

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received

JAN 23 2020

1:04

KS Dept Of Agriculture

File No. 47,143

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: _____

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

Name of water use correspondent: GRIMM BROS LLC

Address: 570 280TH ST

City, State and Zip: MORRILL, KS 66515-9403

Phone Number: _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

This Place of Use Change will create a complete overlap with 1 new application; and changes in place of use on File Nos. 46,934; 47,143; 48,063; & 48,064.

The change(s) (was) (will be) completed by Spring 2020

(Date)

For Office Use Only:

F.O. 1 GMD Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source (G) S County BR By KJN Date 1/23/20
Code CPU Fee \$ 200 TR # _____ Receipt Date 1/23/20 Check # 434

1/27/2020
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: GRIMM BROS LLC
 ADDRESS: 570 280TH ST, MORRILL, KS 66515-9403

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	1S	15E									1.5				40	38.5	6.5	34	120.5
36	1S	15E									24.5	19.5	38	39.5		5	3.5		130
2	2S	15E	35	38											1				74

List any other water rights that cover this place of use. 46,934; 47,143; 48,063; 48,064

Owner of Land — NAME: NATHAN & LOIS GRIMM REV TRUST
 ADDRESS: 2774 DEWBERRY RD, MORRILL, KS 66515

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	2S	15E			38.5	35.5	2.5			2.5									79

List any other water rights that cover this place of use. 46,934; 47,143; 48,063; 48,064

SEE ATTACHED ADDITIONAL SHEET

Water Resources
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5. It is proposed that the place of use be changed to:

Owner of Land NAME: DOUBLE G & L FARMS LLC
 ADDRESS: 2722 DEWBERRY RD, MORRILL KS 66515

KS Dept Of Agriculture

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	
1	2S	15E									33	32	17.5	33					115.5
2	2S	15E													40			40	80
11	2S	15E													40	20	4	40	104
13	2S	15E						36											36
14	2S	15E	40																40

List any other water rights that cover this place of use. NEW APP & FILE NOS. 46,934; 47,143; 48,063; 48,064

Owner of Land — NAME: GRIMM BROTHERS LLC
 ADDRESS: 570 280TH ST, MORRILL KS 66515-9403

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	1S	15E								0.5	1.5				40	38.5	6.5	34	121
2	2S	15E	35	38															73

List any other water rights that cover this place of use. NEW APP & FILE NOS. 46,934; 47,143; 48,063; 48,064

SEE ATTACHED ADDITIONAL SHEET

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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 Water Resources

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Received
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12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

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

NEW APPLICATION WILL ENSURE NO INCREASE IN CONSUMPTIVE USE.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

NO PHYSICAL CHANGE TO WELL

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.

N/A

Water Resources

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 _____, Kansas, this _____ day of _____, 20_____.

Gerald Grimm
(Owner)
Gerald Grimm
(Please Print)
[Signature]
(Owner)
Kent Grimm
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
[Signature]
(Spouse)
Molly Grimm
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of Brown } SS

I hereby certify that the foregoing application was signed in my presence and ~~sworn~~ ^{Affirm} to before me this 17 day of January, 2020.

TERESA MANCHE
Notary Public - State of Kansas
My Appt. Exp. 6/28/2023

[Signature]
Notary Public

My Commission Expires 6/28/2023

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.**

Water Resources
Received

JAN 23 2020

KS Dept Of Agriculture

Handwritten text, possibly a signature or date, located in the center of the page. The text is faint and difficult to decipher.

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 47,143
MAKE ADDITIONAL COPIES AS NECESSARY

Water Resources
Received

JAN 23 2020

4. **Continued:** The presently authorized place of use is:

Owner of Land — NAME: KENT GRIMM _____ KS Dept Of Agriculture
ADDRESS: 570 280TH ST, MORRILL, KS 66515-9403 _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	1S	15E	12.5	5	28.5	40				0.5									86.5

List any other water rights that cover this place of use. 46,934; 47,143; 48,063; 48,064

Owner of Land — NAME: DOUBLE G & L FARMS LLC _____
ADDRESS: 2774 DEWBERRY RD, MORRILL, KS 66515 _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36	1S	15E										6.5	13.5						20
1	2S	15E					35	27	24.5	35	33	32	17.5	33					237

List any other water rights that cover this place of use. 46,934; 47,143; 48,063; 48,064

5. **Continued:** If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land — NAME: NATHAN & LOIS GRIMM REV TRUST %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	
2	2S	15E			38.5	35.5	2.5			2.5									79

List any other water rights that cover this place of use. NEW APP & FILE NOs. 46,934; 47,143; 48,063; 48,064

Owner of Land 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	1S	15E	12.5	5	28.5	40													86
36	1S	15E													5	3.5			8.5

List any other water rights that cover this place of use. NEW APP & FILE NOs. 46,934; 47,143; 48,063; 48,064

**SUPPLEMENTAL SHEET
FILE NO. 47,143**

5. **Continued:** If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- SUMMIT FARMS LLC

ADDRESS: 570 280TH ST, 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	1S	15E												31	33	38	39.5					141.5	

List any other water rights that cover this place of use. NEW APP & FILE NOs. 46,934; 47,143; 48,063; 48,064

Owner of Land — NAME: GRIMM FARMS INC %GERALD GRIMM

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				
1	2S	15E					35	27	24.5	35												121.5
12	2S	15E						40	40													80

List any other water rights that cover this place of use. NEW APP & FILE NOs. 46,934; 47,143; 48,063; 48,064

Water Resources
Received
JAN 23 2020
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 _____, Kansas, this _____ day of _____, 20_____.

Wayne Grimm
(Owner)

Wayne Grimm
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Carrie Grimm
(Spouse)

Carrie Grimm
(Please Print)

(Spouse)

(Please Print)


(Spouse)

(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 17 day of January, 2020.

My Commission Expires 03-08-2020



Lisa L. White
Notary Public

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 Received \$300

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

JAN 23 2020

KS Dept Of Agriculture

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

January 23, 2020

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

RE: File Nos. 48,063, 48,064, 46,934, & 47,143

Dear Sir or Madam:

Applications for approval of the Chief Engineer to change the following condition or conditions of the file numbers referred to above have been received:

- place of use
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB: KJN