

File No. **51081** 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	49612	NW	NW	SE	34	32	38W	2	2548	2627	700	0	2105	275				*

15. Limitations Type: Quantity & Rate: **700 AF** Rate: **2105 gpm** combined with file no(s): File No. **43281 from well authorized herein**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2025**

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					
CHK	21978	34	32	38W	2					36	13	36	40	40	36	13	36	36	40	36	13	375	5b	<input type="checkbox"/>	*	

18. Point of Diversion and Place of Use Overlaps
+ 43281 * **43281**
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: August 8, 2024

From: Leslie Ireland, Environmental Scientist

Re: New Application, File No. 51,081 – Vyn Land & Cattle

Summary

Justin Vyn filed the above referenced application to appropriate 700 acre-feet (AF) of groundwater at a rate of 2,105 gallons per minute (gpm) as a “rate only” permit when combined with File No. 43,281 to authorize an identical point of diversion and place of use. The overlapping point of diversion is one(1) well in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 34, more particularly described as being near a point 2,548 feet North and 2,627 feet West of the Southeast corner of said section, in Township 32 South, Range 38 West, Stevens County. The place of use is a will remain the 375 acres in the Northwest Quarter and South Half of Section 34, currently authorized by File No. 43,281. Located Northwest of Hugoton in the Cimarron River basin, it is not located in a special use area but is located within Southwest Kansas Groundwater Management District No. 3.

Reasonable Rate and Quantity

File No. 43,281 is authorized 700 AF at a rate of 1,830 gpm. File No. 51,081, proposed 700 AF will be limited to 700 AF with File No. 43,281, providing no additional quantity. This maintains the certified irrigation ratio of 1.86 AF/acre. File No. 51,081 has a proposed rate of 2,105 gpm, that will be limited to 2,105 gpm with File No. 43,281 to provide 275 gpm of new rate to be perfected from the existing point of diversion. The increase appears to meet the 15% allowance of K.A.R. 5-4-5, *Approval of application for additional rate only*.

Source of Supply and Safe Yield

The requested rate increase meets the requirements provided by K.A.R. 5-4-5, therefor the application is exempt from complying with safe yield, allowable appropriation, or similar type of criteria. The increased rate from the proposed existing well located in its originally authorized and certified location, has had no signification enlargement, and it is not an additional well. The source of supply has been determined to be the Tertiary System Formation (Code 200).

Nearby Water Rights

Review identified no wells with one-half (½) mile, but one(1) irrigation well under File No. 28,150 located approximately 2,830 feet to the Northeast. A KGS well log of this nearby well lists a well depth of 527 feet and a static water level of 135 feet in 1978. A WRIS entry states, water depth 195 feet in 2004. As the actual location of this nearby well has not been measured, it could be within the required notification area, so the owner was sent a letter on July 25, 2024. No comments were received.

The proposed existing point of diversion 700 AF has met the well to well spacing of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*. has been met.

Recommendations

In a letter dated August 8, 2024, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, indicated the prosed change is not in conflict with their Management Program and recommended approval.

Michael Meyer, Water Commissioner, Garden City Field Office recommended approval per an e-mail dated August 8, 2024.

Completion

The existing well is metered and based on the age should have a water level measurement tube. A meter and water level measurement tube will be conditions of the permit that will have a completion date of December 31, 2025, and perfection date of December 31, 2029.

The application complies with all regulations. Based upon the above discussion, approval of the application for permit will most likely not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Ireland, Leslie [KDA]

Subject: FW: Review and Recommendation for Permit, File No. 51081

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Thursday, August 8, 2024 11:38 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Review and Recommendation for Permit, File No. 51081

New memo format? Cool

I recommend approval

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Thursday, August 8, 2024 9:14 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation for Permit, File No. 51081

Mike

Please let me know if you'd recommend.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



Report Date: Thursday, August 8 2024

Water Rights and Points of Diversion Within 2 miles of point defined as:

2548 Feet N and 2627 Feet W of the Southeast Corner of Section 34 Twp 32S Rng 38W

Located at: 101.438397 West Longitude and 37.220645 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	6534	00	IRR	NK	G				9572	--	CW	NW	NW	3950	5200	10	33	38W	1		524.00	524.00
A__ AF	7241	00	IRR	NK	G				10378	--	SE	SW	NE	2839	1606	10	33	38W	4		512.00	512.00
A__ AF	20067	00	IRR	NK	G				8782	--	NC	E2	E2	2700	800	2	33	38W	2		500.00	500.00
A__ AF	24895	00	IRR	NK	G				7712	--	--	NC	NW	3960	4060	26	32	38W	1		260.00	260.00
A__ AF	28150	00	IRR	NK	G				2828	--	NE	SE	NE	3800	100	34	32	38W	1		302.00	302.00
A__ AF	41408	00	IRR	NK	G				9572	--	CW	NW	NW	3950	5200	10	33	38W	1		116.00	116.00
A__ AF	42406	00	IRR	NK	G				5533	--	NW	NW	SE	2415	2370	35	32	38W	2		575.00	575.00
A__ AF	43281	00	IRR	NK	G				2	--	NW	NW	SE	2548	2627	34	32	38W	2		700.00	700.00
A__ AF	44132	00	IRR	KK	G				6722	--	NE	SW	NE	3875	1550	27	32	38W	2		960.00	960.00
A__ AF	51081	00	IRR	AY	G				2	--	NW	NW	SE	2548	2627	34	32	38W	2		700.00	.00

Total Net Quantities Authorized:			Direct	Storage
Total Requested Amount (AF)	=		.00	.00
Total Permitted Amount (AF)	=		960.00	.00
Total Inspected Amount (AF)	=		.00	.00
Total Pro_Cert Amount (AF)	=		.00	.00
Total Certified Amount (AF)	=		3489.00	.00

Total Vested Amount (AF) = .00 .00
 TOTAL AMOUNT (AF) = 4449.00 .00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:

2548 Feet North and 2627 Feet West of the Southeast Corner of Section 34 Twp 32S Rng 38W

Located at: 101.438397 West Longitude and 37.220645 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number Use ST SR

> KENNETH M & MILDRED GREENWOOD REV TRUSTS

>

> PO BOX 0

> HUGOTON KS 67951

>-----

> GASKILL FARMS

> GLEN GASKILL

> PO BOX 86

> HUGOTON KS 67951

>-----

> DOUBLE H & G FARMS LLC

> KIM HARPER

> 107 S WASHINGTON ST

> HUGOTON KS 67951

>-----

> DOUBLE H & G FARMS LLC

> KIM HARPER

> 107 S WASHINGTON ST

> HUGOTON KS 67951

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> ALETHA MOON

> LLOYD MOON

> 1698 ROAD 8

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> HUGOTON KS 67951
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> KENNETH M & MILDRED GREENWOOD REV TRUSTS
>
> PO BOX 0
> HUGOTON KS 67951
>-----
> MAXINE HERBEL TESTAMENTARY TRUST
> SHARON CONCANNON TRUSTEE
> PO BOX 1089
> HUGOTON KS 67951
>-----
> VYN LAND & CATTLE
>
> 1194 RD Y
> LAKIN KS 67860
>-----
> ALETHA MOON
> LLOYD MOON
> 1698 ROAD 8
> HUGOTON KS 67951
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> VYN LAND & CATTLE
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> 1194 RD Y
> LAKIN KS 67860
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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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,081** of the applicant

VYN LAND & CATTLE
1194 ROAD Y
LAKIN, KS 67860

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

1. That the priority date assigned to such application is **August 17, 2023**.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34 - 33S - 38W					36	13	36	40	40	36	13	36	36	40	36	13	375

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 34, more particularly described as being near a point 2,548 feet North and 2,627 feet West of the Southeast corner of said section, in Township 32 South, Range 38 West, Stevens County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That this appropriation shall be limited to a maximum diversion rate not in excess of **2,105 gallons per minute (4.69 c.f.s.)** and to a quantity not to exceed **700 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works authorized under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 43,281, will provide a total quantity not to exceed **700 acre-feet** of water per calendar year for irrigation on the land described herein, to be diverted at a maximum diversion rate not in excess of **2,105 gallons per minute (4.69 c.f.s.)** from the well described herein.

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

Ordered this *8th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

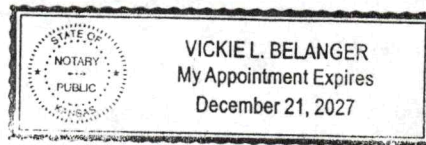
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *8th* day of *August* 2024, by Lane P. Letourneau, P.G., Water Appropriation 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 15, 2024

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

RE: Appropriation of Water
File No. 51,081

Dear Mr. Vyn:

Enclosed is a permit authorizing you to proceed with the appropriation of water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form for the completion of the referenced file. Completion is an acceptable water flowmeter installed on the diversion works authorized by this permit prior to using water. Failure to complete the diversion works and inform the Chief Engineer of the required installation of the meter for this permit within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

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 report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:li
Enclosure(s)

pc: Garden City Field Office
Southwest Kansas GMD 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: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, 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 ^{15th} day of August, 2024, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 51,081, dated, August 8, 2024, was mailed postage prepaid, first class, US mail to the following:

VYN LAND & CATTLE
1194 RD Y
LAKIN KS 67860

With photocopies to:

Garden City Field Office

Southwest Kansas GMD No. 3



Division of Water Resources