

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,178	2. Status Change Date: 4/24/2019	3. Field Office: 01	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>GEORG FARMS LLC 2490 136 RD SABETHA KS 66534</p> <p>Person ID 66534 Add Seq# _____</p>	<p>7c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>7a.</p> <p>Person ID _____ Add Seq# _____</p>	<p>7d. Misc <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>MIDWEST IRRIGATION % KEITH GRIMM 1215 OREGON ST HIAWATHA KS 66434</p> <p>Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p> <p>Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2020** 11. Perfection Date: **12/31/2024** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

***NOTE THIS IS A STORAGE AND REDIVERSION APPLICATION**

Date Prepared: **3/26/2019** By: **DWS**
Date Entered: **4/24/2019** By: **W1**

File No. **50,178** 15. Formation Code: Drainage Basin: DELAWARE River County: BR Special Use: Stream: GREGG CREEK Trib 11

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	87212	NE SE SW	30	3	15E	2	1210	3170

17. Rate and Quantity **MOD QTY**

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1500	117	1500	0	NONE

18. Storage: Rate NF Quantity 117 ac/ft Additional Rate NF Additional Quantity 117 ac/ft

19. Limitation 185 af/yr at gpm (cfs) when combined with file number(s): **50,177 (ON THE PLACE OF USE)**
 Limitation: af/yr at gpm (cfs) when combined with file number(s)

20. Meter Required? Yes No To be installed by 12/31/2020 Date Acceptable Meter Installed

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√	69226	30	3	15E	1									15				40	40	40	40	10	185	7a.	NO	50,177

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 26, 2019

FROM: Doug Schemm

RE: Applications, File Nos. 50,177 and 50,178

Georg Farms has filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water from a pump site (File No. 50,177), and the collection and storage of natural flows in an existing reservoir (File No. 50,178). Both applications are located within the Delaware River basin. The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 50,177 will allow water to be pumped directly from Gregg Creek (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 50,178, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Southwest Quarter of Section 30, Township 3 South, Range 15 East, Brown County, Kansas. The applications' place of use comprises a total of 185 acres, all owned by the applicant. A representative of the applicant has signed the application forms stating that they have legal access to the points of diversion.

Application, File No. 50,177 is requesting 185 acre-feet of surface water at a diversion rate of 1,500 gallons per minute from Gregg Creek. Per K.A.R 5-3-15, Application, File No. 50,177 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30.

Application, File No. 50,178 is requesting 117 acre-feet of surface water storage, and the re-diversion of 117 acre-feet of the stored water for irrigation use at 1,500 gallons per minute. Runoff computations have determined that the 78 acre drainage area will result in only 117 acre-feet of runoff in 1 out of every five (5) years (11", a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the initial application quantity was reduced to reflect this allowable maximum. Keith Grimm agreed to the reduced quantity in a February 5, 2019 e-mail. The total direct use quantity of 117 acre-feet, is equivalent to 2.9 times the capacity (40 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity. The reservoir is existing and currently storing water, so no initial fill quantity is required in the permit. The reservoir is located on Gregg Creek Trib 11.

A quantity of 185 acre-feet is the maximum allowable to irrigate the proposed 185 acres, since 1.0 acre-feet per acre is allowable in Brown County, Kansas. Therefore, a quantity limitation is required on the junior application (File No. 50,178) when combined with the senior file for direct IRR use on the proposed place of use (limited to 185 acre-feet on the place of use). The junior file will provide for 0 acre-feet of additional water, but provides for flexibility in source of water.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement for each application, which have been notarized. By completing these statements, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under these permits.

Memorandum

File Nos. 50,177 and 50,178

Page 2

Notification letters for both applications were sent to upstream and downstream landowners on February 5, 2019. A telephone call was received from one of the upstream landowners who asked general questions about the applications and expressed concern that the applicant may not have access to the pump site point of diversion. He did not provide any specific impairment concerns. Based on additional information from the caller and a review of area deeds, a notification letter was sent to downstream landowner Marvin Lierz on February 22, 2019. Mr. Lierz called our office to discuss the applications. He did not have any impairment concerns, and he has agreed to let the applicant access the stream for his pump site.

The WRIS database indicates there are only two other surface water rights within a two (2) mile radius of either file. The existing files authorize storage and rediversion for irrigation use from reservoirs located on different tributaries. Therefore, approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 50,177 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The existing structure (dam) was approved by DWR Structures Program staff under File No. DBR-0174 in 1968.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under either of these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved in a discussion on March 4, 2019. Based on the above discussion, tributary streams to the Delaware River are open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above.

Doug Schemm
Environmental Scientist
Topeka Field Office

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

GEORG FARMS LLC
2490 136 RD
SABETHA KS 66534

April 25, 2019

FILE COPY

Re: Appropriation of Water, File Nos. 50,177 and 50,178

Dear Mr. Georg:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits, with specific reference to **Paragraph Nos. 19 and 20 for File No. 50,177 requiring you to obtain permission prior to diverting water at your pump site.**

Notice must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion and redirection works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year for each file. If complete annual water use reports are not received by the deadline, then a fine may be assessed and all water use under such permits or rights 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.

The approval of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation for each file, which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
MWI LLC

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, 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. **50,178** of the applicant

GEORG FARMS LLC
2490 136 RD
SABETHA KS 66534

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 **December 6, 2018**.

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	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
30	3S	15E									15				40	40	40	40	10	185

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Gregg Creek, designated in the office of the Chief Engineer as Gregg Creek Trib 11 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **117 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 30, more particularly described as being near a point 1,210 feet North and 3,170 feet West of the Southeast corner of said section, in Township 3 South, Range 15 East, Brown County, Kansas, to provide **117 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,500 gallons per minute (3.34 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2020** 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 submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-diversion works constructed 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 re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-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).

12. 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.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. 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.

15. 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.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,177, will provide a **total not to exceed 185 acre-feet of water** per calendar year for direct irrigation use on the authorized place of use described herein.

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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.

Ordered this 24th day of April, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 25th day of April, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,178, dated April 24th 2019 was mailed postage prepaid, first class, US mail to the following:

GEORG FARMS LLC
2490 136 RD
SABETHA KS 66534

With photocopies to:

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

Pond 300

78 acres of drainage
18" runoff = 117AF

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE File Number 50178
3/28/19 This item to be completed by the Division of Water Resources.
Reviewer CAB

Water Resources Received
DEC 06 2018
12.27
KS Dept Of Agriculture

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Georg Farms LLC
Address: 2490 136 Rd
City: Sabetha State KS Zip Code 66534
Telephone Number: (785) 284-2457

2. The source of water is: surface water in unnamed tributary to Gregg Creek Trib 11 (Delaware)
(stream)
OR groundwater in Delaware River Basin
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

* 3. The maximum quantity of water desired is Storage 117* acre-feet OR 117 AF gallons per calendar year, rediverted @ 1,500 gpm
to be diverted at a maximum rate of NE 1500 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a) Artificial Recharge
 - (b) Irrigation
 - (c) Recreational
 - (d) Water Power
 - (e) Industrial
 - (f) Municipal
 - (g) Stockwatering
 - (h) Sediment Control
 - (i) Domestic
 - (j) Dewatering
 - (k) Hydraulic Dredging
 - (l) Fire Protection
 - (m) Thermal Exchange
 - (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD - Meets K.A.R. 5-3-1 (YES) (NO) Use IRR Source G/S County BE By BAT Date 12/6/18
Code FE-2 Fee \$ 300 TR # _____ Receipt Date 12/10/18 Check # 5403

DWR 1-100 (Revised 06/16/2014)

* Reduced quantity to run off potential.
Keith Grimm agreed in 2/5/19 e-mail. DWS/DWR
2/5/19
12/11/2018 UM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NE quarter of the SE quarter of the SW quarter of Section 30, more particularly described as being near a point 1210 feet North and 3170 feet West of the Southeast corner of said section, in Township 3 South, Range 15 East West (circle one), Brown County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ described as being near a point _____ feet North and _____ section, in Township _____ South, Range _____ East/West

(C) One in the _____ quarter of the _____ quarter of the _____ described as being near a point _____ feet North and _____ section, in Township _____ South, Range _____ East/West

(D) One in the _____ quarter of the _____ quarter of the _____ described as being near a point _____ feet North and _____ section, in Township _____ South, Range _____ East/West

30-3S-15E
Craig Creek Tribl
(Delaware)
Stream # 3954

If the source of supply is groundwater, a separate application for wells, except that a single application may include up to four wells from the same local source of supply which do not exceed a maximum

A battery of wells is defined as two or more wells connected to a common distribution system, or four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-30, 2018. Alan Seay
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of Pond & Pump
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) July 1st 2019
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be July 1st 2019
(Mo/Day/Year)

Water Resources
Received
DEC 06 2018
KS Dept Of Agriculture

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NE quarter of the SE quarter of the SW quarter of Section 30, more particularly described as being near a point 1210 feet North and 3170 feet West of the Southeast corner of said section, in Township 3 South, Range 15 East/West (circle one), Brown County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-30, 2018. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of Pond & Pump
 _____ (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) July 1st 2019
 _____ (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be July 1st 2019
 _____ (Mo/Day/Year)

Water Resources
 Received
 DEC 06 2018
 KS Dept Of Agriculture **SCANNED**

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

yes 76 Acres Drainage Under 25ft tall under 50 Ac ft to ES

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required not a Dam under 25ft tall and under 50 Ac ft to ES

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

none

Water Resources
Received

DEC 06 2018

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

M

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

same
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Hawatha, Kansas, this 30 day of November, 2018.
(month) (year)

Alan Seeg
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by *K. J. [Signature]* *MAT, LLC* (office/title) Date: 11/30/18

Water Resources
Received

DEC 06 2018 **SCANNED**

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50178

Name of Applicant (Please Print): Georgy Farms LLC

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Georgy Farms LLC
ADDRESS: 2490 136 Rd Sabetha KS 66534

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
30	35	1SE												15				40	40	40	40	10	185

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					

Water Resources
Received

DEC 06 2018

March 20, 2019
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50,178

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Handwritten Signature]

Signature of Applicant

State of Kansas)
County of Neosho) ss

Darin Georg

(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 20 day of March, 2019.



[Handwritten Signature]
Notary Public

My Commission Expires: 12-8-20

RECEIVED
MAR
FEB 25 2019

DWS/DWR

Topeka Field Office
DIVISION OF WATER RESOURCES

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 22, 2019

GEORG FARMS LLC
2490 136 RD
SABETHA KS 66534

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Mr. Georg:

Enclosed are Minimum Desirable Streamflow forms, which must be **signed and notarized** for the above referenced applications. Your dam and pump site are within the Delaware River basin, which is subject to minimum desirable streamflow requirements. Please return the completed forms to:

**KANSAS DEPARTMENT OF AGRICULTURE
6531 SE FORBES AVENUE SUITE B
TOPEKA KS 66619**

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 22, 2019

MARVIN & ROBERTA LIERZ
1575 U ROAD
SABETHA KS 66534

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Sir or Madam:

This is to advise you that Georg Farms LLC has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,177 is requesting to appropriate 185 acre-feet of surface water per calendar year from Gregg Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that this direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,178 is requesting to appropriate 117 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 117 acre-feet of the stored water for irrigation use.

The proposed point of diversion for File No. 50,177 is one pump site located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, and the proposed point of diversion for File No. 50,178 (where the dam crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, both in Township 3 South, Range 15 East, Brown County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the applications and site maps posted by the file numbers referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

ERNEST LEE LUKERT
302 HARRISON ST
SABETHA KS 66534

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Sir or Madam:

This is to advise you that Georg Farms LLC has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,177 is requesting to appropriate 185 acre-feet of surface water per calendar year from Gregg Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that this direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,178 is requesting to appropriate 117 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 117 acre-feet of the stored water for irrigation use.

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



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Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

KEITH & DEBRA NIEHUES
1740 ACORN RD
SABETHA KS 66534

Re: Pending Applications, File Nos. 50,177 and 50,178

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Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

BENJAMIN & AMANDA RETTELE
1976 BITTERSWEET RD
FAIRVIEW KS 66425

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Sir or Madam:

This is to advise you that Georg Farms LLC has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,177 is requesting to appropriate 185 acre-feet of surface water per calendar year from Gregg Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that this direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,178 is requesting to appropriate 117 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 117 acre-feet of the stored water for irrigation use.

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Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

PAUL & JO KEY
218 200TH ST
FAIRVIEW KS 66425

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Sir or Madam:

This is to advise you that Georg Farms LLC has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,177 is requesting to appropriate 185 acre-feet of surface water per calendar year from Gregg Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that this direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,178 is requesting to appropriate 117 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 117 acre-feet of the stored water for irrigation use.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



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Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

JAMES HAND
% EVELYN BARNES
255 104TH RD
VERMILION KS 66544

Re: Pending Applications, File Nos. 50,177 and 50,178

Dear Sir or Madam:

This is to advise you that Georg Farms LLC has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,177 is requesting to appropriate 185 acre-feet of surface water per calendar year from Gregg Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that this direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,178 is requesting to appropriate 117 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 117 acre-feet of the stored water for irrigation use.

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Georg Farms LLC
MWI, LLC

Schemm, Doug [KDA]

From: Hemphill, Lloyd [KDA]
Sent: Friday, February 15, 2019 12:12 PM
To: Schemm, Doug [KDA]
Subject: Nearby Landowner Call: 50178

Doug,

Lee Lukert (785-548-7921) called regarding a nearby letter that he received for Application, File No. 50,178. He is listed as an upstream landowner but may have sold the property? Despite my recommendation that he call and talk to you next week, he asked me several questions.

He had general questions and concerns but did not provide anything specific to suggest that any water rights were at risk of impairment.

He mentioned a couple of things that I thought that I would bring to your attention:

1. He was concerned that Marvin Lierz may have not been sent a letter. (I wonder if Marvin may now own the Lukert land? Marvin also owns land downstream of the pumpsite under File No. 50,177.)
2. Mr. Lukert was concerned that the applicant may not have access to the PD under File No. 50,177 (pump site). Looking at aerial photos it looks like the creek is primarily on land owned by Keith Niehues but it may have meandered over to the Georg property.

I provided him some of the standard explanations of domestic rights, priority, etc. but recommended that he call and talk to you if he wanted more specific info or wanted any concerns put in the file.

Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Please note my new email address: Lloyd.Hemphill@ks.gov

50,178

Schemm, Doug [KDA]

From: Keith Grimm <Keith@mwivalley.com>
Sent: Tuesday, February 5, 2019 7:40 AM
To: Schemm, Doug [KDA]
Subject: Re: File No. 50,178 Georg Farms LLC

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sounds good!! Thanks

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Schemm, Doug [KDA]" <Doug.Schemm@ks.gov>
Date: 2/5/19 7:35 AM (GMT-06:00)
To: Keith Grimm <Keith@mwivalley.com>
Subject: File No. 50,178 Georg Farms LLC

Good Morning Keith,

This is a pond file for Georg Farms.LLC and is located in the SW ¼ of Sec. 30, T3S, R15E, Brown County.

You had requested 185 acre-feet of storage quantity. I calculated the 78 acre drainage area will only produce 117 acre-feet of run-off.

The application must be reduced to 117 AF of storage and 117 AF of direct IRR use.

Doug

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50178 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50178 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

1210 Feet North and 3170 Feet West of the Southeast Corner of Section 30 T 3S R 15E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 49281 00 IRR KE S      8772 -- SE SE SE 345 327 23 3 14E 1 160.00 160.00 AF
A__ 50177 00 IRR AY S      816 -- NE SW SW 1075 3975 30 3 15E 1 185.00 185.00 AF
A__ 50178 00 IRR AY S      0 -- NE SE SW 1210 3170 30 3 15E 2 185.00 185.00 AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      370.00           .00
Total Permitted Amount (AF) =      160.00          160.00
Total Inspected Amount (AF) =         .00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =         .00           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =          530.00          160.00
=====

```

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 2.00 miles of point defined as:

1210 Feet North and 3170 Feet West of the Southeast Corner of Section 30 T 3S R 15E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 49281 00 IRR KE S
> GARY PFRANG
>
> 257 U RD
> GOFF KS 66428
>-----
A__ 50177 00 IRR AY S
A__ 50178 00 IRR AY S
> GEORG FARMS LLC
>
> 2490 136 RD
> SABETHA KS 66534
>-----
=====

```

#####

#50,178

DBR-0174

Query ENGINEERING DATA

ENGINEERING INFORMATION

Eng Data Id: 268	Group:	Farr:	Type Of Dam:	Ps Type: Gravity	Phase 1 Insp:
National Id: 268	Water Right#:		Dam Length:	Ps Material: M	Flora:
Haz Class:	Size Class:		Dam Height: 36	Ps Size: 12	Priv On Fed:
Purpose:	Nearest City Town: MUSCOTAH		Volume Of Fill: 16000	Es Type:	Rec Updated:
Purpose 2:	Distance To City Town: 20		Spillway Type: J	Es Width:	State Registered:
Purpose 3:	Funding:		Assessment:	Eap Status:	S
Elevation:	Area:	Storage(ac-ft):	Discharge (cfs):	Amc B:	
Streambed: 56				Drawn D:	
PS: 83	PS: 3.1	PS: 11.22	ES:	Core:	
ES: 86	ES: 4.4	ES: 54.22	TOD:	Foundation:	
TOD: 89.5	TOD: 5.3	TOD: 68.1		Rotation Schedule:	
Other Names: KSNONAME 268	Dam Former Name:	Designer: USDA SCS	Hydraulic Height: 35		
Remarks:	Rvr/Strm: GREGG CREEK	Structural Height: 36	Outlet Gates:		

WSI EAP HAZARD

ID	Type	County	Num	EXT	Application Recd Date	File Location	Applicant
4834	0	BR	174		12-01-1967		HEINIGER

Kenneth Heiniger SW $\frac{1}{4}$ 30-3S-15E 1237'N + 3198'W
5/6/68

Georg Farms Permits

Upstream land owners

LUKERT, ERNEST LEE

Owner Mailing Address:

302 HARRISON ST SABETHA, KS 66534

NIEHUES, KEITH G. & DEBRA K.

Owner Mailing Address:

1740 ACORN RD SABETHA, KS 66534

RETTELE, BENJAMIN A. & AMANDA R.

Owner Mailing Address:

1976 BITTERSWEET RD FAIRVIEW, KS 66425

KEY, PAUL L. & JO E.

Owner Mailing Address:

218 200TH ST FAIRVIEW, KS 66425

Down stream landowners

HAND, JAMES ETAL

Owner Mailing Address:

Attn: BARNES, EVELYN H. 255 104TH RD VERMILLION, KS 66544

Water Resources
Received

DEC 06 2018

KS Dept Of Agriculture

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 10, 2018

GEORG FARMS, LLC
2490 136 RD
SABETHA, KS 66534

RE: Application, File No. **50178**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Tourney". The signature is written in a cursive style.

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

SCANNED

Pond
300



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50178
This item to be completed by the Division of Water Resources.

Water Resources
Received
DEC 06 2018
12.27
KS Dept Of Agriculture

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Georg Farms LLC
Address: 2490 136 Rd
City: Sabetha State KS Zip Code 66534
Telephone Number: (785) 284-2457

2. The source of water is: surface water in tributary to Craig Creek Tribl
(stream)
OR groundwater in Delaware River Basin
(drainage basin)

KAB/DWR

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 185 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 1500 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD - Meets K.A.R. 5-3-1 (YES) (NO) Use IRR Source G/S County BP By BAT Date 12-6-18
Code 250 Fee \$ 300 TR # _____ Receipt Date 12/10/18 Check # 5403

SCANNED

S30 T3S R15E

3170ft W

Pond Permit

3975ft W

Creek Permit

1210 N

1075 N

Acorn Rd

Antelope Rd

170th Rd

DEC 06 2018

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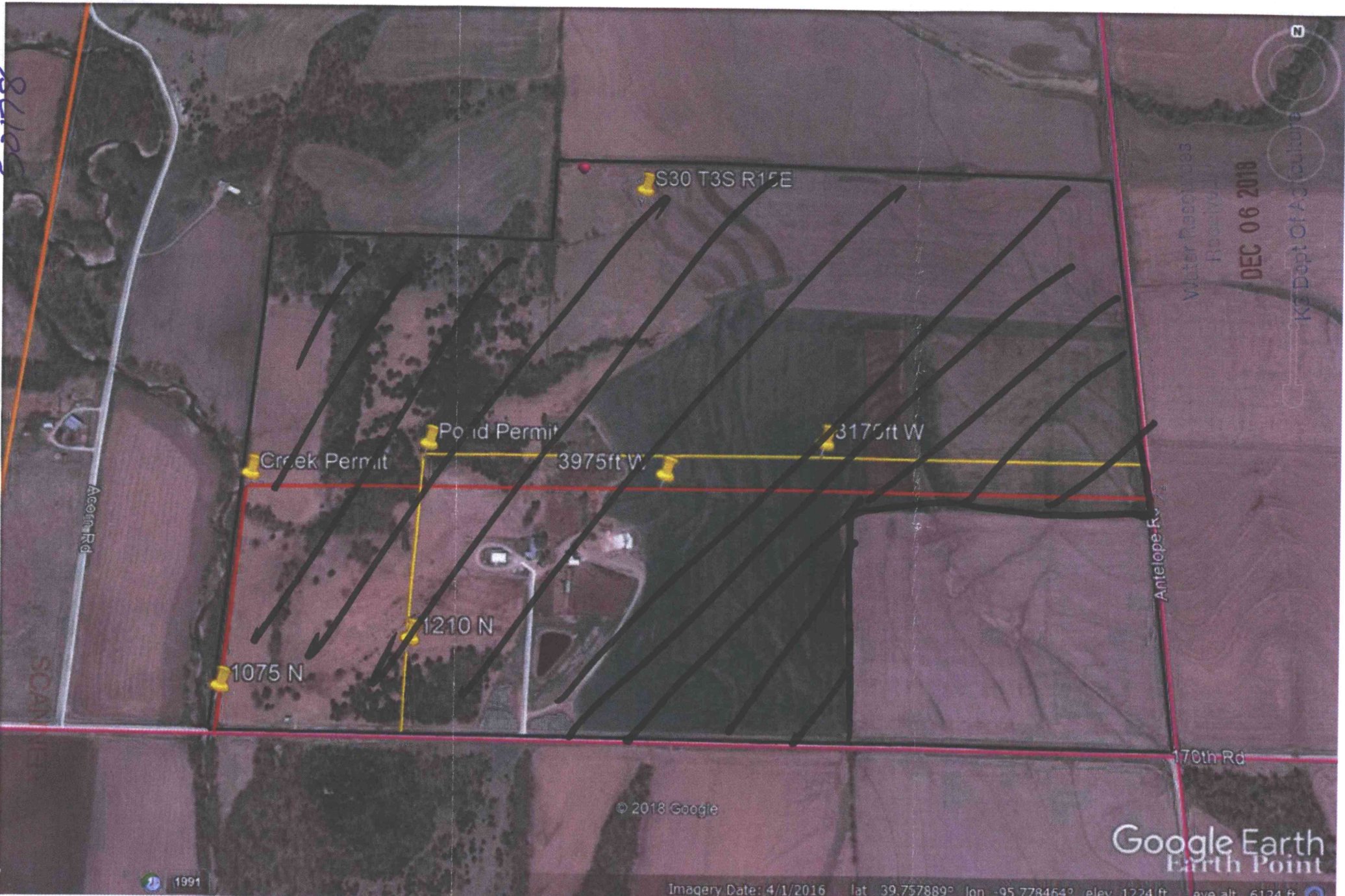
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1991

Imagery Date: 4/1/2016 lat 39.757889° lon -95.778464° elev 1224 ft eye alt 6124 ft

50178

84105



S30 T3S R15E

Creek Permit

Pond Permit

3975ft W

3175ft W

1210 N

1075 N

Aceson Rd

Antelope Rv

170th Rd

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Google Earth
Earth Point

1991

Imagery Date: 4/1/2016 lat 39.757889° lon -95.778464° elev 1224 ft eye alt 6124 ft

Walter Ross
Faculty

DEC 06 2018

KS Dept Of Agriculture

N