

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

1. File Number: 50,277	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

7a. Applicant(s) New to system <input type="checkbox"/> KEITH GRIMM 1215 OREGON ST HIAWATHA KS 66434 Person ID 60054 Add Seq# _____ 7b. Landowner(s) New to system <input checked="" type="checkbox"/> GEORGE G DIETRICH TRUST 3221 SW 32ND ST TOPEKA KS 66614 Person ID 67862 Add Seq# _____	7c. Landowner(s) New to system <input type="checkbox"/> ELMER F DIETRICH TRUST 2966 GOLDFINCH RD HIAWATHA KS 66434 Person ID 63319 Add Seq# _____ 7d. TERRY & DAYTON MENOLD 886 300TH ST HIAWATHA KS 66434 Person ID 65629 7e. DOUG & JERYL GRIMM 1215 OREGON ST HIAWATHA KS 66434 Person ID 51988 7f. PRECISION FARMS 2595 GOLDFINCH RD HIAWATHA KS 66434 Person ID 62981
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8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a. Person ID 65629 Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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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: **7/8/2021** LMoody By:

Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

Page 2

1. File Number: 50,277 (continued)	2. Status Change Date:	3. Field Office: 01	4. GMD: 0
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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"/> 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: center;"><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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Date Prepared: **4/7/2021** By: **DWS**
 Date Entered: _____ By: _____

File No. 50,277	15. Formation Code:	Drainage Basin: SF BIG NEMAHA River	County: BR	Special Use:	Stream: WALNUT CREEK TRIB 10 (SF BIG NEMAHA)																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W √ 74273 SW SE SW 23 1 16E 1 89 3571 </td> <td style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files 2000 315 2000 315 46,830 </td> </tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W √ 74273 SW SE SW 23 1 16E 1 89 3571	17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files 2000 315 2000 315 46,830														
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18. Storage: Rate NF Quantity 353 ac/ft Additional Rate NF Additional Quantity 353 ac/ft																					
19. Limitation: 820 af/yr at _____ gpm (_____ cfs) when combined with file number(s): 43094, 43261, 47156, 48008, 48770, 48771, 49878, 49974, 50061, 50065 and 50152 on W2s of Sections 21, 28 and 33 all senior files Limitation: 2994.7 af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2022 Date Acceptable Meter Installed _____																					
21. Place of Use T 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
ENT 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
ENT 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.																					

6/24/2021
KAB

File No. **50,277**
(continued)

15. Formation Code:

Drainage Basin: **SF BIG NEMAHA River**

County: **BR**

Special Use:

Stream: **WALNUT CREEK TRIB 10 (SF BIG NEMAHA)**

16. Points of Diversion

T
MOD
DEL PDIV
ENT Qualifier S T R ID 'N 'W

17. Rate and Quantity

Authorized Additional
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

T 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	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		
√	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											32	33					65	7g.	NO	*see below		
ENT	65062	27	1	16E	3	40	40	40	40													160	7h.	NO	*see below		
√	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

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

TO: Files

DATE: April 8, 2021

FROM: Doug Schemm

RE: Application, File No. 50,277

Keith Grimm has filed the application referred to above for a permit to appropriate 353 acre-feet of surface water at a rate not to exceed all natural flows of Walnut Creek Trib 10, in the South Fork Big Nemaha drainage basin. The point of diversion is the center line of a watershed dam owned by Walnut Creek Watershed Joint District Number 1 (District Dam No. GS-3A, DWR Structures No. DBR-0172). The applicant is proposing to re-divert 315 acre-feet of the stored water for irrigation use at a proposed rate of 2,000 gallons per minute. The dam is located in the Southwest Quarter of Section 23, Township 1 South, Range 16 East, in Brown County. The applicant has signed the application form stating he has access to the point of diversion. As noted above, the point of diversion overlaps one of the sediment control structures permitted under Appropriation of Water, File No. 46,830.

The application was initially filed to cover 315 acres with no place of use overlaps. However, after further discussion, Mr. Grimm added additional acreage and submitted additional new and change applications. The final place of use comprises 2,994.7 acres. The existing permits and new applications are summarized below:

See attached table

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.

The storage quantity was based on one year of direct use (315 AF) plus 38 acre-feet capacity of the reservoir. The senior file has already appropriated the allowable evaporation quantity.

As noted above, the reservoir is located within the South Fork Big Nemaha basin, on a tributary to Walnut Creek, which drains toward the Sac and Fox Nation of Missouri in Kansas and Nebraska. Therefore, a notification letter (via e-mail) was sent to the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Bureau of Indian Affairs on August 22, 2019, giving them 30 days to provide comments. No responses or comments of any kind were received. In order to be consistent with other recent approvals in this area, DWR will include two specific conditions on this permit as follows:

“That this approval of application and permit to proceed will be subject to the as yet unquantified, water reservation right of the Sac and Fox Tribal Nation, which will likely have a significantly senior priority. As such, any water right developed under this permit may be administered should impairment occur to the Tribal water reservation right quantified in the future per the provisions of K.S.A. 82a-706.”

“That the owner shall ensure that the needs of the senior, downstream water right held by the Nation, will be satisfied by providing an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, each time inflows occur when this senior water right is impaired.”

K.A.R. 5-6-2 states, in part, that an applicant who proposes storage in a watershed district reservoir, must have an agreement with the watershed district that the landowner has the right to use space in the sediment pool to store water. Based on documentation received in our office on July 24, 2019, Walnut Creek Watershed Joint District Number 1 and the applicant have entered into a water allocation agreement to provide storage of water in the reservoir (GS-3). The agreement has specific language that the water level cannot be dropped below a designated level and the applicant must install specific markers to measure reservoir elevation. In addition, the agreement with the District specifically states that the stored water can be used for irrigation purposes in the South Half of the Southwest Quarter of Section 23, Township 1 South, Range 16 East, which is only a portion of the property described in the application. This issue was discussed with the applicant, and he stated that the watershed district is aware of the additional acreage listed on the application, and that they will amend the agreement when this additional acreage is irrigated.

Based on nearby surface water files, this local area of the state will provide for 18 inches of runoff per acre. The 733-acre drainage area will provide for 1,099 acre-feet of runoff (18”) in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, the runoff quantity is not the limiting factor, and the application was processed with the requested 353 acre-feet. The proposed direct use quantity of 315 acre-feet, is equivalent to 8 times the capacity (38 AF), which is above the normal “rule of thumb” of direct use quantity being no more than 5 times capacity for reasonable storage quantity. However, the applicant is experienced in utilizing limited quantities of water per acre (4” to 6”), instead of the allocated 12” per acre.

The applicant identified two downstream and two upstream landowners within one-half ($\frac{1}{2}$) mile of the property lines. Nearby landowner letters were sent out on August 13, 2019, and no responses of any kind were received. There are multiple other surface water rights within a two-mile radius according to the WRIS database. The majority are other reservoirs on different tributary streams. The applicant’s senior file 43,261 authorizes a reservoir downstream on this same tributary stream, but it has a significant drainage area and would not be impacted by this additional storage and redirection of water. No senior water rights will be impaired with approval of this application.

Keith Grimm
Application, File No. 50,277 - Memorandum
Page 3

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 required storage agreement from the watershed district, and senior rights will not be impacted, it is recommended that the referenced new application be approved, in conjunction with changes on senior files and other pending new applications.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, September 30, 2019 12:35 PM
To: Schemm, Doug [KDA]
Subject: RE: Keith Grimm 50,277

You can proceed.

Katie Tietsort
Water Commissioner

Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 S.E. Forbes Ave, Suite B
Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, September 23, 2019 9:12 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Keith Grimm 50,277

Rediversion from existing Watershed dam. Keith has provided the Agreement form with the district. Gave Sac and Fox Nation 30 days to respond, and no response was received. I propose adding the same conditions to the permit as we did on last nearby approval.
Please review,
Doug

RECEIVED

JUL 24 2019

Topeka Field Office
DIVISION OF WATER RESOURCES

WATER ALLOCATION AGREEMENT

THIS Agreement made this 1 day of April, 2019 by and between Walnut Creek Watershed District No. 1, a watershed district duly organized and located in Brown County, Kansas, hereinafter referred to in this agreement as "Walnut Creek", and Keith and Andrea Grimm with their principal place of business located at 2595 Goldfinch Rd. Hiawatha, Ks 66434, hereinafter referred to in this agreement as "Keith Grimm".

The parties stipulate and agree as follows:

A. Walnut Creek is a duly organized watershed district with responsibility for regulating Walnut Creek Public Law 83-566 watershed dam site GS-3 in Brown County, Kansas; and

B. Keith Grimm is the owner of the following described land in such county:

The South Half of SW Quarter of Section 23, Township 1, Range 16, Brown County, Kansas; and

C. Keith Grimm desires an allocation of water from Walnut Creek Public Law 83-566 watershed dam site GS-3 for irrigation purposes for his land described above.

For the reasons recited above, and in consideration of the mutual covenants contained in this agreement, Walnut Creek and Keith Grimm agree as follows:

1. Subject to depletion by sedimentation, Walnut Creek will allocate water at 3 feet below elevation 1014 from Walnut Creek Public Law 83-566 watershed dam site GS-3 for irrigation use by Keith Grimm on the land described above.
2. The water is to be pumped from not less than 100 feet from the base of the dam at the above referenced watershed and all expenses in making connections to and with the watershed and in conducting the water to the land, including all tanks and measuring devices, markers or meters for measuring the water, as well as maintenance of the same shall be at the sole expense of Keith Grimm and with State approved materials per State guidelines and existing agreements including, but not limited to, grazing agreements. Walnut Creek anticipates that the location of 1 marker will be required for purposes of this agreement and reserves the right and privilege of determining the location of said devices and further for remodeling, changing, and reconstructing the system of water pipes and markers at its option all at the expense of Keith Grimm, Keith Grimm shall further be responsible for any damages resulting from pumping, conducting, distributing and/or applying the allocated water and shall defend and indemnify Walnut Creek, and hold it harmless, from and against any and all liability, losses, claims, actions, causes of action, demands, damages, costs or expenses of any nature whatsoever including attorney's fees, costs and disbursements, (collectively termed a liability), asserted by any person, or incurred by Walnut Creek in

connection with any assertion by any person, in each case arising out of actual or alleged injury or harm which is actually or allegedly attributable to or caused by the pumping, conducting, distribution and/or application of the allocated water, in whole or in part. Walnut Creek shall be entitled to indemnification hereunder without need to await the ultimate outcome of any legal or other action on any claim of liability. This indemnification shall be continuing in nature, shall remain in full force and effect indefinitely, and shall survive the termination or expiration of this agreement.

3. In the event that one of the measuring markers is removed, tampered with or otherwise compromised OR in the event that the water level drops to more than 3 feet below elevation 1014, Keith Grimm's access to the allocated water shall immediately cease and shall not continue until Walnut Creek's board determines that any issues with the measuring markers has been resolved or that the water level is no more than 3 feet below elevation 1014.
4. This contract shall terminate at the earliest of expiration of 10 years from the date of this agreement or upon thirty (30) days written notice to the other party of a material breach of the other parties' obligations hereunder and failure by said party to remedy said breach within 30 days after receipt of the written notice provided herein. Said water allocation agreement may be renewed by both parties at the expiration of the 10 year period by entering into a new water allocation agreement.
5. The water shall be used for irrigation purposes and domestic uses only, under such rights as Keith Grimm may acquire pursuant to the Kansas Water Appropriation Act, and only on the land above-described and on that portion of Section 23, Township 1, Range 16 in Brown County, Kansas that Keith Grimm may have an interest in, and under no circumstances shall any of the water be used on or become appurtenant to any other tract or tracts of land, or be used for mining, milling, power, or other purposes not directly connected with, or incidental to, irrigation and domestic purposes on such land.
6. This agreement shall inure to the benefit of and be binding on the heirs, executors, administrators, assignees, and successors of the respective parties.

IN WITNESS WHEREOF, the parties have signed their names as of the day and year first above written.

Walnut Creek Watershed District No. 1

by Kevin J. Mordel
Title President
Telephone: 785-547-7952
Dated: 4-1-, 2019

RECEIVED

JUL 24 2019

Topeka Field Office
DIVISION OF WATER RESOURCES

Keith Grimm/Andrea Grimm

Keith Grimm
Telephone: 785-547-7556
Dated: 4-1-, 2019

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!!

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

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!!

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.

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

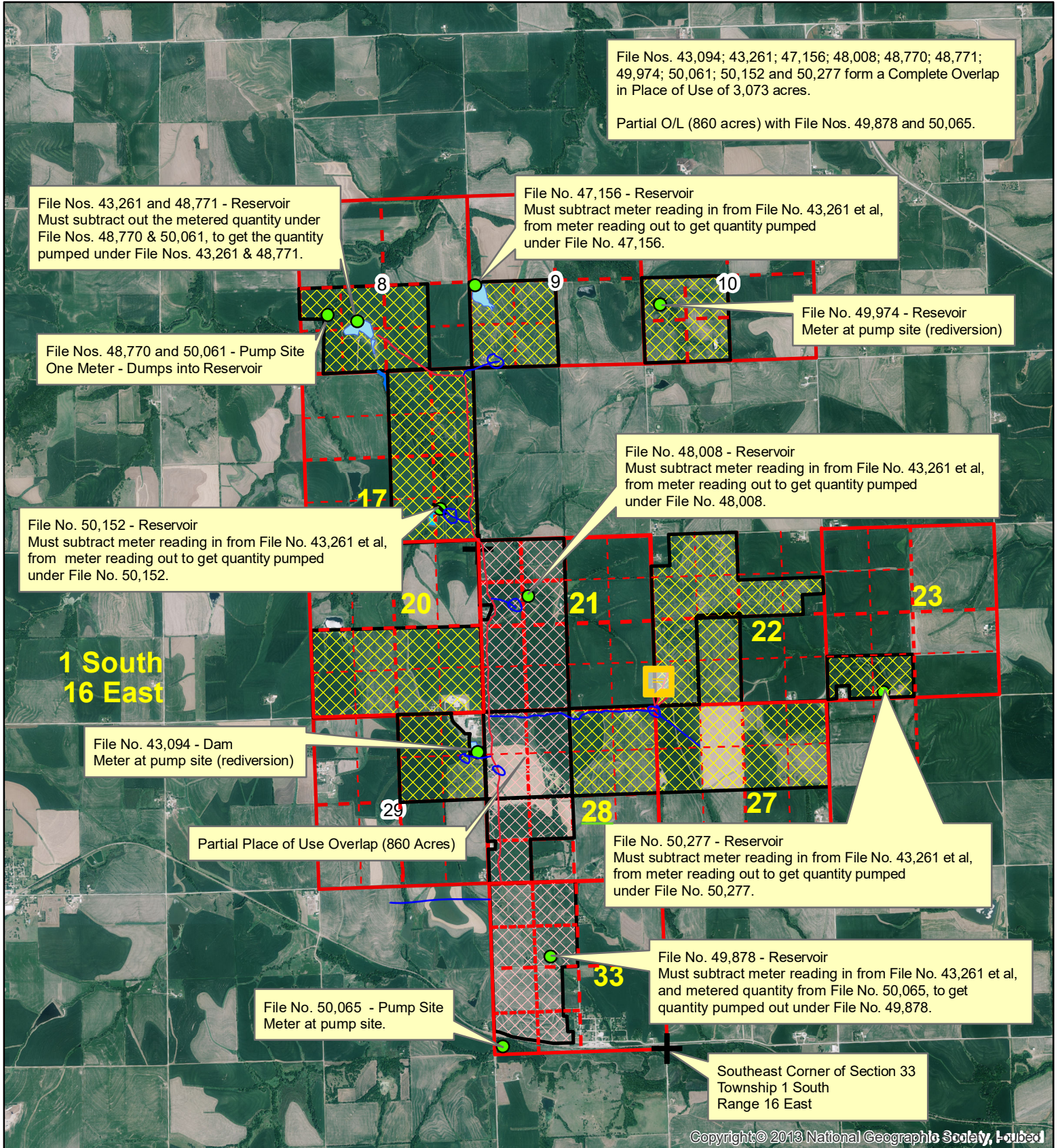
I think we are finally ready to go!!

Thanks Keith

File No.	PD Type	Storage		Direct Use		Current Limitations	Proposed Limitations / Comments
		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	File No. 48,008 not included in overall limitation. Therefore, total to this point would be 655 AF + 136 AF = 791 AF.
49,878	Reservoir	270	Natural Flows	267	1200	None (820 ACRE PU)	Limitation: 820 AF when combined with all senior files on the authorized place of use of 820 acres described in this permit.
PENDING APPLICATIONS							
49,974	Reservoir	160	Natural Flows	160	1000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,061	Pump site	--- --	--- --	673	1500		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,065	Pump site	--- --	--- --	270	2000	(820 ACRE PU)	Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described in this permit.
50,152	Reservoir	480	Natural Flows	480	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,277	Reservoir	353	Natural Flows	315	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein.
50,460	Reservoir	510	Natural Flows	510 (38.7 Add)	2000		Limitation: 820 AF when combined with all senior files on the 820 acres in the West Half of Sections 21; 28; & 33 as described herein. And Limited to 2,994.7 AF when combined with all senior files on the authorized place of use described in the permit.

1:48,000

METERING MAP FOR BIG PROJECT



Copyright © 2013 National Geographic Society, Inc.



Place of Use



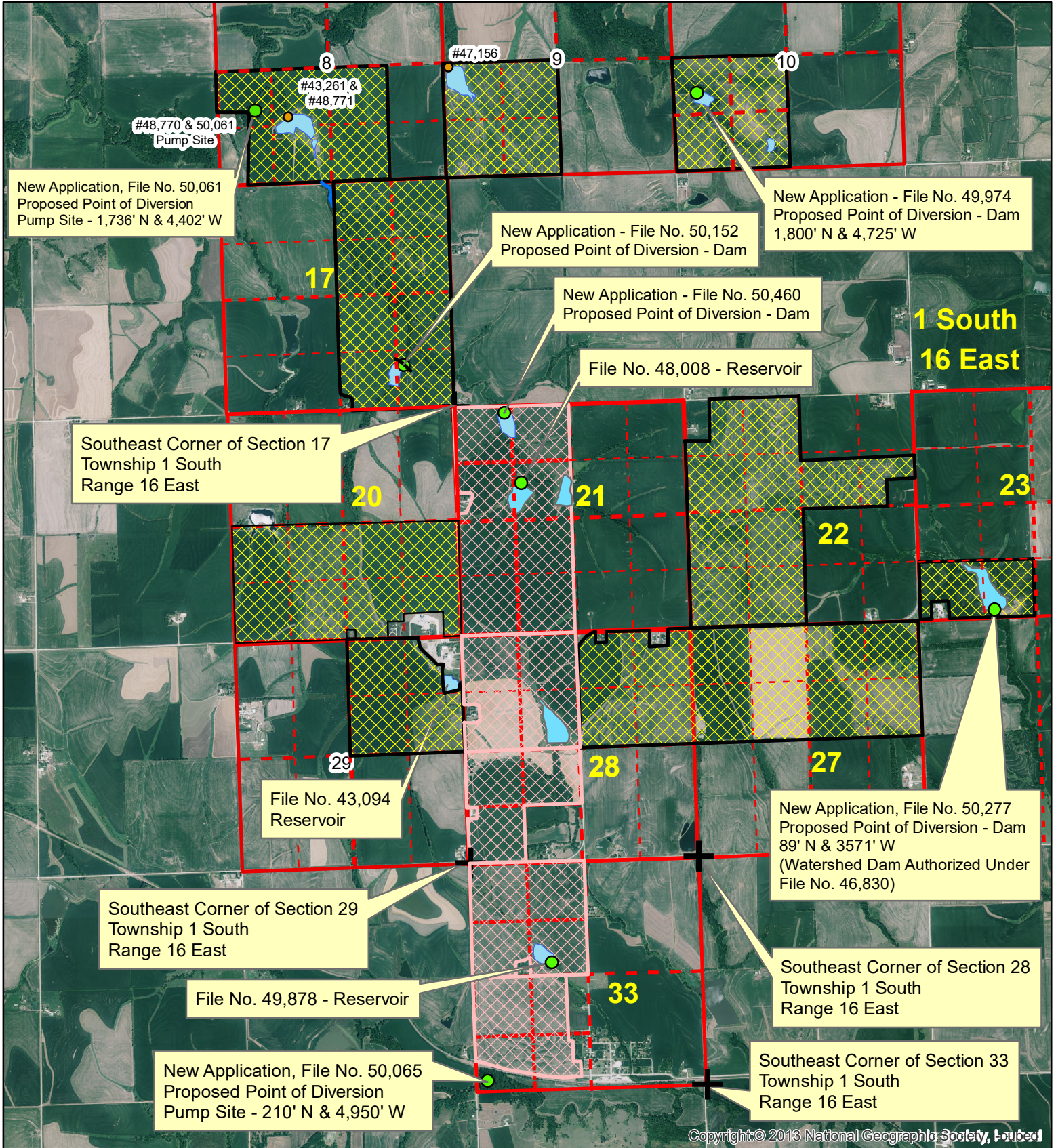
Place of Use (Partial O/L)



Points of Diversion

1:36,000

REVISED PLACE OF USE
OVERLAP SITE MAP



Proposed Place of Use



Partial Overlap PU (820 Acres)

● Points of Diversion

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. 50,277** of the applicant

**KEITH 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 **August 1, 2019**.
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 Walnut Creek, designated in the office of the Chief Engineer as Walnut Creek Trib 10 (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 **353 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¼ SE¼ SW¼) of Section 23, more particularly described as being near a point 89 feet North and 3,571 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East, Brown County, Kansas, to provide **315 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 **2,000 gallons per minute (4.46 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, 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.

5. 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.

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 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.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the 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 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.

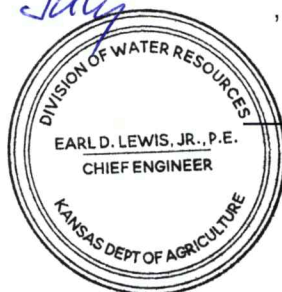
15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That this approval of application and permit to proceed will be subject to the as yet unquantified, water reservation right of the Sac and Fox Tribal Nation, which will likely have a significantly senior priority. As such, any water right developed under this permit may be administered should impairment occur to the Tribal water reservation right quantified in the future per the provisions of K.S.A. 82a-706.

17. That the owner shall ensure that the needs of the senior, downstream water right held by the Nation, will be satisfied by providing an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, each time inflows occur when this senior water right is impaired.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 43,094 and 43,261; and Appropriation of Water, File Nos. 47,156; 48,008; 48,770; 48,771; 49,878; 49,974; 50,061; 50,065 and 50,152 will provide a **total not to exceed 820 acre-feet** of water per calendar year for irrigation use on the land in the West Halves of Sections 21, 28 and 33 as described herein.

Ordered this 1st day of July, 2021, in Manhattan, Riley County, Kansas.

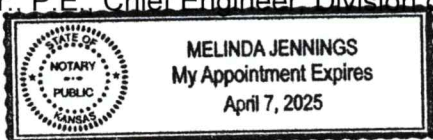


Earl D. Lewis Jr.

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 1st day of July, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings

Notary Public

Melinda Jennings

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

KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

RE: Appropriation of Water, File No. 50,277

Dear Mr. Grimm:

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
Doug & Jeryl Grimm
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. 50,277, dated 1 July 2021 was mailed postage prepaid, first class, US mail to the following:

KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

With photocopies to:

DOUG & JERYL GRIMM
1215 OREGON ST
HIAWATHA KS 66434

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