

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

1. File Number: 49,974	2. Status Change Date: 7/1/2021	3. Field Office: 01	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 51988 New to system <input type="checkbox"/> Add Seq# _____</p> <p>DOUG & JERYL GRIMM 1215 OREGON ST HIAWATHA KS 66434</p>	<p>7c. Landowner(s) Person ID 63319 New to system <input type="checkbox"/> Add Seq# _____</p> <p>ELMER F DIETRICH TRUST 2966 GOLDFINCH RD HIAWATHA KS 66434</p>
<p>7b. Landowner(s) Person ID 67862 New to system <input checked="" type="checkbox"/> Add Seq# _____</p> <p>GEORGE G DIETRICH TRUST 3221 SW 32ND ST TOPEKA KS 66614</p>	<p style="text-align: center;">Dayra</p> <p>7d. TERRY & DAYTON MENOLD Person ID 65629 886 300TH ST HIAWATHA KS 66434</p>
<p>7e. DOUG & JERYL GRIMM Person ID 51988 1215 OREGON ST HIAWATHA KS 66434</p>	<p>7f. PRECISION FARMS Person ID 62981 2595 GOLDFINCH RD HIAWATHA KS 66434</p>

<p>8. WUR Correspondent Person ID 60054 New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>KEITH GRIMM 1215 OREGON ST HIAWATHA, KS 66434</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2022 11. Perfection Date: 12/31/2026 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

***NOTE: THIS IS A SURFACE WATER STORAGE AND REDIVERSION APPLICATION.**

Date Prepared: **4/7/2021** By: **DWS**
Date Entered: **7/8/2021** By: **L Moody**

Kansas Department of Agriculture
Division of Water Resources

PERMIT OF NEW APPLICATION WORKSHEET

Page 2

1. File Number: 49,974 (continued)	2. Status Change Date:	3. Field Office: 01	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>	<p>7g. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 66822 Add Seq# _____</p> <p style="text-align: center;">KEITH & ANDREA GRIMM LIVING TRUST 2595 GOLDFINCH RD HIAWATHA, KS 66434</p> <p style="text-align: right;">Person ID 66823</p> <p>7h. JIMESON FAMILY FARMS LLC 325 BRISTOL RD WEBSTER GROVES, MO 63119</p> <p style="text-align: right;">Person ID 67512</p> <p>New to system <input checked="" type="checkbox"/></p> <p>7i. AUSTIN N & RHODA M HEISE REV LIVING TRUST 14561 BIRCH ST LEAWOOD, KS 66224</p>
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<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: right;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2022 11. Perfection Date: 12/31/2026 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **4/7/2021** By: **DWS**

Date Entered: _____ By: _____

File No. **49,974** 15. Formation Code: **SURFACE W - N/A** Drainage Basin: **SF BIG NEMAHA River** County: **BR** Special Use: Stream: **PONY CREEK TRIB 3 (SF BIG NEMAHA)**

16. Points of Diversion										17. Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√	86567	SW NW SW	10	1	16E	6	1800	4725		1000	160	1000	160	NONE

18. Storage: Rate **NF** Quantity **160** ac/ft Additional Rate **NF** Additional Quantity **160** ac/ft

19. Limitation: **820** af/yr at _____ gpm (_____ cfs) when combined with file number(s): **43094, 43261, 47156, 48008, 48770, 48771 and 49878 on W2s of Sections 21, 28 and 33**

20. Meter Required? Yes No To be installed by **12/31/2022** Date Acceptable Meter Installed **6/24/2021**
KAB

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO/YES	Overlap Files				
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
ENT	51724	8	1	16E	5									36	34	18	34					40	40			202	7e.	NO	*see below
ENT	59992	9	1	16E	1									40	34	26.9	40									140.9	7e.	NO	*see below
ENT	59993	9	1	16E	2											13.1										13.1	7f.	NO	*see below
MOD	67564	10	1	16E	3									40	36	40	37									153	7e.	NO	*see below
ENT	69175	17	1	16E			1.5	19										10	40	37	8					115.5	7f.	NO	*see below
ENT	51374	29	1	16E	3	22	40	40	40																	142	7e.	NO	*see below
MOD	62616	21	1	16E	1					34	35	34.5	30	40	40	40	40									293.5	7b.	YES	*see below
ENT	65061	28	1	16E	2					40	40					37										117	7b.	YES	*see below
MOD	65063	28	1	16E	3							36.8	30.2	40	40											147	7c.	NO	*see below
ENT	68472	33	1	16E	1					40	40	37.5	38													155.5	7d.	NO	*see below
ENT	68473	33	1	16E	1									25	40	22	20									107	7b.	YES	*see below

Comments: FILE NOS. 43,094; 43,261; ~~46,934; 47,143~~; 47,156; 48,008; ~~48,063; 48,064~~; 48,770; 48,771; 49,974; 50,061; 50,152; 50,277; and 50,460 complete overlap in PU. File Nos. 49,878 AND 50,065 partial PU overlap.

File No. **49,974**
(continued)

15. Formation Code: _____ Drainage Basin: **SF BIG NEMAHA River** County: **BR** Special Use: _____ Stream: **PONY CREEK TRIB 3 (SF BIG NEMAHA)**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO/YES	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT	70158	17	1	16E	3	40	38.5	21	40							30			30	199.5	7g.	NO	*see below						
ENT	70156	20	1	16E	2							40	40	40	40	40	40	36.3	28.3	304.6	7i.	NO	*see below						
ENT	69573	22	1	16E	1							40			40					80	7g.	NO	*see below						
ENT	70157	22	1	16E	2			34	22	40	28	40	40		40	40				284	7i.	NO	*see below						
MOD	69574	23	1	16E	4															65	7g.	NO	*see below						
ENT	65062	27	1	16E	3	40	40	40	40											160	7h.	NO	*see below						
ENT	69575	27	1	16E	4					40	40	40	40							160	7b.	NO	*see below						
ENT	70159	28	1	16E	5	37.1	38	40	40											155.1	7d.	NO	*see below						
TOTAL ACRES=																						2994.7							

Comments: **FILE NOS. 43,094; 43,261; ~~46,934; 47,143;~~ 47,156; 48,008; ~~48,063; 48,064;~~ 48,770; 48,771; 49,974; 50,061; 50,152; 50,277; and 50,460 complete overlap in PU. File Nos. 49,878 AND 50,065 partial PU overlap (820 acres).**

7/7/2021
KAB

6/23/2021
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 8, 2021

FROM: Doug Schemm

RE: Application, File No. 49,974

Doug and Jeryl Grimm filed the application referred to above for a permit to appropriate 160 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir and redivert 160 acre-feet for irrigation use. The reservoir is located in the Southwest Quarter of Section 10, in Township 1 South, Range 16 East, Brown County, Kansas. The dam is located on Pony Creek Trib 3 (SF Big Nemaha). The point of diversion is located on property owned by the applicant, and the application form has been signed stating he has legal access to the point of diversion. Note all Douglas Grimm files had a name (address) change to Doug & Jeryl Grimm, 1215 Oregon St, Hiawatha, KS 66434.

There are no other overlapping files in point of diversion. The initial application proposed a place of use of 160 acres in the Southwest Quarter of Section 10, which was a partial overlap with File Nos. 43,094; 43,261; 47,156; 48,771 and 48,771. Keith Grimm requested in an April 12, 2018 meeting that the proposed place of use be revised to show a complete overlap with these senior files. In addition, after further discussion, Mr. Grimm added additional acreage and submitted additional new and change applications. The final place of use comprises a total of 2,994.7 acres. The existing permits and new applications are summarized below:

File No.	PD Type	Storage		Direct Use		Limitations
		Quantity (AF)	Rate (GPM)	Quantity (AF)	Rate (GPM)	
43,094	Reservoir	35	Natural Flows	21	855	None
43,261	Reservoir	56.5	Natural Flows	41	915	None
47,156	Reservoir	189.5	Natural Flows	146	1000	None
48,008	Reservoir	178.6	Natural Flows	136	1200	None
48,770	Pump site	-- -- --	-- -- --	655 (447 Add)	1500	Direct Use: 655 AF/YR com/w #43,094; 43,261; & 47,156
48,771	Reservoir	579	Natural Flows	579 (0 Add)	1000	Direct Use: 655 AF/YR com/w #43,094; 43,261; 47,156; & 48,770
49,878	Reservoir	270	Natural Flows	267	1200	None
PENDING APPLICATIONS						
49,974	Reservoir	160	Natural Flows	160	1000	None
50,061	Pump site	-- -- --	-- -- --	673	1500	None
50,065	Pump site	-- -- --	-- -- --	270	2000	820 AF when combined with all other files on the authorized PU of 820 acres
50,152	Reservoir	480	Natural Flows	480	2000	None
50,277	Reservoir	353	Natural Flows	315	2000	None
50,460	Reservoir	510	Natural Flows	510	2000	None

Summing up water rights, 655 AF (limitation qty) + 136 AF + 160 AF + 673 AF + 480 AF + 315 AF + 510 AF = 2,929 AF total for the files the cover the entire place of use of 2,994.7 acres. File Nos. 49,878 and 50,065 provide a total of 537 AF on the 820-acre portion of the place of use.

Note that File Nos. 49,878 and 50,065 are a partial overlap in place of use with all other files (820 acres). These 2 files are not connected to the pipeline associated with the other project files and cannot physically serve any other portion of the expanded place of use. File No. 50,065 will pump into the reservoir authorized under File No. 49,878 only and will only be able to supply water to the specified 820 acres authorized place of use. The applicant has provided metering maps to assist in determining how the water will be accounted for.

The reservoir is located within the South Fork Big Nemaha drainage basin, the eastern portion of which drains surface water directly from Kansas toward the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Iowa Tribe of Kansas & Nebraska Reservation. However, this reservoir is located in the middle portion of the drainage basin, where surface water flows into the State of Nebraska for several miles, not directly from Kansas land onto Nation or Tribal land. Therefore, no notification is required.

Runoff computations are not necessary because with a drainage area in excess of 1,000 acres, in this area of the state, it will certainly generate a runoff quantity in 1 out of every five (5) years (a 20% chance), of greater than 160 acre-feet. Nearby files have shown that 16" of run-off is a typical value. Therefore, per K.A.R. 5-6-5, this quantity IS NOT the limiting factor, and the application can be processed with the requested storage quantity of 160 acre-feet. The proposed direct use quantity of 160 acre-feet, is equivalent to 2.2 times the capacity (73 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity.

The applicant identified multiple downstream and upstream landowners within one-half (½) mile of the property lines. Nearby landowner letters were sent out on March 21, 2018, and no responses were received. There are multiple other surface water rights within a two-mile radius according to the WRIS database. All these senior files also authorize storage in reservoirs, and they are all located on different streams. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DBR-0362/LBR-0028, and they determined that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1) (see January 31, 2018 letter from Mikayla Kortan). However, the letter does state that a floodplain fill permit is required prior to the start of construction. The applicant's floodplain fill permit, Structures File No. LBR-0028 was approved on December 10, 2018. 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. Since this is a proposed, new reservoir, a Special Condition on the Permit will be needed to provide an initial fill quantity of 73 acre-feet (capacity).

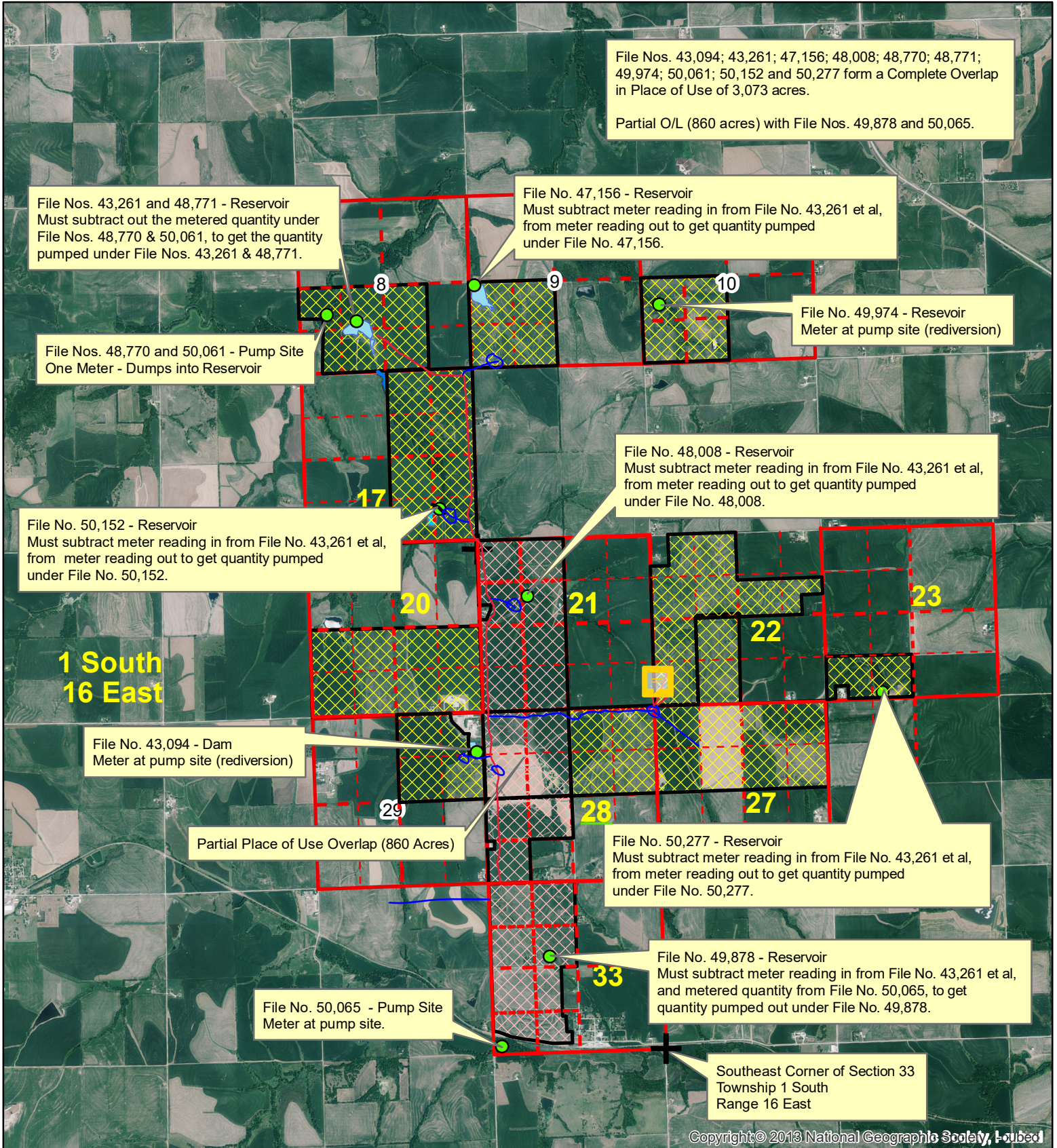
In a December 26, 2019 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the applicant has obtained the necessary permit from the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved, along with changes on senior files and other new pending applications.

Doug Schemm
Environmental Scientist
Topeka Field Office

6/23/2021
KJN

1:48,000

METERING MAP FOR BIG PROJECT



Place of Use



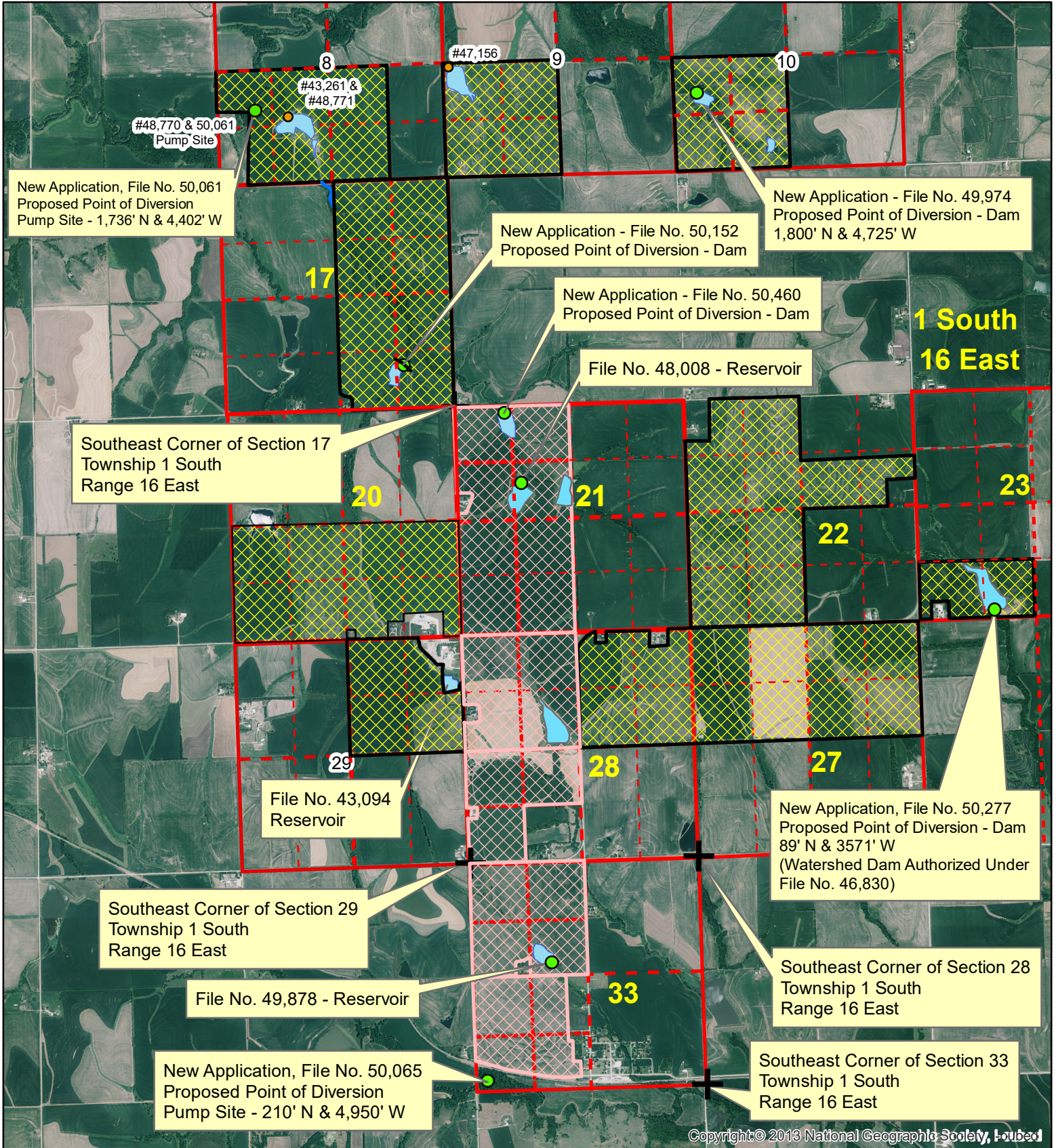
Place of Use (Partial O/L)



Points of Diversion

1:36,000

REVISED PLACE OF USE
OVERLAP SITE MAP



New Application, File No. 50,061
Proposed Point of Diversion
Pump Site - 1,736' N & 4,402' W

New Application - File No. 49,974
Proposed Point of Diversion - Dam
1,800' N & 4,725' W

New Application - File No. 50,152
Proposed Point of Diversion - Dam

New Application - File No. 50,460
Proposed Point of Diversion - Dam

File No. 48,008 - Reservoir

Southeast Corner of Section 17
Township 1 South
Range 16 East

File No. 43,094
Reservoir

New Application, File No. 50,277
Proposed Point of Diversion - Dam
89' N & 3571' W
(Watershed Dam Authorized Under
File No. 46,830)

Southeast Corner of Section 29
Township 1 South
Range 16 East

File No. 49,878 - Reservoir


Southeast Corner of Section 28
Township 1 South
Range 16 East


New Application, File No. 50,065
Proposed Point of Diversion
Pump Site - 210' N & 4,950' W


Southeast Corner of Section 33
Township 1 South
Range 16 East

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 Proposed Place of Use

 Partial Overlap PU (820 Acres)

 Points of Diversion

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Precision Farms

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: DOUG & JERYL GRIMM

ADDRESS: 1215 OREGON ST, HIAWATHA KS 66434

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	
8	1S	16E									36	34	18	34			40	40	202
9	1S	16E									40	34	26.9	40					140.9
10	1S	16E									40	36	40	37					153
29	1S	16E	22	40	40	40													142

Landowner of Record NAME: PRECISION FARMS

ADDRESS: 2595 GOLDFINCH RD HIAWATHA KS 66434

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9	1S	16E											13.1						13.1
17	1S	16E		1.5	19										10	40	37	8	115.5

Landowner of Record NAME: AUSTIN N & RHODA M HEISE REV LIVING TRUST

ADDRESS: 14561 BIRCH ST, LEAWOOD, KS 66224

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20	1S	16E									40	40	40	40	40	40	36.3	28.3	304.6
22	1S	16E			34	22	40	28	40	40		40	40						284

TOTAL ACRES = 1,355.1

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

_____ Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): GEORGE & MARY DIETRICH

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: ELMER F DIETRICH TRUST

ADDRESS: 2966 GOLDFINCH RD, HIAWATHA KS 66434

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	
28	1S	16E							36.8	30.2	40	40							147

Landowner of Record NAME: GEORGE G DIETRICH TRUST

ADDRESS: 3321 SW 32ND ST, TOPEKA, KS 66614

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	1S	16E					34	35	34.5	30	40	40	40	40					293.5
27	1S	16E					40	40	40	40									160
28	1S	16E					40	40					37						117
33	1S	16E									25	40	22	20					107

Landowner of Record NAME: TERRY & DAYTON MENOLD

ADDRESS: 886 300TH ST, HIAWATHA, KS 66434

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	
28	1S	16E	37.1	38	40	40													155.1
33	1S	16E					40	40	37.5	38									155.5

TOTAL ACRES = 1,135.1

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

_____ Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): KEITH GRIMM

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: KEITH & ANDREA GRIMM LIVING TRUST

ADDRESS: 2595 GOLDFINCH RD, HIAWATHA KS 66434

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		
17	1S	16E	40	38.5	21	40									30				30	199.5
22	1S	16E									40									80
23	1S	16E											32	33						65

Landowner of Record NAME: JIMESON FAMILY FARMS, LLC

ADDRESS: 325 BRISTOL RD, WEBSTER GROVES, MO 63119

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
27	1S	16E	40	40	40	40														160

TOTAL ACRES = 504.5

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

TOTAL ACREAGE = 2994.7

ACRES

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

- Center pivot
 Center pivot - LEPA
 "Big gun" sprinkler
 Gravity system (furrows)
 Gravity system (borders)
 Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Schemm, Doug [KDA]

From: mwivalley@gmail.com
Sent: Wednesday, December 18, 2019 4:29 PM
To: Schemm, Doug [KDA]
Cc: Bunger, Brett [KDA]
Subject: RE: Big overlap permit!!
Attachments: Grimm Big Project Metering Map 12-18.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug

So I have attached a sketch over this map of where the line runs. Each of the circles is a metering point that meters the water from 43261 into each of the sites so we can keep track of what is going on. Hope that helps.

Just FWI on the bottom of the map to the left side below section 29 you will see a blue line drawn east and west. I must of put it there but couldn't figure out how to erase it so disregard that!!

Thanks Keith

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, December 18, 2019 3:19 PM
To: mwivalley@gmail.com
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Big overlap permit!!

Keith,

I have attached a map to indicate how quantities for each of these files would be determined based on the information you provided below.

Can you please review the map and make any modifications or additions that you wish. Anything you can add to further clarify things would be great.

Thank you,

Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Wednesday, November 27, 2019 5:23 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: Big overlap permit!!

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Doug

Looks good I will start from the north and work south and explain what we have

File 48770 and 50061 There is a meter for this pump and only serve this point. This has a pipe that dump directs into pond can go nowhere else so all this water has to leave through file 43261 and 48771 to go the the fields
File 43261 and 48771 there is a meter at pump here that serves for this diversion only
File 47156 meter is at center point of this pivot and will get moved to the pump if we connect this farm to the pipe line right now the only water able to go to this pivot come from this pump there is a discharge meter where water flows into pond from file 43261 or 48771 but as for now has to go through the pond to get to pivot.
File 49974 is not built yet but will have meter at pump
File 50152 can pump to all and there is a meter there going out of pump and one coming in for when we pump pond pack full from file 43261 ect
File 43094 has its own meter and stand alone
File 48008 has meter at pump going out of pond and one coming into pond from file 43261 ect
File 49878 meter at pump and can only be applied to the 2 pivots at that site Pipe line does NOT connect there is a incoming meter for when 43261 dump in there
File 50065 is not delvopled
File 50277 has meter at pump site metering all water leaving site and also a return meter if water comes back in from 43261

Hope this helps and don't confuse I could try to draw this out if needed on a map

Happy thanks giving talk next week

Keith

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, November 27, 2019 10:09 AM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Keith,
I've put this together. Can you please add anything else that may help us understand the metering?
Like are you putting separate meters on the pump site or one of the ponds, etc. Anything you can add would be great.
Have a wonderful Thanksgiving,
Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Thursday, November 21, 2019 2:15 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Big overlap permit!!

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So at each source there is a meter and it's a forward and reverse meter so counts a totalizer each way(separate from eachother) We have lots of other meters on site to account for where we are send water but those should be the only one that really matter. We do have a separate meter on the pipe that dumps down to Menolds clear south site that is not a complete overlap!! Is that sufficient or would you like more explanation ect.

Thanks so much!!

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, November 21, 2019 1:52 PM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Hello Keith, I've pretty much got the big project ready to move on to HQ for review. However, could you possibly provide some metering diagrams and a discussion of how this project will operate? We need to know how to account for the water from each of the multiple sources.
Thanks, Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Wednesday, November 13, 2019 8:29 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Big overlap permit!!

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Yes it does Thanks !!!!!!!!!!!!!!!

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, November 13, 2019 8:20 AM
To: mwivalley@gmail.com
Subject: RE: Big overlap permit!!

Hello Keith, I'm moving this along. One final go over, File No. 43,094 will be a PU and Use made of water change to IND use at the greenhouses (I sent you the UMW change). File Nos. 50,065 and 49,878 (down south pump site Terrapin Creek and reservoir) will stay on the Dietrich/Menold ground only (860 acres). All other new apps and changes will be complete overlap on the 3,035 acres. Does that sound right?
Thanks, Doug

From: mwivalley@gmail.com [<mailto:mwivalley@gmail.com>]
Sent: Friday, November 1, 2019 9:34 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: FW: Big overlap permit!!

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Let send this through

I think we are finally ready to go!!

Thanks Keith

LBR-028
49,974

WSN Acttrail Query all actions

WSN

Ws Id: Type: County: Num: Ext:

ALL ACTION TRAILS

Action Date	Action CD	Action Decode	Deadline Date	Action Remarks
12-10-2018	PA	PERMIT ISSUED PENDING COMPLETION	07-01-2022	WAIVER
12-07-2018	AU	APPLICATION PROCESSING RESUMED		REVISED PLANS RECD
11-20-2018	IM	INFORMATION FOR FILE		NON-JURISDICTIONAL DAM (SE
11-20-2018	AS	APPLICATION PROCESSING SUSPENDED		REVISED PLANS REQUESTED
11-20-2018	AF	APPLICATION RE-INSTATED		REVISED PLANS RECD/REVISIO
11-09-2018	AD	APPLICATION DENIED		DISMISSED FOR FAILURE TO PF
11-09-2018	AG	APPLICATION ASSIGNED		JNP (REASSIGNED)
07-03-2018	IQ	INFORMATION REQUESTED	11-01-2018	SURVEY DATA
07-03-2018	AS	APPLICATION PROCESSING SUSPENDED		
06-27-2018	IR	INFORMATION RECEIVED		REVISED PLANS

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. 49,974** of the applicant

DOUG & JERYL GRIMM
1215 OREGON ST
HIAWATHA KS 66434

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 **January 22, 2018**.
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	
8	1S	16E									36	34	18	34			40	40	202
9	1S	16E									40	34	40	40					154
10	1S	16E									40	36	40	37					153
17	1S	16E	40	40	40	40									40	40	37	38	315
20	1S	16E									40	40	40	40	40	40	36.3	28.3	304.6
21	1S	16E					34	35	34.5	30	40	40	40	40					293.5
22	1S	16E			34	22	40	28	40	40	40	40	40	40					364
23	1S	16E											32	33					65
27	1S	16E	40	40	40	40	40	40	40	40									320
28	1S	16E	37.1	38	40	40	40	40	36.8	30.2	40	40	37						419.1
29	1S	16E	22	40	40	40													142
33	1S	16E					40	40	37.5	38	25	40	22	20					262.5

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Pony Creek, designated in the office of the Chief Engineer as Pony Creek Trib 3 (SF Big Nemaha), 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 **160 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW¼ NW¼ SW¼) of Section 10, more particularly described as being near a point 1,800 feet North and 4,725 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East, Brown County, Kansas, to provide **160 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 in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **73 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.

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

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

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

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

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

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

11. That all 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 re-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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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

July 15, 2021

DOUG & JERYL GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Re: Appropriation of Water, File No. 49,974

Dear Sir or Madam:

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 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 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. 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 right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/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 Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Precision Farms
George G Dietrich Trust
Elmer F Dietrich Trust
Terry & Dayton Menold
Keith & Andrea Grimm Living Trust
Jameson Family Farms LLC
Austin N & Rhoda M Heise Rev Living Trust

CERTIFICATE OF SERVICE

On this 15 day of JULY, 2021, I hereby certify that the foregoing Approval of Application, File No. 49,974, dated 1 JULY 2021 was mailed postage prepaid, first class, US mail to the following:

DOUG & JERYL GRIMM
1215 OREGON ST
HIAWATHA KS 66434

With photocopies to:

PRECISION FARMS
2595 GOLDFINCH RD
HIAWATHA KS 66434

JIMESON FAMILY FARMS LLC
325 BRISTOL RD
WEBSTER GROVES, MO 63119

KEITH & ANDREA GRIMM LIVING TRUST
2595 GOLDFINCH RD
HIAWATHA, KS 66434

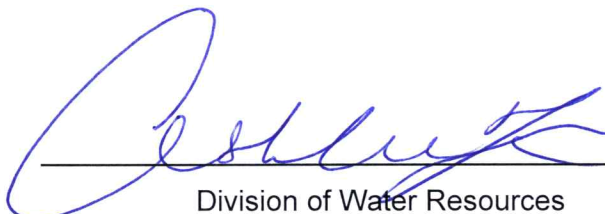
GEORGE G & MARY ANNE DIETRICH
3221 SW 32ND ST
TOPEKA, KS 66614

ELMER F DIETRICH TRUST
2966 GOLDFISH RD
HIAWATHA, KS 66434

AUSTIN N & RHODA M HEISE REV LIVING TRUST
14561 BIRCH ST
LEAWOOD KS 66224

TERRY & DAYTON MENOLD
886 300TH ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources