

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

1. File Number: 50,336	2. Status Change Date: 3/2/2021	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) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 66573 Add Seq# _____</p> <p>DOUBLE G & L FARMS LLC 2722 DEWBERRY RD MORRILL KS 66515</p> <p style="text-align: right;">67735</p> <p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID 56367 Add Seq# _____</p> <p>KENT & MOLLY GRIMM LIVING TRUST 570 280TH ST MORRILL, KS 66515</p> <div style="border: 1px solid red; padding: 2px; width: fit-content; margin-top: 10px;"> <p style="color: red; font-weight: bold;">1/27/2021 DWS</p> </div>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 57849 Add Seq# _____</p> <p>NATHAN & LOIS GRIMM REV TRUST 2774 DEWBERRY RD MORRILL, KS 66515</p> <p>7d. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 66564 Add Seq# _____</p> <p>GRIMM BROS LLC 570 280TH ST MORRILL, KS 66515-9403</p> <p>7e. Landowner New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 67162 Add Seq# _____</p> <p>GRIMM FARMS INC Attn: GERALD GRIMM 2774 DEWBERRY RD MORRILL, KS 66515</p> <p>7f. Landowner New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 57630 Add Seq# _____</p> <p>SUMMIT FARMS LLC 570 280TH ST MORRILL, KS 66515</p>
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<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input 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: 12/31/2021 ²⁰²² 11. Perfection Date: 12/31/2025 ²⁰²⁶ 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: _____

Date Prepared: **4/8/2020** By: **DWS**
Date Entered: **3/9/2021** By: **L Moody**

File No. 50,336	15. Formation Code: 100 550	Drainage Basin: S F BIG NEMAHA RIVER	County: BR	Special Use:	Stream:																																																																																																													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <td rowspan="2">T MOD DEL ENT</td> <td rowspan="2">PDIV</td> <td rowspan="2">Qualifier</td> <td rowspan="2">S</td> <td rowspan="2">T</td> <td rowspan="2">R</td> <td rowspan="2">ID</td> <td rowspan="2">'N</td> <td rowspan="2">'W</td> <td rowspan="2"></td> <td colspan="2">Authorized</td> <td colspan="2">Additional</td> <td rowspan="2">Overlap PD Files</td> </tr> <tr> <td>Rate gpm</td> <td>Quantity af</td> <td>Rate gpm</td> <td>Quantity af</td> </tr> <tr> <td>√</td> <td>87869</td> <td>SE NW SE</td> <td>11</td> <td>2S</td> <td>15E</td> <td>1</td> <td>1750</td> <td>1815</td> <td>(Geo-Ctr)</td> <td>800</td> <td>500</td> <td>800</td> <td>500</td> <td>NONE</td> </tr> <tr> <td>√</td> <td>87870</td> <td>SE NW SE</td> <td>11</td> <td>2S</td> <td>15E</td> <td>2</td> <td>1950</td> <td>1815</td> <td>(Batt 1 of 4)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>87871</td> <td>SE NW SE</td> <td>11</td> <td>2S</td> <td>15E</td> <td>3</td> <td>1850</td> <td>1815</td> <td>(Batt 1 of 4)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>87872</td> <td>SE NW SE</td> <td>11</td> <td>2S</td> <td>15E</td> <td>4</td> <td>1650</td> <td>1815</td> <td>(Batt 1 of 4)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>87873</td> <td>SE NW SE</td> <td>11</td> <td>2S</td> <td>15E</td> <td>5</td> <td>1550</td> <td>1815</td> <td>(Batt 1 of 4)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized		Additional		Overlap PD Files	Rate gpm	Quantity af	Rate gpm	Quantity af	√	87869	SE NW SE	11	2S	15E	1	1750	1815	(Geo-Ctr)	800	500	800	500	NONE	√	87870	SE NW SE	11	2S	15E	2	1950	1815	(Batt 1 of 4)						√	87871	SE NW SE	11	2S	15E	3	1850	1815	(Batt 1 of 4)						√	87872	SE NW SE	11	2S	15E	4	1650	1815	(Batt 1 of 4)						√	87873	SE NW SE	11	2S	15E	5	1550	1815	(Batt 1 of 4)					
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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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <u>12/31/2021</u> ²⁰²² Date Acceptable Meter Installed _____																																																																																																																		
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√	56163	2	2S	15E	1	35	38																73	7d.	NO	SEE BELOW*																																																																																								
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2/17/2021
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√	69811	11	2S	15E	1											40	20	4	40	104	7a.	NO	SEE BELOW*	
√	69812	13	2S	15E	1					36										36	7a.	NO	SEE BELOW*	
√	69813	14	2S	15E	2	40														40	7a.	NO	SEE BELOW*	
√	69814	1	2S	15E	2				35	27	24.5	35								121.5	7e.	NO	SEE BELOW*	
√	69815	12	2S	15E	1					40	40									80	7e.	NO	SEE BELOW*	

Comments: ***FILE NOS. 46,934; 47,143; 48,063; AND 48,064 WILL ALL OVERLAP IN PU AFTER CHANGES.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 8, 2020

FROM: Doug Schemm

RE: Application File No. 50,336

Double G & L Farms, LLC (Wayne Grimm-Pyle Place) has filed the above referenced application proposing to appropriate 500 acre-feet of groundwater at a diversion rate of 800 gallons per minute from a proposed battery of four wells for irrigation use. The well battery is located in the Southeast Quarter of Section 11, Township 2 South, Range 15 East, Brown County, in the drainage basin of the S.F. Big Nemaha River. The proposed acreage has multiple owners, including the applicant, and a representative of the applicant has signed the form stating they have access to the point of diversion.

There are multiple water rights which currently have a partial overlap in place of use. However, pending change applications on these files will create a complete overlap in place of use. There are no overlapping water rights in point of diversion. File No. 46,934 is authorized 207 acre-feet; File No. 47,143 is authorized 70 acre-feet; File No. 48,063 is authorized 97 acre-feet; and File No. 48,064 is authorized 144 acre-feet (direct use), for a combined total of 518 acre-feet. The new application is requesting 500 acre-feet, which would provide for a total of 1,018 acre-feet. The proposed place of use comprises 1,086 acres. Brown County allows for 1 acre-foot per acre, which would be equivalent to 1,086 acre-feet. Therefore, the requested quantity is slightly less than the maximum allowable and the new application will be all additional water.

The applicant did not identify any wells of any kind within one-half mile of the proposed point of diversion. This agrees with the WRIS database. Also, a review of aerial photographs does not show any nearby houses other than one on the property owned by the applicant. Therefore, no nearby letters are required. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to all other non-domestic wells, and 660 feet to domestic wells. The application complies with these well spacing criteria.

One of the test hole logs submitted with the pending application shows interbedded shale and limestone to a total depth of 58 feet. One limestone layer was encountered between 36 feet to 48 feet below ground, and it was noted that it was "weathered" and contained water. The static water level was reported at 2.5 feet below ground level, which would indicate that the limestone aquifer is under confining conditions. The source of water for the proposed wells appears to be the Permian System - Council Grove Group (550), based on a review of the submitted test hole logs, geologic maps, and Kansas Geological Survey Bulletin 186 (Geology and Groundwater Resources of Brown County, KS). The primary aquifer for this application appears to be the weathered limestone layer. Estimated yield according to the driller's log was 152 gallons per minute.

As noted above, it would appear this aquifer is confined, with the static water level extending above the top of the primary aquifer located at 36 feet to 48 feet below ground. Per K.A.R 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. Because no specific criteria have been developed for safe yield evaluation of this particular aquifer, it appears that the pending application can be reviewed using the safe yield criteria outlined in K.A.R. 5-3-11 for unconfined aquifers. This is consistent with other applications with a bedrock source of supply. This safe yield analysis provides a maximum potential annual recharge of 5.1 inches, since a deeper confined aquifer would likely only receive a portion of the recharge that a shallow, unconfined aquifer would receive. If the procedure outlined by K.A.R. 5-3-11 indicates that a significant quantity of water remains available for appropriation, then there would be sufficient water for this application even with a considerable reduction in the amount of recharge reaching the deeper confined aquifer (in this case about 1.8 inches of recharge would provide sufficient water for both prior and proposed appropriations).

The area of consideration, defined by the extent of the bedrock aquifer within a two-mile radius, is 8,042 acres. Based on a potential recharge of 5.1 inches, with 100% available for appropriation, safe yield was determined to be 3,418 acre-feet. There are four existing water rights that have appropriated 1,287 acre-feet, leaving 2,131 acre-feet available, so there is sufficient water available for appropriation, and the application meets safe yield.

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. The application indicates that chemicals will be injected into the water pumped under this permit, therefore a check valve will also be required on the diversion works. A diversion rate in excess of 100 gallons per minute has been proposed so a water level measurement device will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a March 2, 2020 e-mail.

Based on the above discussion, the area is open to new appropriations, the application complies with minimum well spacing and safe yield criteria, the proposed use is reasonable, and approval of the application will not impair senior water rights, it is recommended that the referenced new application be approved, in conjunction with the changes on File Nos. 46,934; 47,143; 48,063 and 48,064.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, March 2, 2020 3:37 PM
To: Schemm, Doug [KDA]
Subject: RE: 50336 Double G (Wayne Grimm)

Go ahead and move it forward.

Katie Tietsort
Water Commissioner

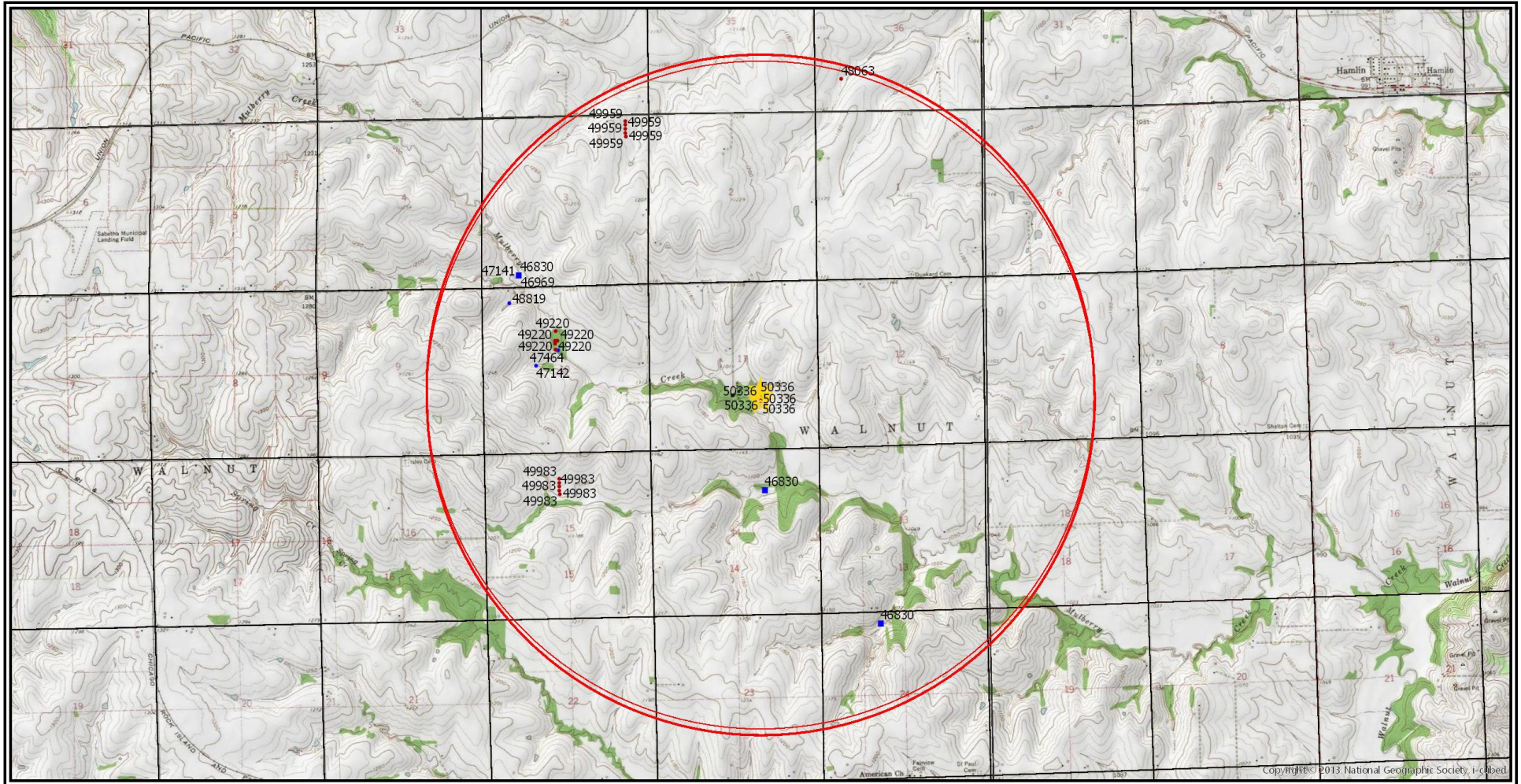
Katie.Tietsort@ks.gov
785-296-5733

NOTE NEW ADDRESS AS OF 3/16/20:
Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, February 27, 2020 9:01 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50336 Double G (Wayne Grimm)

No issues with this one. Meets all the regs. Bedrock aquifer.

Safe Yield Report Sheet
Water Right- A5033600
Point of Diversion in 11-02S-15E
Footages from SE corner- 1,750 feet North 1,815 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 3,418.05 AF.

Total prior appropriations in the circle is 1,175.00 AF. - 500 + 612 = 1,287 AF

Total quantity of water available for appropriation is ~~2,243.05~~ AF.
2,131 AF

Application File No. 50,336 Meets Safe Yield
dws/dwr 2/27/20

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.1 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 27-FEB-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 5 water rights and 21 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 48063 00	IRR	NK	G		NE	SW	SW	1105	4304	36	01	15E	1	WR	97.00	97.00	747.00	0.00
A 49220 00	IRR	LO	G		NE	SE	NW	3594	2939	10	02	15E	4	WR	612.00	0.00	710.00	0.00
Same	IRR	LO	G		SE	SE	NW	3299	2964	10	02	15E	5	WR		612		
Same	IRR	LO	G		NE	SE	NW	3496	2947	10	02	15E	6	WR				
Same	IRR	LO	G		NE	SE	NW	3693	2930	10	02	15E	7	WR				
Same	IRR	LO	G		NE	SE	NW	3889	2914	10	02	15E	8	WR				
A 49959 00	IRR	KE	G		NE	NE	NE	4950	588	03	02	15E	7	WR	500.00	500.00	710.00	0.00
Same	IRR	KE	G		NE	NE	NE	5200	588	03	02	15E	8	WR				
Same	IRR	KE	G		NE	NE	NE	5075	588	03	02	15E	9	WR				
Same	IRR	KE	G		NE	NE	NE	4825	588	03	02	15E	10	WR				
Same	IRR	KE	G		NE	NE	NE	4700	588	03	02	15E	11	WR				
A 49983 00	IRR	GY	G		SE	NE	NW	4234	2875	15	02	15E	1	WR	78.00	78.00	78.00	78.00
Same	IRR	GY	G		SE	NE	NW	4359	2875	15	02	15E	2	WR				
Same	IRR	GY	G		SE	NE	NW	4484	2875	15	02	15E	3	WR				
Same	IRR	GY	G		SE	NE	NW	4109	2875	15	02	15E	4	WR				
Same	IRR	GY	G		SE	NE	NW	3984	2875	15	02	15E	5	WR				
A 50336 00	IRR	AY	G		SE	NW	SE	1750	1815	11	02	15E	1	WR	500.00	500.00	1,086.00	0.00
Same	IRR	AY	G		SE	NW	SE	1950	1815	11	02	15E	2	WR				
Same	IRR	AY	G		SE	NW	SE	1850	1815	11	02	15E	3	WR				
Same	IRR	AY	G		SE	NW	SE	1650	1815	11	02	15E	4	WR				
Same	IRR	AY	G		SE	NW	SE	1550	1815	11	02	15E	5	WR				

Limitations

File Number	Seq Num	Limitations
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File Number	Seq Num	Limitations
A 49220 00*	1	616.5 AF/YR COM/W #46969, #47141, #47142, #47464 & #48819
A 49959 00	1	710 AF/YR COM/W #46969, #47141, #47142, #47464, #48819 & #49220 (P/U)

*ADDED 612 AF BACK INTO PRIOR APPROPRIATIONS
BECAUSE SENIOR FILES ARE NOT LOCATED WITHIN
SAME 2-MILE CIRCLE. DWS/DWR

associated DRILLING, INC.

201 Industrial Rd., PO Box 7, Olsburg, KS 66520
(785) 468-3324, Fax: (785) 468-3363

January 9, 2020

Test hole logs for Wayne Grimm (Pyle Place)

The location of the test hole #1 is N 39.890546, W -95.701911

Static water level: 2.5 feet below ground surface, (bgs)

0-18	Top Soil, Brown Clay
18-20	Gray Shale
20-36	Soft Gray Shale
36-41	Weathered Limestone H2O
41-48	Limestone
48-58	Gray Shale
58	Total Depth

Approximated 152 GPM

-Recharged 19 feet of a 10 inch diameter hole in 30 seconds

The location of test hole #2 is N 39.888506, W -95.701238

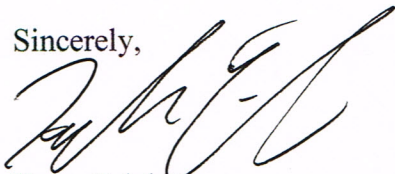
Static water level: 8 feet below ground surface, (bgs)

0-15	Black Clay
15-19	Gray Shale
19-29	Weathered Limestone H2O
29-32	Limestone
32-40	Gray Shale
40	Total Depth

Approximated 180 GPM

-Recharged 15 feet of a 10 inch diameter hole in 20 seconds

Sincerely,



Kyler Erickson
Associated Drilling Inc.

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,734 feet North and 1,849 feet West of the Southeast corner of said section, in Township 2 South, Range 15 East, Brown County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **500 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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 of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works 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 diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That 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.

17. 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.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

Ordered this *2* day of *March*, 2021, 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 *2* day of *March*, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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



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

Mike Beam, Secretary

Laura Kelly, Governor

March 10, 2021

DOUBLE G & L FARMS LLC
2722 DEWBERRY RD
MORRILL KS 66515

RE: Appropriation of Water, File Nos. 50,336 and 50,389; and
Water Right, File Nos. 46,934; 47,143; 48,063 and 48,064

Dear Sir or Madam:

Enclosed are permits (File Nos. 50,336 and 50,389) 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. Please note that both your existing well and all wells drilled under the authority of this permit must have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer.

Notices must be filed on the enclosed forms once the diversion works have been completed for each file. 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 the 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 works authorized by these permits prior to using water. Annual water use reports 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 approvals of your applications constitute permits 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 rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

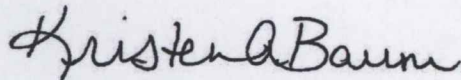
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

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

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
Kent and Molly Grimm Living Trust
Nathan & Lois Grimm Rev Trust
Grimm Bros LLC
Grimm Farms Inc
Summit Farms LLC

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.

CERTIFICATE OF SERVICE

On this 10 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,336, dated 2 March 2021 was mailed postage prepaid, first class, US mail to the following:

DOUBLE G & L FARMS LLC
2722 DEWBERRY RD
MORRILL KS 66515

With photocopies to:

KENT & MOLLY GRIMM LIVING TRUST
570 280TH ST
MORRILL KS 66515-9403

GRIMM BROS LLC
570 280TH ST
MORRILL KS 66515-9403

SUMMIT FARMS LLC
570 280TH ST
MORRILL KS 66515

GRIMM FARMS INC
Attn: GERALD GRIMM
2774 DEWBERRY RD
MORRILL KS 66515

NATHAN & LOIS GRIMM REV TRUST
2774 DEWBERRY RD
MORRILL KS 66515

Topeka Field Office

Division of Water Resources