-25S-35W KEARNY CO.

Legend

M-7 TH #1 ELEV=2987' SWL=267' (EST)



Tate Lane Co Rd V

Google Earth

© 2020 Google

M-9 TH #2



M-9 TH #1



1000 ft

Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

June 17, 2020

GRAHAM FARMS INC
2150 ROAD 220
DEERFIELD, KS 67838-9513

RE: Water Right, File No. 21528

Dear Sir:

This is to advise you that Vyn Land & Cattle has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application. An irrigation well is proposed to be relocated.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Pc:

Groundwater Management District No. 3

Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

June 17, 2020

KYLE & GENEVA KOEHN
1205 ROAD Y
LAKIN, KS 67860-6218

RE: Water Right, File No. 21528

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Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Pc:

Groundwater Management District No. 3