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Topeka Field Office
DIVISION OF WATER RESOURCES

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

11/07/2024

- 1. Application is hereby made for approval of the Chief Engineer to change the
 - Place of Use
 - (Check one or more) Point of Diversion
 - Use Made of Water

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1:05 PM
KS Dept Of Agriculture

File No. 47143

2. Name of applicant: Kent & Molly Grimm Living Trust

Address: 570 280th St

City, State and Zip: Morrill KS 66515

Phone Number: (785)547-6702 E-mail address: kentmollygrimm@gmail.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: _____

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To make a complete overlap in Place of use With the new application that has been filed for a new point of diversion

The change(s) (was) (will be) completed by 9/1/24 (Date)

For Office Use Only:															
F.O.	<u>1</u>	GMD	-	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input checked="" type="checkbox"/> G / <input type="checkbox"/> S	County	<u>BR</u>	By	<u>KJN</u>	Date	<u>11/7/24</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>11-6-24</u>	Check #	<u>2605</u>						

11/07/2024

See Supplemental Sheet Attached

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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DIVISION OF WATER RESOURCES

4. The presently authorized point(s) of diversion (is) (are) 1 well and 1 point of diversion
(Provide description and number of points)
5. The proposed point(s) of diversion (is) (are) 1 well and 1 point of Diversion
(Provide description and number of points)

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List all presently authorized point(s) of diversion:

KS Dept Of Agriculture

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 35, Township 1 South, Range 15E (E/W), in Brown County, Kansas, 4363 feet North 642 feet West of Southeast corner of section.
 Authorized Rate 675 gpm Authorized Quantity 70 ac/ft
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

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File No. 47143

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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

There is an added point of diversion in the system that will provide water to the additional acres of use that will have a Complete overlap in place of use of this permit.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 97 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 250 gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

This change only effects place of use change not point of diversion change

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Marshall, Kansas, this 29 day of Oct, 2024

[Signature]
(Owner)

[Signature]
(Spouse)

Kent Grimm
(Please Print)

Molly Grimm
(Please Print)

Wayne Grimm
(Owner)

(Spouse)

Wayne Grimm
(Please Print)

(Please Print)

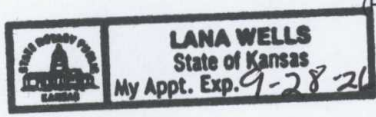
[Signature]
(Owner)

(Spouse)

Darin Grimm
(Please Print)

(Please Print)

State of Kansas }
County of Brown } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29 day of October, 2024.

[Signature]
Notary Public

My Commission Expires 9-28-26

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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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

Existing Place of Use

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

January 15, 2020

FILE COPY

11/07/2024

Water Resources
 Received

Re: Water Right,
 File Nos. 46,934; 47,143; & 48,063

KS Dept Of Agriculture

Dear Sir or Madam:

There are enclosed three (3) Certificates of Appropriation for Beneficial Use of Water for the referenced files. The Water Appropriation Act requires that the original certificates of appropriation shall be recorded in the office of the Register of Deeds in the county or counties wherein the points of diversion are located as other instruments affecting real estate. You should record the certificates in the Register of Deeds office at your earliest convenience so that they become a matter of record to protect your right. Duplicate copies of the certificates have been placed on file in this office.

Information on file in this office indicates that the land shown on the enclosed draft copy of the proposed certificate of appropriation is owned as follows:

Grimm Bros, LLC

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
35 1 15E										1.5				40.0	38.5	6.5	34.0	120.5
2 2 15E	35.0	38.0												1.0				74.0
36 1 15E									24.5.0	19.5	38.0	39.5		5.0	3.5			130.0

Kent Grimm

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
35 1 15E	12.5	5.0	28.5	40.0				0.5										86.5

Grimm Farms, Inc.

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
1 2 15E					35.0	27.0	24.5	35.0										121.5

Double G & L Farms, LLC

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 2 15E									33.0	32.0	17.5	33.0					115.5
36 1 15E									6.5	13.5							20.0

Nathan & Lois Grimm Revocable Trust

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 2 15E			38.5	35.5	2.5			2.5									79.0

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 DIVISION OF WATER RESOURCES

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Grimm Bros, LLC
Water Right, File Nos. 46,934; 47,143; & 48,063
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We understand that all future correspondence pertinent to the above referenced file should be directed to Grimm Bros, LLC; Kent Grimm; Double G & L Farms, LLC; and Nathan & Lois Grimm Revocable Trust and the annual water use report forms are to be mailed to Double G & L Farms, LLC. If the above mentioned information is incorrect, please notify this office.

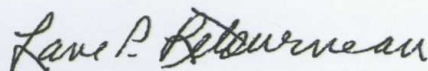
Any appeal of the issuance of these Certificates of Appropriation must be filed with the appropriate district court within 30 days of the date of this letter. In filing such an appeal, a copy of the petition for judicial review must be served on David W. Barfield, Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

As a matter of information, the Water Appropriation Act was amended on January 1, 1978, thereby requiring water users to operate within the terms, limitations and conditions of existing water rights.

Records to indicate the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. If an annual water use report is not received by the deadline, a fine may be assessed and all water use under such right may be suspended. For your convenience, reports may now be filed online at www.kswaterusereport.org.

Additional information may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions, please contact Ty Vaughn (785-564-6628). If you call, please reference the file numbers so we can help you more efficiently.

Sincerely,



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

LPL:tlv

Enclosure(s)

pc: Topeka Field Office
Double G & L Farms, LLC
Nathan & Lois Grimm Revocable Trust

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Topeka Field Office
DIVISION OF WATER RESOURCES

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Grimm Bros

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: Kent & Molly Grimm Living Trust

ADDRESS: 570 280th ST Morrill, KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	1	15E	18	35	25.5	40													118.5
36	1	15E													32.5	40			72.5
Subtotal = 191																			

Landowner of Record NAME: Grimm Bros

ADDRESS: 570 280th St Morrill KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
35	1	15E	0	0	0	0	0	0	0	0	0	0	32.5	0	0	32	40	39.5	25.5	34.5	204
2	2	15E	40	40																	80
36	2	15E													35					40	75
Subtotal = 155																					

Landowner of Record NAME: Gerald R. Grimm Loving Trust

ADDRESS: 1776 Rachel LN 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			
2	2	15E			40	35.3	40	40													155.3
Subtotal 155.3																					

Landowner of Record NAME: Darin & Marci Grimm

ADDRESS: 2722 Dewberry RD Morrill KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
2	1	15E				2.5															2.5

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Landowner of Record NAME: Double G & L Farms LLC

KS Dept Of Agriculture

ADDRESS: 2722 Dewberry RD Morrill KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
2	1	15E																	40			40	80
11	2	15E																	36.5	20	40	40	136.5
14	2	15E	40																				
13	2	15E						31	40														71
36	1	15E			0.5					8	21.5	12.5								3			45.5
1	1	15E									40	35	27	40									142

Subtotal = 475

Landowner of Record NAME: Grimm Farms Inc

ADDRESS: 2774 Dewberry RD Morrill KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
36	1	15E										18	35										
1	1	15E					40	31	30.5	40													141.5
12	2	15E					40	40															80

Subtotal = 221.5

Landowner of Record NAME: Grimm Girls Land & Livestock LLC

ADDRESS: 2722 Dewberry RD Morrill KS 66515

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
36	1	15E						17.5	34.5														52

Subtotal = 52

Landowner of Record NAME: Rodney Grimm Trust

ADDRESS: ATTN: Collin Grimm 3126 Bittersweet 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					
35	1	15E										38	36										74

Subtotal = 74

Total Acres on supp sheet = 1326.3

APP Map

11/7/2024
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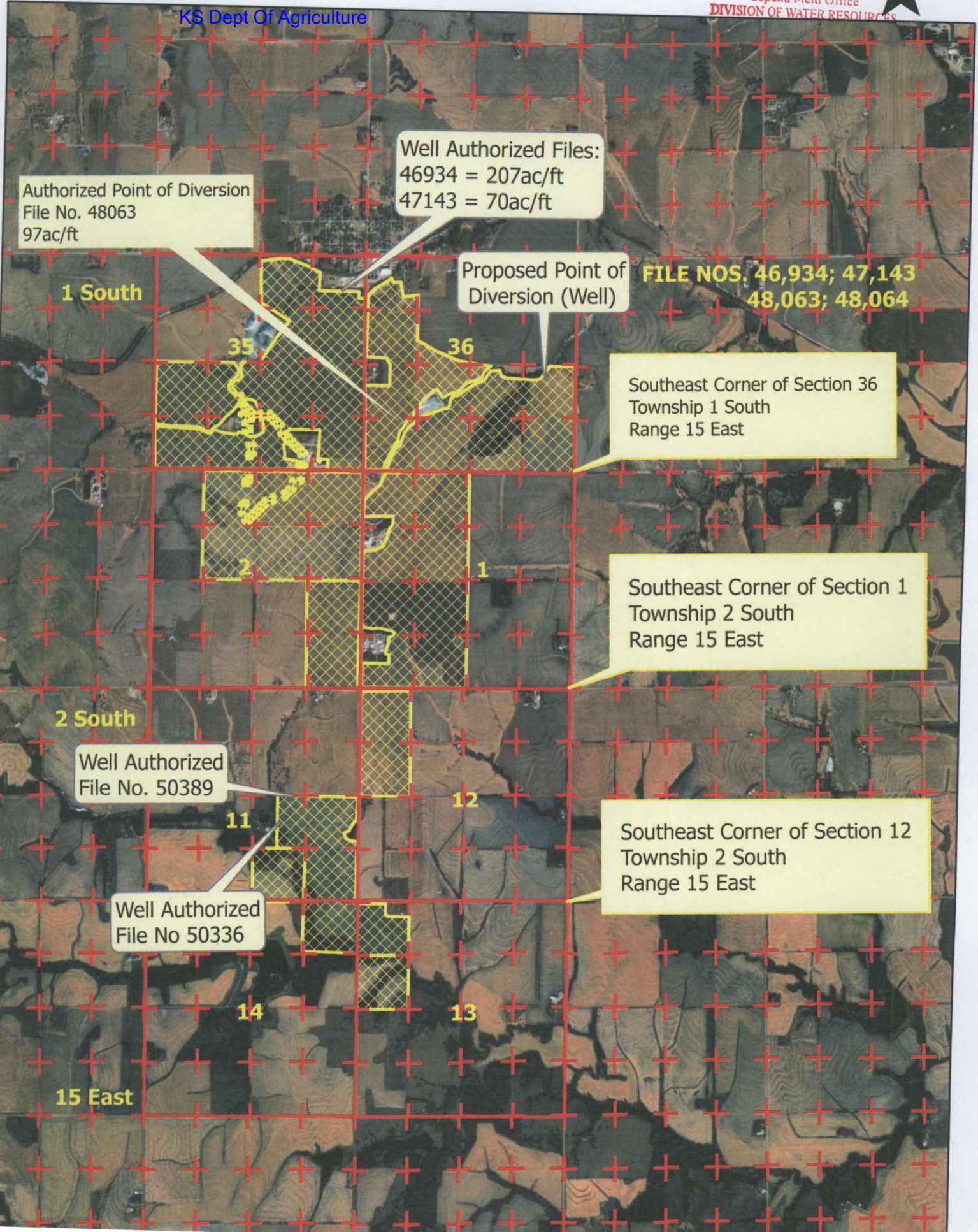
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MWI, LLC

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DIVISION OF WATER RESOURCES

PREPARED BY:

Darcy Nightingale

Please copy any applicant correspondence to the email and address below:

1215 Oregon St.
Hiawatha, KS 66534
785-285-8065
Darcy@mwivalley.com

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47134

Grimm Bros Quarry Permit



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

November 15, 2024

KENT & MOLLY GRIM LIVING TRUST
570 280TH ST
MORRILL KS 66515

RE: File No(s). **47143**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) 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(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) 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 "Kristen A. Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program