

File No. **51083** 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	81060	SE SE SE	25	33	38W	2	637	1306	GPS UPDATE	645	0	1460	190				+

SW

15. Limitations Type: Quantity: **645 AF** Rate: **1460 gpm** combined with file no(s): with File No. 27993 ID 3 from PD 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				
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 checked="" 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
 + 27993 ID 3
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* 27993 27994 39993 40961 40979 40992 41004 41491 51082 51083 51084
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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 prosed 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 and PERMIT TO PROCEED (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,083** of the applicant

**VYN LAND & CATTLE
1194 RD 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	
19	33S	37W									31.00	Lot 3	Lot 4		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	Lot 2		40.00	Lot 3	Lot 4	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	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	512.00
35	33S	38W													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	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		40.00	36.75	11.50	36.75	500.00

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

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 Southwest Quarter of Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 637 feet North and 1,306 feet West of the Southeast corner of said section, in Township 33 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 **1,460 gallons per minute (3.25 c.f.s.)** and to a quantity not to exceed **645 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 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. 27,993**, will provide a total quantity not to exceed **645 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 **1,460 gallons per minute (3.25 c.f.s.)** from the well described herein.

17. 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 *6th* 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 *6th* 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

