

**Kansas Department of Agriculture
Division of Water Resources**

APPROVAL OF CHANGE APPLICATION WORKSHEET & ORDER PD BETTER DESCRIBED

1. File No.: 40961	2. Status Change Date: 7/25/2024	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 08/17/2023 Application Complete Date:
3. Package File No(s): Changes 27993 27994 39993 40961 40979 40992 41004 41491 Permits 51082 51083 51084		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# VYN LAND & CATTLE 1194 RD Y LAKIN, KS 67860	5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 67307 Add Seq# 1 VYN LAND & CATTLE 1194 RD Y LAKIN, KS 67860	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Name Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: C3 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR- Irrigation UMW: UMW:
8. Action Trail GY C3 - CHANGE APP PLACE OF USE APPROVED - Compliance: 12/31/2024 ORDER IN THE MATTER OF THE POINT OF DIVERSION		
9. Special Conditions		
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments	Processed LI 7/18/2024	Entered 8/12/2024 KAnderson
	Reviewed KAK 7/24/2024	

File No. **40961** 13. County: **SV** Basin: **CIMARRON RIVER** Stream:
 Structures File No: Aquifer Code: **NO CHANGE** Special Use Area: **NA**

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	31425	SW SW NW	36	33	38W	1	2692	5191		NO	CHG	NO	CHG				+

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s): **NONE** **NO CHANGE**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
MOD	6869	35	33	38W	2													31.0	31.0	31.0	31.0	124	5b	<input type="checkbox"/>	*
MOD	7805	30	33	37W	1	13.0	36.0	40.0	36.0	40.0	L-1 37.08	L-2 37.20	40.0	40.0	L-3 37.32	L-4 37.44	37.0	36.0	40.0	36.0	13.0	556.04	5b	<input type="checkbox"/>	*
MOD	2056	36	33	38W	1	35.0	37.0	39.56	40.0	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	525.96	5b	<input type="checkbox"/>	*
MOD	12077	24	33	38W	1	13.0	36.0	40.0	36.0	36.0	13.0	36.0	40.0	40.0	36.0	13.0	36.0	31.0	31.0	31.0	31.0	499.0	5b	<input type="checkbox"/>	*
MOD	34179	19	33	37W	2									31.0	L-3 31.0	L-4 31.0	31.0					124	5b	<input type="checkbox"/>	*
MOD	26240	25	33	38W	3	13.0	36.0	40.0	36.0													125	5b	<input checked="" type="checkbox"/>	*
MOD	32602	25	33	38W	1					36.0	13.0	36.0	40.0	40.0	36.0	13.0	36.0	28.0	35.0	38.0	36.0	387.0	5b	<input type="checkbox"/>	*
ENT	8235	19	33	37W	1													33.0	33.0	33.0	33.0	132	5b	<input type="checkbox"/>	*
ENT	12575	29	33	37W	1					40.0	40.0	33.0	33.0									146	5b	<input type="checkbox"/>	*
ENT	20654	29	33	37W	2	33.0	33.0	33.0	33.0													132	5b	<input type="checkbox"/>	*
ENT	12326	6	34	37W	2	L-1 11.50	L-2 36.75	40.00	36.75	L-3 36.75	L-4 11.50	L-5 36.75	40.00	40.00	L-6 36.75	L-7 11.50	36.75	36.75	40.00	36.75	11.50	500	5b	<input type="checkbox"/>	*

18. Point of Diversion and Place of Use Overlaps
 + 27994 * 27993 27994 39993 40961 40979 40992 41004 41491 51082 51083 51084
 ++ NONE **
 # ***
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: July 15, 2024

FROM: Leslie Ireland

RE: Change Applications,
File Nos. 27,993; 27,994; 39,993; 40,961;
40,979; 40,992 ; 41,004 & 41,491

Application for Permit,
File Nos. 51,082 51,083 & 51,084

Justin Vyn filed the above referenced applications on August 17, 2023, to change the place of use, with File No. 27,994 also proposing a change in point of diversion to reassign diversion parameters, and the new applications requesting “rate only” from existing wells. The files are located in Ranges 37 and 38 West, in the Cimarron River Basin, Stevens County and Groundwater Management District No. 3.

The referenced water rights are considered in compliance with both K.S.A. 82a-718 and K.S.A. 82a-732. The points of diversion under File No. 27,994 and all of the wells proposing new appropriations do not have any wells within one-half mile not owned by the applicant. It appears no notice per K.S.A. 82a-1906 will be needed. The change applications appear to comply with K.A.R. 5-5-2a, *Complete change application* and the new applications with K.A.R. 5-3-1b, *Complete new applications*.

The changes are to make a complete overlap between separate places of use authorized under different files, but all appear to now be under one ownership. It is proposed to add the place of use from all of the referenced files to create one large place of use. The smaller places of use comprised of two pivots or 410 acres under File No. 39,993 in the North Half (N½) of Section 29, Township 33, and a section pivot of 500 acres under File No. 41,491, Section 6, Township 34, all in Range 37 West. These are proposed to overlap with the multiple pivots authorizing 2,341 acres mainly in Sections 24, 25, 35 36, Township 33, Range 38 West and Sections 16 & 30 Township 33, Range 38 West under File Nos. 27,993; 27,994; 40,979; 40,992 & 41,004. The overlapped files result in a total of 3,251 acres to be authorized under the referenced files.

As the proposals do not modify the currently authorized acres. The base acres were not determined as the proposal will not increase or modify the configuration of the authorized acres making an identical place of use from these certified files. The proposed changes in place of use comply with, Part(b)(1) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*.

As there will be no increase in acres and the quantities have been reasonable for the operation of the files, the changes comply with K.A.R. 5-5-3, *Change in consumptive use*.

File No. 27,994 authorizes two wells with an assigned quantity and rate, which have been requested to reassign a quantity of 184 acre-feet from the West well to the East well by the proposed change in point of diversion. The wells will not be moved, but the location will be updated per the 2022 Compliance Investigation information representing the locations of the originally authorized wells per K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

File No. 27,994 Wells	CIN#	Authorized		Proposed	
		Q AF	Rate GPM	Q AF	Rate GPM
SW SW NW SEC 36 overlap File No. 40,961 AUTHORIZED 2,687 ' N & 5,210' W ACTUAL 2,692' N & 5,191 'W	1	451	1,090	264	1,090
NW NW SE SEC 36 AUTHORIZED 2,510 ' N & 2,510' W ACTUAL 2,532' N & 2,535 'W	2	591	1,700	778	1,700

There is no physical change in the wells. The source of supply will remain the same. The updated location of the well in the Northwest Quarter will also be undated under File No. 40,961. The proposed shift of the authorized quantity complies with part (a) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, as the well with the increased quantity has been required to meet the maximum well to well spacing of 2,300 feet as the authorized quantity exceeds 500 acre-feet.

The actual location of File No. 27,993 ID 2 that overlaps with File No. 51,082 will be updated and File No. 27,993 ID 3 that overlaps with File No. 51,083 will be updated, both were determined by 2022 Compliance investigations to be approximately 73 and 67 feet from the authorized locations. The location of the wells complies with K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

The owner is requesting the new applications for permit under File Nos. 51,082; 51,083 & 51,084, to allow for a higher operational rate of the wells within the place of use that covers an area of approximately 16 square miles from Section 23, Township 33 to Section 7, Township 34 and Section 29, Range 37 West to Section 35, Range 38 West. Their requested appropriation is from existing wells.

The proposed new permits will be processed for additional rate only as provided by K.A.R. 5-4-5, *Approval of application for additional rate only*. The proposed quantity will be limited with the overlapping file providing no additional quantity and the rate will be limited to the proposed with the overlapping senior file.

Permit File Number	CIN#	Authorized Base File		Proposed Permit		
		Q AF	Rate GPM	Q AF	Rate GPM	Increase
51,082 SE SW NE Sec 30 Twn 33 Rng 37W Overlap Base File File No. 27,993	2	750	1,645		1,891	246 GPM 15%
51,083 SE SW NE Sec 25 Twn 33 Rng 38W Overlap Base File File No. 27,993	3	645	1,270		1,460	190 GPM 15%
51,084 SE SW NE Sec 6 Twn 34 Rng 37W Overlap Base File File No. 41,491	2	621	1,555		1,788	233 GPM 15%

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As allowed by K.A.R. 5-4-5, the applications shall be exempt from complying with safe yield, allowable appropriation or similar type of criteria if the increased rate is 15 per cent or less and there has been no significant enlargement of the well and it is not an additional well. The existing wells originally authorized in the 70's by File No. 27,993, were replaced ten years ago under File Nos. 51082 & 51,083, to depths of 600 & 607 feet. Prior well logs are not available. The existing well under File No. 41,991 completed in 1998 was to a depth of 560 feet. The 2022 replacement was completed to a depth of 621 but only with screening to 610 feet. The well logs indicate all of the wells were drilled to the Red Bed Formation.

There are no wells within the one-half ($\frac{1}{2}$) mile radius of each of the proposed existing point of diversion under File Nos. 51,082 & 51,083. There is one domestic well within the one-half ($\frac{1}{2}$) mile radius of the proposed existing point of diversion under File No. 51,084, that is located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 1, Township 34, Range 38 West, per the KGS records. The domestic well owners were sent a letter for their comments. No comments were received.

A review of the proposed change in point of diversion under File No. 27,994, found no wells inventoried wells within our notification area. The review by Groundwater Management District No. 3 with a larger notification area indicated they contacted a domestic well owner and the owner of well under File Nos. 39,974; 40,296 & 40,425. No replies were indicated in their review summary.

The applications appear to comply with the rules and regulations of the Groundwater Management District No. 3 per Jason Norquest, Assistant Manager, June 17, 2024, letter. Their recommendation indicates their regulations have been met.

If the applicant is proposing to chemigate, an approved check valve will be required on the diversion works. An approved flow meter will be required on the diversion works in accordance K.S.A 82a-706c, and will be required to meet the GMDs meter regulations. A water level measurement tube will also be required as a condition of the permits, as all of the rights authorizing the wells were approved after 1988. The change in point of diversion and new appropriations will have a completion date of December 21, 2025

In an email dated July 10, 2024, Michael Meyer, Water Commissioner recommended approval of the permits and applications for change in place of use.

Based on the above discussion of the applications propose a complete overlap of existing points of diversion, with no additional quantity authorized consumptive use will not increase, are requesting permits to only increase the rate of diversion from existing wells, resulting in the source of supply remaining as authorized, it is recommended that the referenced applications for change and new permit be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, July 10, 2024 9:13 PM
To: Ireland, Leslie [KDA]
Subject: Re: Review and Recommendation of Changes, Vyn, 27993 27994 39993 40961 40979 40992 41004 41491 & New Permit Applications, File Nos. 51082 083 084.

Not sure if I replied on these but please approve

Mike

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, July 9, 2024 12:50:39 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation of Changes, Vyn, 27993 27994 39993 40961 40979 40992 41004 41491 & New Permit Applications, File Nos. 51082 083 084.

Mike,

The applications should be updated in Dware but GMD review is attached as it is waiting to be archived. Additionally the existing well logs under File Nos. 27993 & 41991 are also waiting to be archived, but they are attached to the applications for permit. If you need something that you can't find in Dware just let me know.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
ORDER IN THE MATTER OF THE POINT OF DIVERSION
WATER RIGHT
FILE NO. 40,961**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Justin Vyn, on behalf of Vyn Land & Cattle, 1194 Road Y, Lakin, Kansas 67860, received in this office on August 17, 2023, for approval of a change in the location of the place of use and point of diversion, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated April 20, 2005 and May 25, 2017, approving the applications to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and are hereby approved.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation place of use shall be:

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					
19	33S	37W									31.00	Lot 3	31.00	Lot 4	31.00	31.00	33.00	33.00	33.00	33.00	256.00		
30	33S	37W	13.00	36.00	40.00	36.00	40.00	Lot 1	37.08	Lot 2	37.20	40.00	40.00	Lot 3	37.32	Lot 4	37.44	37.00	36.00	40.00	36.00	13.00	556.04
24	33S	38W	13.00	36.00	40.00	36.00	36.00	13.00	36.00	40.00	40.00	36.00	13.00	36.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	499.00
25	33S	38W	13.00	36.00	40.00	36.00	36.00	13.00	36.00	40.00	40.00	36.00	13.00	36.00	28.00	35.00	38.00	36.00	28.00	35.00	38.00	36.00	512.00
35	33S	38W													31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	124.00
36	33S	38W	35.00	37.00	39.56	40.00	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	31.20	525.96
29	33S	38W	33.00	33.00	33.00	33.00	40.00	40.00	33.00	33.00													278.00
06	34S	37W	Lot 1	Lot 2			Lot 3	Lot 4	Lot 5			Lot 6	Lot 7						36.75	40.00	36.75	11.50	500.00

a total of 3,251 acres in Stevens County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

That the location of the authorized point of diversion shall be better described as:

one (1) well located in the Southwest Quarter of Southwest Quarter of the Northwest Quarter (SW¹/₄ SW¹/₄ NW¹/₄) of Section 36, more particularly described as being near a point 2,692 feet North and 5,191 feet West of the Southeast corner of said section, in Township 33 South, Range 38 West, Stevens County, Kansas.

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.

All 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 40,961, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated April 19, 2005, as modified and amended by the aforementioned orders.

Ordered this 25th day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

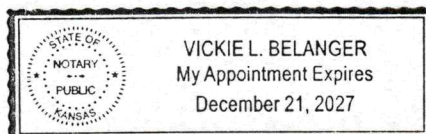
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of July, 2024, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 2, 2024

JUSTIN VYN
VYN LAND & CATTLE
1194 RD Y
LAKIN KS 67860

RE: Water Right
File Nos. 27,993, 27,994, 39,993, 40,961,
40,979, 40,992, 41,004 and 41,491

Dear Mr. Vyn:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals. The additional existing limitations on the referenced files remain as detailed in the certificate and previous orders. A condition of the approvals is that acceptable water flowmeters must be installed on the diversion works authorized under the referenced files. Records in this office indicate that meters are installed on the authorized points of diversion. If a meter has been replaced, you must contact our staff at the Garden City Field Office at 620-276-2901.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at www.kswaterusereport.org.

If you have any questions, please contact us at 785-564-6640, or our staff at the Garden City Field Office at 620-279-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 2 day August, 2024, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos. 27,993, 27,994, 39,993, 40,961, 40,979, 40,992, 41,004 and 41,491 dated, July 25, 2024, were mailed postage prepaid, first class, US mail to the following:

VYN LAND & CATTLE
1194 RD Y
LAKIN KS 67860

With photocopies sent to:

KDA-DWR Garden City Field Office

Groundwater Management District No. 3


Staff