

11/07/2024

Water Resources
Received
1:00 PM
KS Dept Of Agriculture

11/7/2024
BSchleicher

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NOV 06 2024
1:00 PM
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.

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

File No. 50336

2. Name of applicant: Double G & L Farms LLC

Address: 2722 Dewberry RD

City, State and Zip: Morrill KS 66515

Phone Number: 785-548-5611 E-mail address: doublegandlfarms@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	(YES/NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>BR</u>	By	<u>KJN</u>	Date	<u>11/12/24</u>
Code	<u>CPU</u>	Fee \$	<u>2.00</u>	TR #		Receipt Date	<u>11-6-24</u>	Check #	<u>2005</u>						

See Supplemental Sheet Attached

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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4. The presently authorized point(s) of diversion (is) (are) 1 well and 1 point of diversion Water Resources
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(Provide description and number of points)
5. The proposed point(s) of diversion (is) (are) 1 well and 1 point of Diversion KS Dept Of Agriculture
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 2 South, Range 15E (E/W), in Brown County, Kansas, 1734 feet North 1849 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 500 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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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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File No. 50336

KS Dept Of Agriculture

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 Morrill, Kansas, this 29th day of Oct, 20 24.

[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, 20 24.

[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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DIVISION OF WATER RESOURCES

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

11/07/2024

March 10, 2021

Water Resources
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KS Dept Of Agriculture

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.

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Topeka Field Office
DIVISION OF WATER RESOURCES

Double G & L Farms LLC
File Nos. 50,336; 50,389; 46,934; 47,143; 48,063; and 48,064
Page 2

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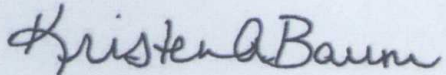
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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

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Topeka Field Office
DIVISION OF WATER RESOURCES

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

11/07/2024

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

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- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

KS Dept 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

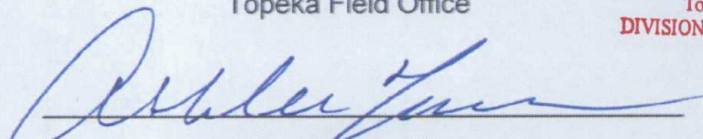
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DIVISION OF WATER RESOURCES


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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DIVISION OF WATER RESOURCES

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

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APP Map

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Authorized Point of Diversion
File No. 48063
97ac/ft

Well Authorized Files:
46934 = 207ac/ft
47143 = 70ac/ft

Proposed Point of
Diversion (Well)

FILE NOS. 46,934; 47,143
48,063; 48,064

1 South

35

36

Southeast Corner of Section 36
Township 1 South
Range 15 East

2

1

Southeast Corner of Section 1
Township 2 South
Range 15 East

2 South

Well Authorized
File No. 50389

11

12

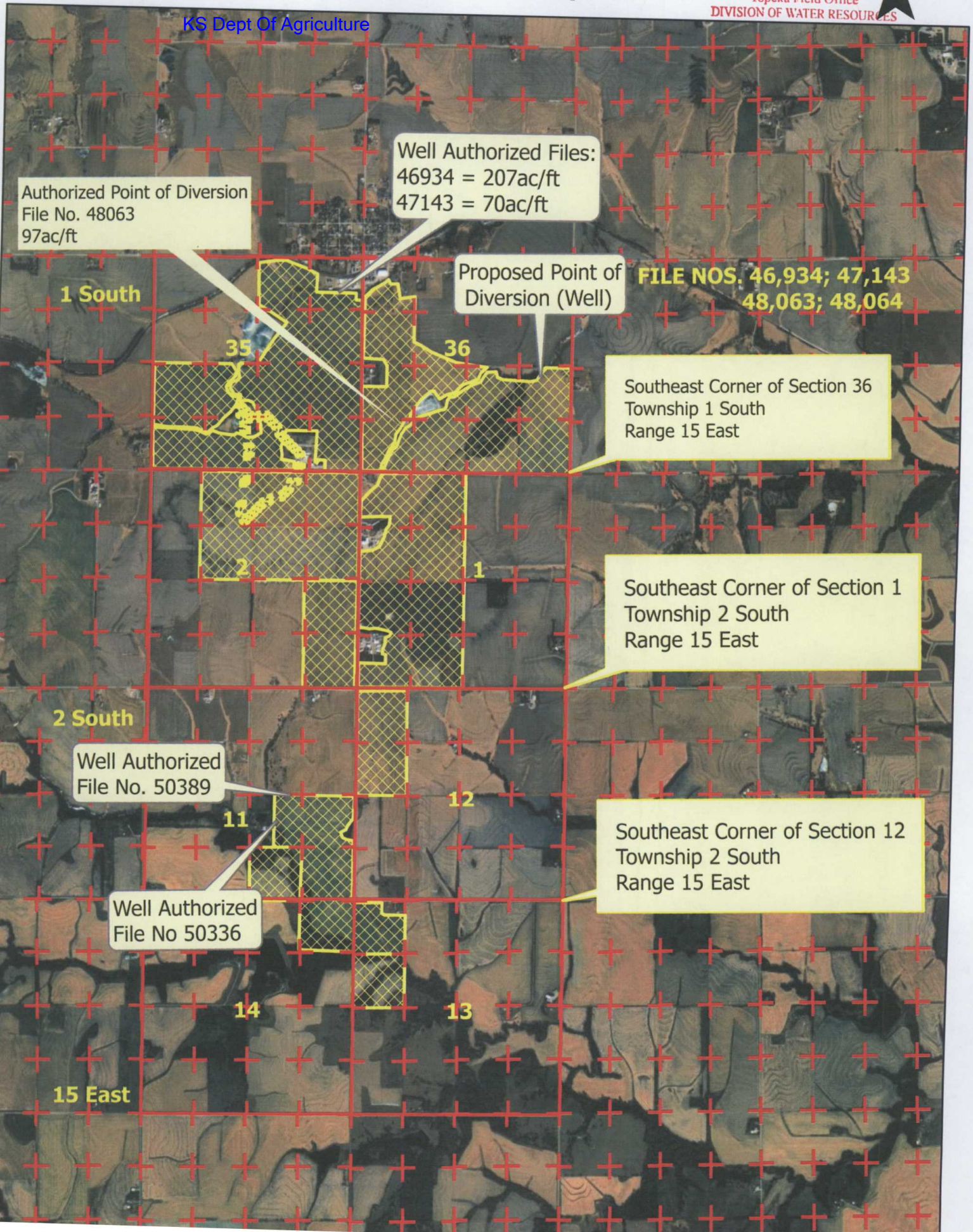
Southeast Corner of Section 12
Township 2 South
Range 15 East

Well Authorized
File No 50336

14

13

15 East



MWI, LLC

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PREPARED BY:

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Darcy Nightingale

Topeka Field Office
DIVISION OF WATER RESOURCES

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

11/07/2024

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

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Double G&L Farms



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

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

RE: File No(s). **50336**

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,

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program