

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>50,902A</b>	2. Status Change Date: <b>1/22/2024</b>	4. Field Office: <b>01 - Topkea</b> GMD: Structures File No.: <b>DNM-390</b> Filing/Priority Date: <b>10/27/22</b> Application Complete Date:
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>AARON P GEORG</b> <b>2377 104TH RD</b> <b>SABETHA, KS 66534</b>  Person ID <b>68721</b> Add Seq# <b>1</b>	5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>GEORG FARMS LLC</b> <b>2490 136TH RD</b> <b>SABETHA, KS 66534</b>  Person ID <b>66534</b> Add Seq# <b>1</b>	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>A/D GEORG LLC</b> <b>1604 SUNSET CT</b> <b>SABETHA, KS 66534</b>  Person ID <b>68722</b> Add Seq# <b>1</b>	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change    Person ID Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:            Year:            Min Reasonable Q: Previous UMW: MDS Gauge: <b>Delaware at Muscotah</b> Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/31/2025</b> Perfection/Expiration Date: <b>12/31/2029</b>		7. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> UMW: UMW:
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation    Type:            Start Year:            5YR Quantity:            Base Acres: Comment:		
11. Sand & Gravel    Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver    Rule ID: <input type="checkbox"/> New    Date Requested: Applies:            Rule No.:    Justification: Rule Type: Rule SubType:		
Comments	Processed <b>LHH</b> <b>1/22/2024</b>	Entered <b>2/15/2024</b> <b>KAnderson</b>
	Reviewed <b>KAK</b> <b>1/22/2024</b>	

File No. **50,902A**      13. County: **NM-Nemaha** Basin: **Delaware** Stream: **Craig Creek Trib 12 (Delaware)**  
 Structures File No: **DNM-390**      Aquifer Code:      Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty		Rate		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
<b>CHK</b>	<b>89883</b>	<b>NE SE NE</b>	<b>35</b>	<b>3S</b>	<b>14E</b>	<b>7</b>	<b>3595</b>	<b>155</b>	<b>180</b>	<b>180</b>	<b>1000</b>	<b>1000</b>	<b>180</b>	<b>180</b>	<b>NF</b>	<b>+</b>	
																<b>+</b>	
																<b>#</b>	
																<b>^</b>	
																<b>**</b>	
																<b>++</b>	

15. Limitations    Type:            Quantity:            Rate:            combined with file no(s):  
                           Type:            Quantity:            Rate:            combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2025**

17. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps			
PUSE ID	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>CHK 71097</b>	<b>26</b>	<b>3S</b>	<b>14E</b>	<b>2</b>													<b>40</b>	<b>40</b>	<b>40</b>	<b>33</b>	<b>153</b>	<b>5b</b>	<input type="checkbox"/>	<b>+</b>
<b>CHK 71098</b>	<b>35</b>	<b>3S</b>	<b>14E</b>	<b>2</b>	<b>35</b>	<b>40</b>	<b>40</b>	<b>24</b>													<b>139</b>	<b>5c</b>	<input type="checkbox"/>	<b>+</b>
																							<input type="checkbox"/>	<b>#</b>
																							<input type="checkbox"/>	<b>^</b>
																							<input type="checkbox"/>	<b>**</b>
																							<input type="checkbox"/>	<b>++</b>

18. Point of Diversion and Place of Use Overlaps

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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** January 22, 2024

**FROM:** Lloyd Hemphill

**RE:** Application, File No. 50,902A

Aaron P Georg has filed the application referenced above for a permit to store 180 acre-feet of surface water in a reservoir at the rate of natural flows and to re-divert 180 acre-feet at the rate of 1,000 gallons per minute for irrigation use. The proposed point of diversion is a reservoir located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 35, Township 3 South, Range 14 East, Nemaha County, Kansas. The dam is located on Craig Creek Trib 12 (Delaware River). No other files overlap this point of diversion. The point of diversion is owned by A/D Georg LLC and the application was signed by the applicant stating legal access. The place of use (292 acres) is owned by Georg Family Farms LLC and A/D Georg LLC as described on the irrigation use supplemental sheet.

Note that during processing of this application it was found that the primary stream in this local drainage area has been named on USGS topographic maps as both Gregg Creek and Craig Creek. Recent maps and historic maps published in the late 1800's both use the name Craig Creek and this appears to be the most appropriate name.

Runoff computations were completed considering a normal precipitation of 36 inches, soil complex number of 76, and drainage area of approximately 149 acres. These calculations determined that the drainage basin will generate 180.8 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). The potential runoff is the limiting factor and the requested storage quantity was based on this value. At normal pool elevation, the reservoir surface area is 12.25 acres, and the capacity is 88.7 acre-feet. The requested direct use quantity appears reasonable based on the size of the reservoir.

The maximum reasonable quantity for irrigating the proposed acreage, per K.A.R. 5-3-24, is 321 acre-feet (1.1 AF/ac X 292 ac. = 321 AF). Because runoff is a limiting factor, this application is requesting about 56% of this quantity for direct use, which is reasonable.

The proposed structure was reviewed by DWR Water Structures Program staff, under WSN: DNM-390. The project was determined to be a class "a" exempt dam, was properly registered, and is non-jurisdictional to Dam Safety permitting. Per Janelle Phillips, this structure is also non-jurisdictional to permitting as a floodplain fill or stream obstruction.

Notification letters were sent to upstream and downstream landowners on December 29, 2023. One phone call was received in response. Rod Winkler expressed concerns about the impact to the water source on his property, immediately downstream of the proposed point of diversion. He has used the stream to water about 20 pairs of cattle since 1998. Mr. Winkler did indicate that there are springs on his side of the property line which he hopes will be sufficient to satisfy his domestic water use. Water right priorities and protection of prior water rights from impairment were discussed. Mr. Winkler was advised to contact the TFO if he suspects impairment in the future. Mr. Winkler mentioned that the pond has been constructed, a pivot system installed, and irrigation occurred in 2023. He was assured that despite the project being completed, the project would be reviewed to make sure that all applicable laws are met. No further written comments were provided by Mr. Winkler.

According to the WRIS database, there are several other surface water rights within a two-mile radius. However, these files are located on other streams. No senior water rights will be impaired with approval of this application.

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.

Brett Bunger, Water Commissioner, Topeka Field Office, recommended in a January 22, 2024 e-mail that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is non-jurisdictional to Structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

## Hemphill, Lloyd [KDA]

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**From:** Bunger, Brett [KDA]  
**Sent:** Monday, January 22, 2024 8:12 AM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: Application File No. 50902A (Aaron Georg): For your recommendation

Lloyd, it all looks good to me. Please proceed with approval.

Thanks

Brett

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**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Friday, January 19, 2024 9:51 AM  
**To:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** Application File No. 50902A (Aaron Georg): For your recommendation

Brett,

Will you provide your recommendation on this project? It is a standard storage and re-diversion project where storage is limited by potential runoff. It is non-jurisdictional to all Structures permitting.

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733

## Hemphill, Lloyd [KDA]

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**From:** Hemphill, Lloyd [KDA]  
**Sent:** Wednesday, June 14, 2023 12:07 PM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** FW: Application, File No. 50786 (WSN: DNM-390)

DNM-390 actually is for #50902A NOT #50786!

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**From:** Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>  
**Sent:** Thursday, May 11, 2023 8:00 AM  
**To:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>  
**Subject:** RE: Application, File No. 50786 (WSN: DNM-390)

There is no other structures permitting required.

Janelle Phillips, P.E.  
Water Structures Team Lead  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan KS 66502  
785-564-6656 - office  
785-307-8292 – cell  
[Janelle.phillips@ks.gov](mailto:Janelle.phillips@ks.gov)

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**From:** Hemphill, Lloyd [KDA] <[Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)>  
**Sent:** Wednesday, May 10, 2023 7:54 PM  
**To:** Phillips, Janelle [KDA] <[Janelle.Phillips@ks.gov](mailto:Janelle.Phillips@ks.gov)>; Ketter, Ambrose [KDA] <[Ambrose.Ketter@ks.gov](mailto:Ambrose.Ketter@ks.gov)>  
**Subject:** Application, File No. 50786 (WSN: DNM-390)

Hello,

Can you provide an update on the status of any Structures requirements for this file?

Based on email traffic last fall, Ambrose determined this is a class “a” exempt dam. It has also been registered. Are there any Structures requirements still pending?

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733

NOTE NEW ADDRESS

## Hemphill, Lloyd [KDA]

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**From:** Bunger, Brett [KDA]  
**Sent:** Tuesday, January 9, 2024 4:32 PM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: Application, File No. 50902A: Nearby owner call

Sounds like you handled it correctly. Appreciate that.

Brett

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**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Tuesday, January 9, 2024 8:53 AM  
**To:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** Application, File No. 50902A: Nearby owner call

Brett,

I received a phone call last Friday from Rod Winkler in response to a nearby landowner notification letter sent for Application, File No. 50,902A (Aaron Georg). According to Mr. Winkler, this pond has been constructed, a pivot installed, and irrigation occurred in 2023. I advised Mr. Winkler that, despite the project already being completed, we would make sure that all applicable laws were met before a permit was issued.

Mr. Winkler's property is immediately downstream of the ponds. He has used the creek to water about 20 head of cattle since about 1998. He has the typical concerns about the impacts to his water source when the pond is filling, or while being pumped down during irrigation season. I discussed the water right priority system and impairment. He said that he does have a spring on his side of the property line which he hopes will provide enough water to supply his needs. I recommended that he contact the Topeka Field Office should he believe his water right is being impaired in the future.

Mr. Winkler was also concerned about how close the dam and outlet is to the road without any emergency spillway. This project has been reviewed by Structures and found non-jurisdictional to dam safety and stream obstruction/floodplain fill permitting so I don't think there is anything we can do about this.

Thanks,

Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733



# 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. 50,902-A** of the applicant

**AARON P GEORG**  
**2377 104TH RD**  
**SABETHA, KS 66534**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **October 27, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26 - 3S - 14E													40	40	40	33	153
35 - 3S - 14E	35	40	40	24													139

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Craig Creek, designated in the office of the Chief Engineer as Craig Creek Trib 12 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **180 acre-feet** of water per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 35, more particularly described as being near a point 3,595 feet North and 155 feet West of the Southeast corner of said section, in Township 3 South, Range 14 East, Nemaha County, Kansas, to provide **180 acre-feet** of water as needed for direct irrigation use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, 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.

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

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

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

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

10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

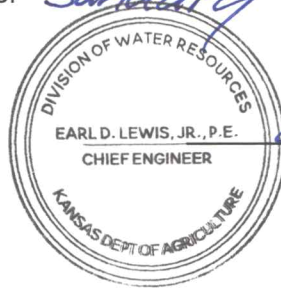
12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure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

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

14. That 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.

15. 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.

Ordered this 22<sup>nd</sup> day of January, 2024, in Manhattan, Riley County, Kansas.

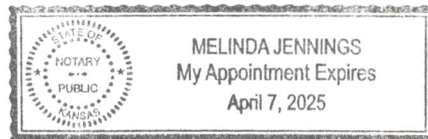


*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
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

February 16, 2024

AARON P GEORG  
2377 104TH RD  
SABETHA KS 66534

RE: Appropriation of Water  
File No. 50,902-A

Dear Mr. Georg:

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 may be submitted online for no charge at [www.kswaterusereport.org](http://www.kswaterusereport.org). Reports submitted in paper form will be assessed a \$20 per file number paper filing fee.

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.

Also included 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/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:llh  
Enclosure(s)

pc: Georg Farms, LLC  
A/D Georg, LLC  
Topeka Field Office

## 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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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 16 day of February, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,902-A, dated January 22, 2024, was mailed postage prepaid, first class, US mail to the following:

AARON P GEORG  
2377 104TH RD  
SABETHA KS 66534

With photocopies to:

GEORG FARMS LLC  
2490 136TH RD  
SABETHA KS 66534

A/D GEORG LLC  
1604 SUNSET CT  
SABETHA KS 66534



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Division of Water Resources