

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

1. File Number: 50,152	2. Status Change Date: 7/1/2021	3. Field Office: 01	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 62981 Add Seq# _____</p> <p>PRECISION FARMS 2595 GOLDFINCH RD HIAWATHA KS 66434</p> <p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# 67862</p> <p>GEORGE G DIETRICH TRUST 3221 SW 32ND ST TOPEKA KS 66614</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 63319 Add Seq# _____</p> <p>ELMER F DIETRICH TRUST 2966 GOLDFINCH RD HIAWATHA KS 66434</p> <p>7d. TERRY & DAYTON MENOLD 886 300TH ST HIAWATHA KS 66434</p> <p style="text-align: right;">Person ID 65629</p> <p>7e. DOUG & JERYL GRIMM 1215 OREGON ST HIAWATHA KS 66434</p> <p style="text-align: right;">Person ID 51988</p> <p>7f. PRECISION FARMS 2595 GOLDFINCH RD HIAWATHA KS 66434</p> <p style="text-align: right;">Person ID 62981</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 60054 Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>KEITH GRIMM 1215 OREGON ST HIAWATHA, KS 66434</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><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>		
10. Completion Date: 12/31/2022 11. Perfection Date: 12/31/2026 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 4/7/2021 By: DWS</p> <p>Date Entered: _____ By: 7/8/2021 LMoody</p>			

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

Page 2

1. File Number: 50,152 (continued)	2. Status Change Date:	3. Field Office: 01	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p> <p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>	<p>7g. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID 66822 Add Seq# _____</p> <p>KEITH & ANDREA GRIMM LIVING TRUST 2595 GOLDFINCH RD HIAWATHA, KS 66434</p> <p>7h. JIMESON FAMILY FARMS LLC 325 BRISTOL RD WEBSTER GROVES, MO 63119</p> <p style="text-align: right;">Person ID 66823</p> <p style="text-align: right;">Person ID 67512</p> <p>New to system <input checked="" type="checkbox"/></p> <p>7i. AUSTIN N & RHODA M HEISE REV LIVING TRUST 14561 BIRCH ST LEAWOOD, KS 66224</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</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 style="padding-left: 40px;"><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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13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 4/7/2021 By: DWS Date Entered: By:</p>			

File No. 50,152	15. Formation Code:	Drainage Basin: SF BIG NEMAHA River	County: BR	Special Use:	Stream: PONY CREEK TRIB 2 (SF BIG NEMAHA)																								
16. Points of Diversion					17. Rate and Quantity																								
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files																
√	87134	NW SE SE	17	1	16E	2	954	1185	2000	480	2000	480	NONE																
18. Storage: Rate _____ NF Quantity 480 ac/ft					Additional Rate _____ NF Additional Quantity 480 ac/ft																								
19. Limitation: 820 af/yr at _____ gpm (_____ cfs) when combined with file number(s): 43094, 43261, 47156, 48008, 48770, 48771, 49878, 49974, 50061 and 50065 on W2s of Sections 21, 28 and 33					Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																								
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					To be installed by 12/31/2022					Date Acceptable Meter Installed _____																			
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO/YES	Overlap Files							
T MOD DEL ENT	PUSE	S	T	R	ID	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								
√	51724	8	1	16E	5									36	34	18	34		40	40			202	7e.	NO	*see below			
√	59992	9	1	16E	1									40	34	26.9	40						140.9	7e.	NO	*see below			
√	59993	9	1	16E	2											13.1							13.1	7f.	NO	*see below			
MOD	67564	10	1	16E	3									40	36	40	37						153	7e.	NO	*see below			
MOD	69175	17	1	16E	1		1.5	19										10	40	37	8	115.5	7f.	NO	*see below				
√	51374	29	1	16E	3	22	40	40	40														142	7e.	NO	*see below			
ENT	62616	21	1	16E	1					34	35	34.5	30	40	40	40	40						293.5	7b.	YES	*see below			
ENT	65061	28	1	16E	2					40	40					37							117	7b.	YES	*see below			
ENT	65063	28	1	16E	3							36.8	30.2	40	40								147	7c.	NO	*see below			
ENT	68472	33	1	16E	1					40	40	37.5	38										155.5	7d.	NO	*see below			
ENT	68473	33	1	16E	1									25	40	22	20						107	7b.	YES	*see below			
Comments: FILE NOS. 43,094; 43,261; 46,934; 47,143; 47,156; 48,008; 48,063, 48,064; 48,770; 48,771; 49,974; 50,061; 50,152; 50,277; and 50,460 complete overlap in PU. File Nos. 49,878 AND 50,065 partial PU overlap.																													

6/24/2021
KAB

File No. **50,152**
(continued)

15. Formation Code:

Drainage Basin: **SF BIG NEMAHA River**

County: **BR**

Special Use:

Stream: **PONY CREEK TRIB 2 (SF BIG NEMAHA)**

16. Points of Diversion
T
MOD
DEL PDIV
ENT

Qualifier S T R ID 'N 'W

17. Rate and Quantity

Authorized Additional

Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____

Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No

To be installed by **12/31/2022**

Date Acceptable Meter Installed _____

21. Place of Use

T
MOD
DEL
ENT PUSE S T R
ID

NE¼

NW¼

SW¼

SE¼

Total

Owner Chg? NO/YES Overlap Files

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
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

ENT 70158	17	1	16E ¹	40	38.5	21	40							30			30	199.5	7g.	NO	*see below
ENT 70156	20	1	16E ²							40	40	40	40	40	40	36.3	28.3	304.6	7i.	NO	*see below
ENT 69573	22	1	16E ¹							40			40					80	7g.	NO	*see below
ENT 70157	22	1	16E ²			34	22	40	28	40	40		40	40				284	7i.	NO	*see below
ENT 69574	23	1	16E ⁴											32	33			65	7g.	NO	*see below
ENT 65062	27	1	16E ³	40	40	40	40											160	7h.	NO	*see below
ENT 69575	27	1	16E ⁴					40	40	40	40							160	7b.	NO	*see below
ENT 70159	28	1	16E ⁵	37.1	38	40	40											155.1	7d.	NO	*see below
TOTAL ACRES=																		2994.7			

Comments: **FILE NOS. 43,094; 43,261; ~~46,934; 47,143;~~ 47,156; 48,008; ~~48,063; 48,064;~~ 48,770; 48,771; 49,974; 50,061; 50,152; 50,277; and 50,460 complete overlap in PU. File Nos. 49,878 AND 50,065 partial PU overlap (820 acres).**

7/7/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 8, 2021

FROM: Doug Schemm

RE: Application, File No. 50,152
(Jones Farm Dam)

Precision Farms has filed the application referred to above for a permit to appropriate 480 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir located in the Southeast Quarter of Section 17, in Township 1 South, Range 16 East, Brown County, Kansas. The dam is located on a tributary to Pony Creek, in the South Fork Big Nemaha River basin. The point of diversion is located on property owned by the applicant, and the application form has been signed stating they have legal access to the point of diversion. The initial place of use was owned by the applicant, with a portion owned by Doug & Jeryl Grimm, and it comprised a total of 774.5 acres.

However, after further discussion, Mr. Grimm added additional acreage and submitted additional new and change applications. The final place of use comprises 2,994.7 acres. The existing permits and new applications are summarized below:

See attached table

File No.	PD Type	Storage		Direct Use		Limitations
		Quantity (AF)	Rate (GPM)	Quantity (AF)	Rate (GPM)	
43,094	Reservoir	35	Natural Flows	21	855	None
43,261	Reservoir	56.5	Natural Flows	41	915	None
47,156	Reservoir	189.5	Natural Flows	146	1000	None
48,008	Reservoir	178.6	Natural Flows	136	1200	None
48,770	Pump site	--- --	--- --	655 (447 Add)	1500	Direct Use: 655 AF/YR com/w #43,094; 43,261; & 47,156
48,771	Reservoir	579	Natural Flows	579 (0 Add)	1000	Direct Use: 655 AF/YR com/w #43,094; 43,261; 47,156; & 48,770
49,878	Reservoir	270	Natural Flows	267	1200	None
PENDING APPLICATIONS						
49,974	Reservoir	160	Natural Flows	160	1000	None
50,061	Pump site	--- --	--- --	673	1500	None
50,065	Pump site	--- --	--- --	270	2000	820 AF when combined with all other files on the authorized PU of 820 acres
50,152	Reservoir	480	Natural Flows	480	2000	None
50,277	Reservoir	353	Natural Flows	315	2000	None
50,460	Reservoir	510	Natural Flows	510	2000	None

Summing up water rights, 655 AF (limitation qty) + 136 AF + 160 AF + 673 AF + 480 AF + 315 AF + 510 AF = 2,929 AF total for the files the cover the entire place of use of 2,994.7 acres. File Nos. 49,878 and 50,065 provide a total of 537 AF on the 820-acre portion of the place of use.

Runoff computations determined that the 320-acre drainage area will provide for 480 acre-feet (18") in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, the runoff quantity is the limiting factor, and the application was processed with the requested 480 acre-feet. The proposed direct use quantity of 480 acre-feet, is equivalent to 7.7 times the capacity (62 AF), which is a bit above the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity.

The applicant identified two downstream landowners within one-half ($\frac{1}{2}$) mile of the property lines. Nearby landowner letters were sent out on November 15, 2018, and no responses of any kind were received. There are multiple other surface water rights within a two-mile radius according to the WRIS database. The majority are other reservoirs on different tributary streams. The applicant's senior file 43,261 authorizes a reservoir downstream on this same tributary stream, but it has a significant drainage area and would not be impacted by this additional storage of water. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DBR-0364/LBR-0031, and they determined that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1) (see August 30, 2018 letter from Mikayla Kortan). However, the letter does state that a floodplain fill permit is required prior to the start of construction. The applicant's floodplain fill permit, Structures File No, LBR-0031 was signed on November 19, 2018.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. Since this is a proposed, new reservoir, a Special Condition on the Permit will be needed to provide an initial fill quantity of 62 acre-feet (capacity).

In a December 26, 2019 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the applicant has obtained the necessary permit from the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved, in conjunction with the proposed changes on the senior files and other pending new applications.

Doug Schemm
Environmental Scientist
Topeka Field Office

50,152
LBR-031

WSN Acttrail Query all actions

WSN

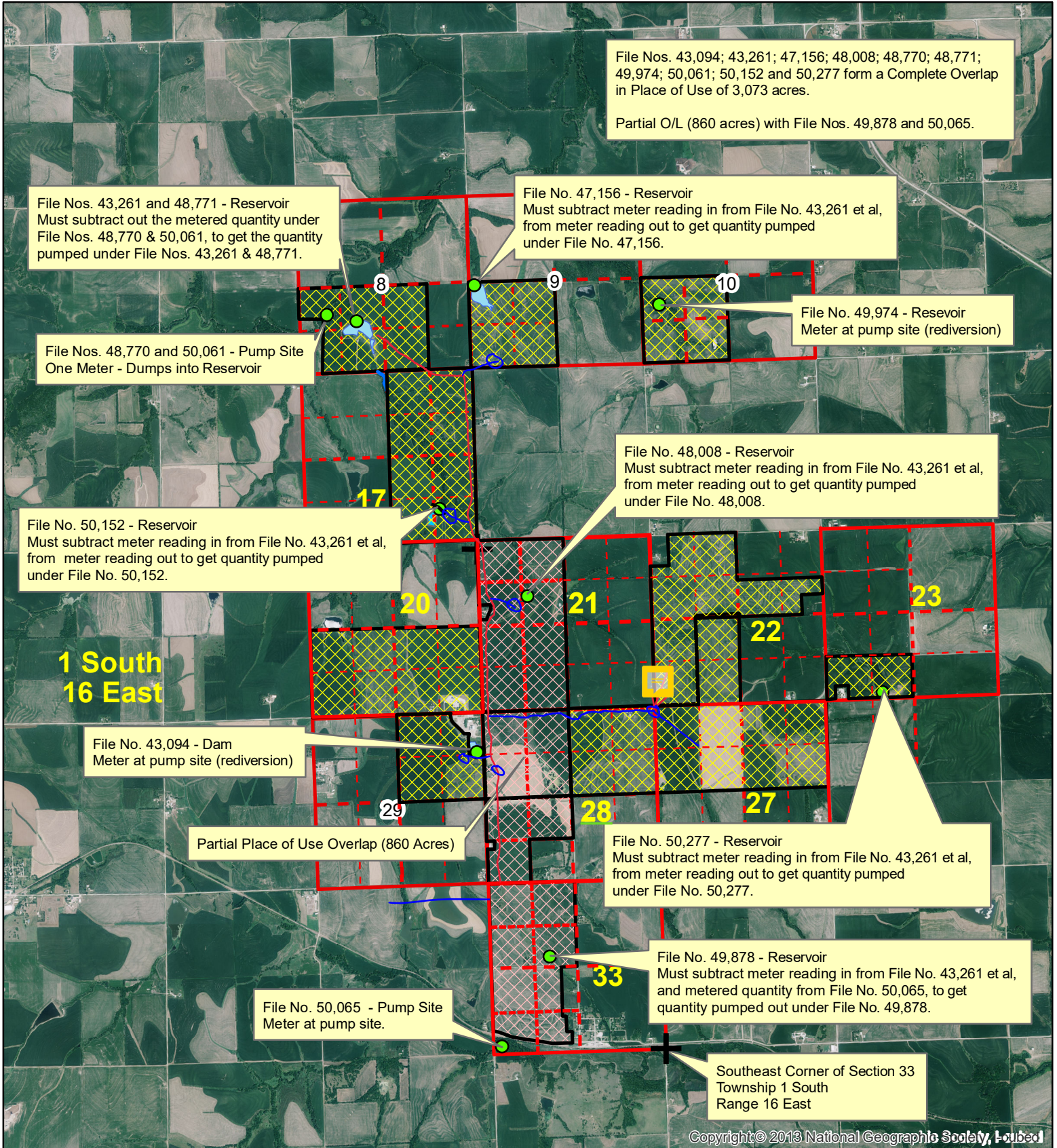
Ws Id: Type: County: Num: Ext:

ALL ACTION TRAILS

Action Date	CD	Decode	Deadline Date	Action Remarks
11-19-2018	PA	PERMIT ISSUED PENDING COMPLETION	07-01-2022	WAIVER
11-15-2018	IR	INFORMATION RECEIVED		REVISED PLANS RECD
10-16-2018	IQ	INFORMATION REQUESTED		SPECS AND NEIGHBOR AGREE
10-15-2018	AR	APPLICATION RECEIVED		\$300 FEE RCD
10-15-2018	EC	ECA NOTICE	11-14-2018	
10-15-2018	AG	APPLICATION ASSIGNED		JNP
08-30-2018	DR	DETERMINATION RECEIVED		CLASS A EXEMPT DAM-NEEDS

1:48,000

METERING MAP FOR BIG PROJECT



Place of Use



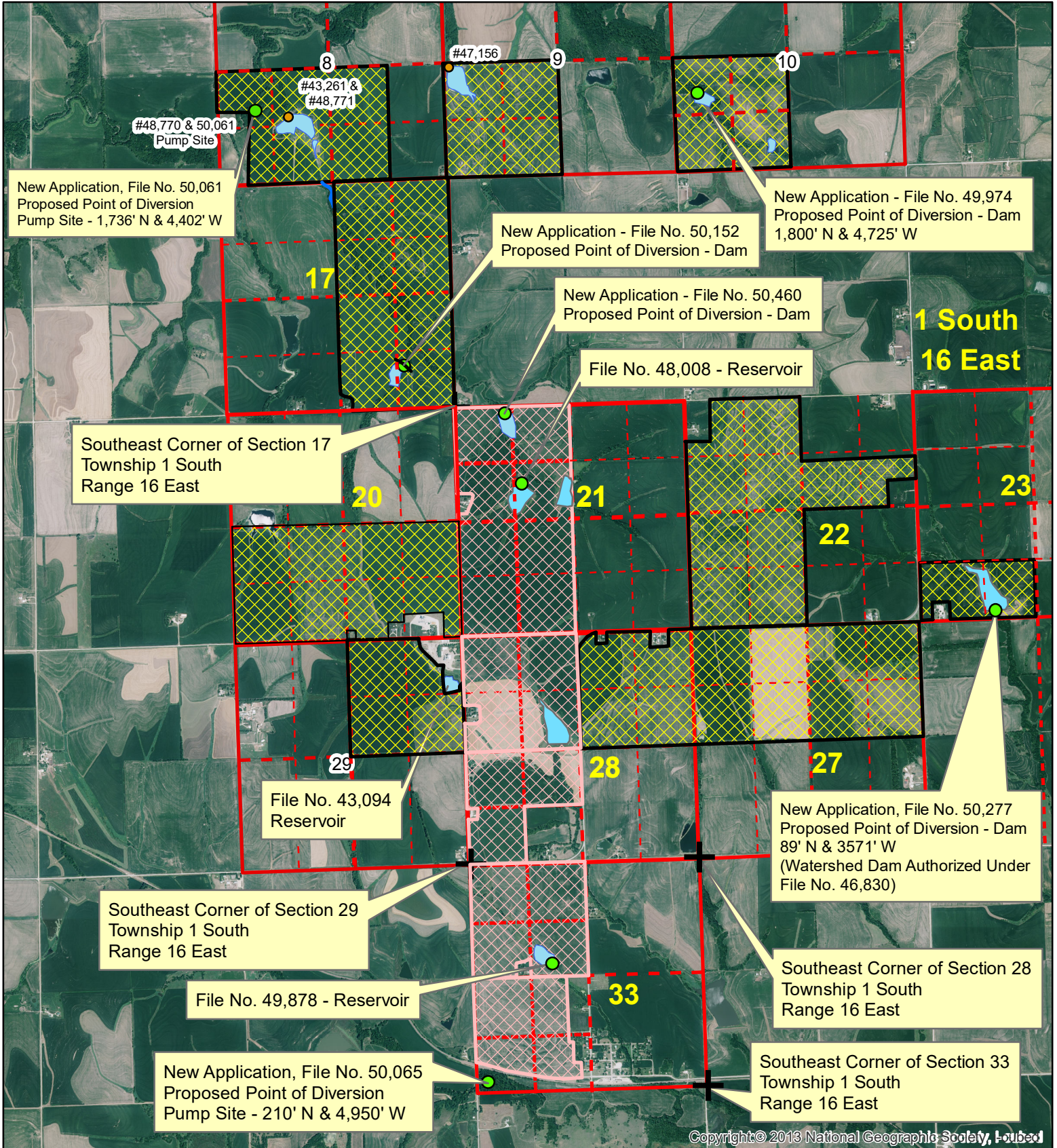
Place of Use (Partial O/L)



Points of Diversion

1:36,000

REVISED PLACE OF USE
OVERLAP SITE MAP



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Schemm, Doug [KDA]

From: mwivalley@gmail.com
Sent: Wednesday, December 18, 2019 4:29 PM
To: Schemm, Doug [KDA]
Cc: Bunger, Brett [KDA]
Subject: RE: Big overlap permit!!
Attachments: Grimm Big Project Metering Map 12-18.pdf

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.

Doug

So I have attached a sketch over this map of where the line runs. Each of the circles is a metering point that meters the water from 43261 into each of the sites so we can keep track of what is going on. Hope that helps.

Just FWI on the bottom of the map to the left side below section 29 you will see a blue line drawn east and west. I must of put it there but couldn't figure out how to erase it so disregard that!!

Thanks Keith

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, December 18, 2019 3:19 PM
To: mwivalley@gmail.com
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Big overlap permit!!

Keith,

I have attached a map to indicate how quantities for each of these files would be determined based on the information you provided below.

Can you please review the map and make any modifications or additions that you wish. Anything you can add to further clarify things would be great.

Thank you,

Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Wednesday, November 27, 2019 5:23 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: Big overlap permit!!

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Doug

Looks good I will start from the north and work south and explain what we have

File 48770 and 50061 There is a meter for this pump and only serve this point. This has a pipe that dump directs into pond can go nowhere else so all this water has to leave through file 43261 and 48771 to go the the fields
File 43261 and 48771 there is a meter at pump here that serves for this diversion only
File 47156 meter is at center point of this pivot and will get moved to the pump if we connect this farm to the pipe line right now the only water able to go to this pivot come from this pump there is a discharge meter where water flows into pond from file 43261 or 48771 but as for now has to go through the pond to get to pivot.
File 49974 is not built yet but will have meter at pump
File 50152 can pump to all and there is a meter there going out of pump and one coming in for when we pump pond pack full from file 43261 ect
File 43094 has its own meter and stand alone
File 48008 has meter at pump going out of pond and one coming into pond from file 43261 ect
File 49878 meter at pump and can only be applied to the 2 pivots at that site Pipe line does NOT connect there is a incoming meter for when 43261 dump in there
File 50065 is not delvopled
File 50277 has meter at pump site metering all water leaving site and also a return meter if water comes back in from 43261

Hope this helps and don't confuse I could try to draw this out if needed on a map

Happy thanks giving talk next week

Keith

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, November 27, 2019 10:09 AM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Keith,
I've put this together. Can you please add anything else that may help us understand the metering?
Like are you putting separate meters on the pump site or one of the ponds, etc. Anything you can add would be great.
Have a wonderful Thanksgiving,
Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Thursday, November 21, 2019 2:15 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Big overlap permit!!

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.

So at each source there is a meter and it's a forward and reverse meter so counts a totalizer each way(separate from eachother) We have lots of other meters on site to account for where we are send water but those should be the only one that really matter. We do have a separate meter on the pipe that dumps down to Menolds clear south site that is not a complete overlap!! Is that sufficient or would you like more explanation ect.

Thanks so much!!

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, November 21, 2019 1:52 PM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Hello Keith, I've pretty much got the big project ready to move on to HQ for review. However, could you possibly provide some metering diagrams and a discussion of how this project will operate? We need to know how to account for the water from each of the multiple sources.
Thanks, Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Wednesday, November 13, 2019 8:29 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Big overlap permit!!

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.

Yes it does Thanks !!!!!!!!!!!!!!!

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, November 13, 2019 8:20 AM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Hello Keith, I'm moving this along. One final go over, File No. 43,094 will be a PU and Use made of water change to IND use at the greenhouses (I sent you the UMW change). File Nos. 50,065 and 49,878 (down south pump site Terrapin Creek and reservoir) will stay on the Dietrich/Menold ground only (860 acres). All other new apps and changes will be complete overlap on the 3,035 acres. Does that sound right?
Thanks, Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Friday, November 1, 2019 9:34 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: FW: Big overlap permit!!

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.

Let send this through

I think we are finally ready to go!!

Thanks Keith

File No.	PD Type	Storage		Direct Use		Current Limitations	Proposed Limitations / Comments
		Quantity (AF)	Rate (GPM)	Quantity (AF)	Rate (GPM)		
43,094	Reservoir	35	Natural Flows	21	855	None	
43,261	Reservoir	56.5	Natural Flows	41	915	None	
47,156	Reservoir	189.5	Natural Flows	146	1000	None	
48,008	Reservoir	178.6	Natural Flows	136	1200	None	
48,770	Pump site	--- --	--- --	655 (447 Add)	1500	Direct Use: 655 AF/YR com/w #43,094; 43,261; & 47,156	
48,771	Reservoir	579	Natural Flows	579 (0 Add)	1000	Direct Use: 655 AF/YR com/w #43,094; 43,261; 47,156; & 48,770	File No. 48,008 not included in overall limitation. Therefore, total to this point would be 655 AF + 136 AF = 791 AF.
49,878	Reservoir	270	Natural Flows	267	1200	None (820 ACRE PU)	Limitation: 820 AF when combined with all senior files on the authorized place of use of 820 acres described in this permit.
PENDING APPLICATIONS							
49,974	Reservoir	160	Natural Flows	160	1000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,061	Pump site	--- --	--- --	673	1500		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,065	Pump site	--- --	--- --	270	2000	(820 ACRE PU)	Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described in this permit.
50,152	Reservoir	480	Natural Flows	480	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,277	Reservoir	353	Natural Flows	315	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,460	Reservoir	510	Natural Flows	510 (38.7 Add)	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein. And Limited to 2,994.7 AF when combined with all senior files on the authorized place of use described in the permit.

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. 50,152** of the applicant

**PRECISION FARMS
2595 GOLDFINCH RD
HIAWATHA KS 66434**

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 **October 29, 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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 1S 16E									36	34	18	34			40	40	202
9 1S 16E									40	34	40	40					154
10 1S 16E									40	36	40	37					153
17 1S 16E	40	40	40	40									40	40	37	38	315
20 1S 16E									40	40	40	40	40	40	36.3	28.3	304.6
21 1S 16E					34	35	34.5	30	40	40	40	40					293.5
22 1S 16E			34	22	40	28	40	40	40	40	40	40					364
23 1S 16E											32	33					65
27 1S 16E	40	40	40	40	40	40	40	40									320
28 1S 16E	37.1	38	40	40	40	40	36.8	30.2	40	40	37						419.1
29 1S 16E	22	40	40	40													142
33 1S 16E					40	40	37.5	38	25	40	22	20					262.5

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Pony Creek, designated in the office of the Chief Engineer as Pony Creek Trib 2 (SF Big Nemaha), 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 **480 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 17, more particularly described as being near a point 954 feet North and 1,185 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East, Brown County, Kansas, to provide **480 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 **2,000 gallons per minute (4.46 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.
4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **62 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** 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.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** 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 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.

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.

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

PRECISION FARMS
2595 GOLDFINCH RD
HIAWATHA KS 66434

July 15, 2021

Re: Appropriation of Water, File No. 50,152

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate 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 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 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 acceptable water flowmeter must be installed on the re-diversion works authorized by this permit 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. 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. Enclosed 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/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 Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Doug & Jeryl Grimm
George G Dietrich Trust
Elmer F Dietrich Trust
Terry & Dayton Menold
Keith & Andrea Grimm Living Trust
Jameson Family Farms LLC
Austin N & Rhoda M Heise Rev Living Trust

CERTIFICATE OF SERVICE

On this 15 day of July, 2021, I hereby certify that the foregoing Approval of Application, File No. 50,152, dated 1 July 2021 was mailed postage prepaid, first class, US mail to the following:

PRECISION FARMS
2595 GOLDFINCH RD
HIAWATHA KS 66434

With photocopies to:

DOUG & JERYL GRIMM
1215 OREGON ST
HIAWATHA KS 66434

JIMESON FAMILY FARMS LLC
325 BRISTOL RD
WEBSTER GROVES, MO 63119

KEITH & ANDREA GRIMM LIVING TRUST
2595 GOLDFINCH RD
HIAWATHA, KS 66434

GEORGE G & MARY ANNE DIETRICH
3221 SW 32ND ST
TOPEKA, KS 66614

ELMER F DIETRICH TRUST
2966 GOLDFISH RD
HIAWATHA, KS 66434

AUSTIN N & RHODA M HEISE REV LIVING TRUST
14561 BIRCH ST
LEAWOOD KS 66224

TERRY & DAYTON MENOLD
886 300TH ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources