

File No. 50,389	15. Formation Code: 550	Drainage Basin: S F BIG NEMAHA RIVER	County: BR	Special Use:	Stream:																		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:55%;"> 16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W </td> <td style="width:45%;"> 17. Rate and Quantity MOD RATE AND QTY Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files </td> </tr> <tr> <td> MOD 88111 NE NW SE 11 2S 15E 6 2630 1610 (ONE WELL) </td> <td> 120 193.5 120 175 NONE </td> </tr> <tr> <td> DEL 88112 NW NE SE 11 2S 15E 7 2610 986 (Batt 1 of 3) </td> <td></td> </tr> <tr> <td> DEL 88113 NW NE SE 11 2S 15E 8 2610 1285 (Batt 1 of 3) </td> <td></td> </tr> <tr> <td> DEL 88114 NE NW SE 11 2S 15E 9 2610 1585 (Batt 1 of 3) </td> <td></td> </tr> <tr> <td> </td> <td> </td> </tr> </table>						16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W	17. Rate and Quantity MOD RATE AND QTY Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files	MOD 88111 NE NW SE 11 2S 15E 6 2630 1610 (ONE WELL)	120 193.5 120 175 NONE	DEL 88112 NW NE SE 11 2S 15E 7 2610 986 (Batt 1 of 3)		DEL 88113 NW NE SE 11 2S 15E 8 2610 1285 (Batt 1 of 3)		DEL 88114 NE NW SE 11 2S 15E 9 2610 1585 (Batt 1 of 3)									
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																							
19. Limitation: 1,086 AF _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) 46,934; 47,143; 48,063; 48,064 & 50,336 ON THE PU Limitation: _____ 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 <u>12/31/2022</u> Date Acceptable Meter Installed _____																							
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼ NW¼ SW¼ SE¼				NW¼ NE¼ NW¼ SW¼ SE¼				SW¼ NE¼ NW¼ SW¼ SE¼				SE¼ NE¼ NW¼ SW¼ SE¼				Total	Owner	Chg? NO	Overlap Files		
√	56163	2	2S	15E	1	35	38													73	7d.	NO	SEE BELOW*
√	56413	2	2S	15E	2			38.5	35.5	2.5			2.5							79	7c.	NO	SEE BELOW*
√	59248	35	1S	15E	2							0.5	1.5			40	38.5	6.5	34	121	7d.	NO	SEE BELOW*
√	59249	35	1S	15E	3	12.5	5	28.5	40											86	7b.	NO	SEE BELOW*
	MOD 62851	36	1S	15E	1							31	33	38	39.5					141.5	7f.	NO	SEE BELOW*
	ENT 70290	36	1S	15E													5	3.5		8.5	7b.	YES	SEE BELOW*
√	62852	1	2S	15E	1							33	32	17.5	33					115.5	7a.	NO	SEE BELOW*
√	69810	2	2S	15E	3											40			40	80	7a.	NO	SEE BELOW*

				NE¼				NW¼				SW¼				SE¼							
				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				
√	69811	11	2S 15E 1												40	20	4	40	104	7a.	NO	SEE BELOW*	
√	69812	13	2S 15E 1					36											36	7a.	NO	SEE BELOW*	
√	69813	14	2S 15E 2	40															40	7a.	NO	SEE BELOW*	
√	69814	1	2S 15E 2					35	27	24.5	35								121.5	7e.	NO	SEE BELOW*	
√	69815	12	2S 15E 1					40	40										80	7e.	NO	SEE BELOW*	

Comments: *FILE NOS. 46,934; 47,143; 48,063; 48,064; 50,336; and 50,389 WILL ALL OVERLAP IN PU.

2/17/2021
KAB

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

TO: Files

DATE: January 27, 2021

FROM: Doug Schemm

RE: Application File No. 50,389

Double G & L Farms, LLC has filed the above referenced application proposing to appropriate 193.5 acre-feet of groundwater at a diversion rate of 120 gallons per minute from one well for irrigation use. The well is located in the Southeast Quarter of Section 11, Township 2 South, Range 15 East, Brown County, in the drainage basin of the S.F. Big Nemaha River. The proposed acreage has multiple owners, including the applicant, and a representative of the applicant has signed the form stating they have access to the point of diversion. Note that the application was originally filed requesting 500 acre-feet, at a diversion rate of 800 gallons per minute, from a battery of wells. This request was modified by the applicant (see the discussion below).

There are multiple water rights which currently have a partial overlap in place of use. However, pending change applications on these files will create a complete overlap in place of use. There are no overlapping water rights in point of diversion. File No. 46,934 is authorized 207 acre-feet; File No. 47,143 is authorized 70 acre-feet; File No. 48,063 is authorized 97 acre-feet; and File No. 48,064 is authorized 100 acre-feet (direct use), limited to 411 acre-feet with the senior files. In addition, pending new application, File No. 50,336 has requested 500 acre-feet, increasing the combined total for existing rights to 911 acre-feet. This new application is requesting 193.5 acre-feet, which would result in a combined total of 1,104.5 acre-feet. The proposed place of use comprises 1,086 acres. Brown County allows for 1 acre-foot per acre, which would be equivalent to 1,086 acre-feet. Therefore, the combined quantity of these water rights exceeds the maximum allowable and this new application will be limited to 1,086 acre-feet when combined with the senior files, providing 175 acre-feet of additional water (1,086 AF – 911 AF).

The applicant identified one domestic well and one IRR file (File No. 50,336 owned by the applicant) within one-half mile of the proposed point of diversion. A notification letter was sent to the domestic well owner on June 19, 2020. No response of any kind was received. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to all other non-domestic wells, and 660 feet to domestic wells. The application complies with the well spacing criteria to the nearby domestic well, being over 2,500 feet away.

However, the applicant's battery of wells under File No. 50,336 is located 1,010 feet away, which is less than the minimum spacing to a non-domestic well. The applicant was sent a letter on August 28, 2020 informing them that this application did not comply with well spacing criteria and it would be recommended for dismissal, unless they provided additional information. The applicant responded on November 23, 2020 with results of a pump test. The applicant pumped the proposed well at an initial rate of 120 gallons per minute, with subsequent reduction to 65 gallons per minute (average pumping rate was 68 gallons per minute for 24 -hour test). Water levels were monitored at the existing well battery under File No. 50,336 and two test hole locations. Water level dropped 2.5 feet at the closest well (600 feet away) and less than one foot at the existing battery of wells. This would not be an unreasonable lowering of the water table. **Please note that the applicant is proposing to install only a single well instead of a battery of wells; reduce the pumping rate to 120 gallons per minute; and reduce the requested quantity to 193.5 acre-feet.** In addition, the applicant is proposing to install variable frequency drive pumps and transducers so that pumping rates can be adjusted to prevent impairment.

DWR Technical Services staff reviewed the pump test data, and concluded, based on Theis analysis, that drawdown at the existing well battery would be 6.3 feet, if this irrigation well were pumped continuously at 120 gallons per minute and pumped the entire authorized quantity of water of 193.5 acre-feet. Tech Services staff noted that if the well were relocated to meet spacing requirements, it would only reduce potential drawdown by 10 percent.

Note that these nearby wells are owned by the same owner, will supply water to the same irrigation project, and will not be separated or divided. The applicant is experienced in operating these well systems to ensure that the wells do not interfere with each other, by managing pumping rates and quantities. DWR staff have discussed this project and based on the available information, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest.

A test hole log shows interbedded shale and limestone to a total depth of 85 feet. Weathered limestone and shale layers were encountered between 56 feet to 79 feet below ground, and water was encountered at the top of this weathered zone. The static water level was reported at 39 feet below ground level, which would indicate that the limestone aquifer is under confining conditions. The source of water for the proposed wells appears to be the Permian System - Council Grove Group (550), based on a review of the submitted test hole log, geologic maps, and Kansas Geological Survey Bulletin 186 (Geology and Groundwater Resources of Brown County, KS). The primary aquifer for this application appears to be the weathered bedrock layers. Estimated yield according to the driller's log was 70 gallons per minute.

As noted above, it would appear this aquifer is confined, with the static water level extending above the top of the primary aquifer located at 56 feet below ground. Per K.A.R. 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. Because no specific criteria have been developed for safe yield evaluation of this particular aquifer, it appears that the pending application can be reviewed using the safe yield criteria outlined in K.A.R. 5-3-11 for unconfined aquifers.

This is consistent with other applications with a bedrock source of supply. This safe yield analysis provides a maximum potential annual recharge of 5.1 inches, since a deeper confined aquifer would likely only receive a portion of the recharge that a shallow, unconfined aquifer would receive. If the procedure outlined by K.A.R. 5-3-11 indicates that a significant quantity of water remains available for appropriation, then there would be sufficient water for this application even with a considerable reduction in the amount of recharge reaching the deeper confined aquifer (in this case about 2.8 inches of recharge would provide sufficient water for both prior and proposed appropriations). The area of consideration, defined by the extent of the bedrock aquifer within a two-mile radius, is 8,042 acres. Based on a potential recharge of 5.1 inches, with 100% available for appropriation, safe yield was determined to be 3,418 acre-feet. There are four existing water rights that have appropriated 1,709 acre-feet, leaving 1,709 acre-feet available, so there is sufficient water available for appropriation, and the application meets safe yield.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. The application indicates that chemicals will be injected into the water pumped under this permit, therefore a check valve will also be required on the diversion works. A diversion rate of more than 100 gallons per minute has been proposed so a water level measurement device will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a January 25, 2021 e-mail. Based on the above discussion, the area is open to new appropriations, the application complies with reduced minimum well spacing and safe yield criteria, the proposed use is reasonable, and approval of the application will not impair senior water rights, it is recommended that the referenced new application be approved, in conjunction with the changes on File Nos. 46,934; 47,143; 48,063 and 48,064, and approval of senior pending application File No. 50,336.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, January 25, 2021 4:02 PM
To: Schemm, Doug [KDA]
Cc: Baum, Kristen [KDA]
Subject: RE: Double G & L Farms LLC New Apps and Changes

Yes, I agree.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

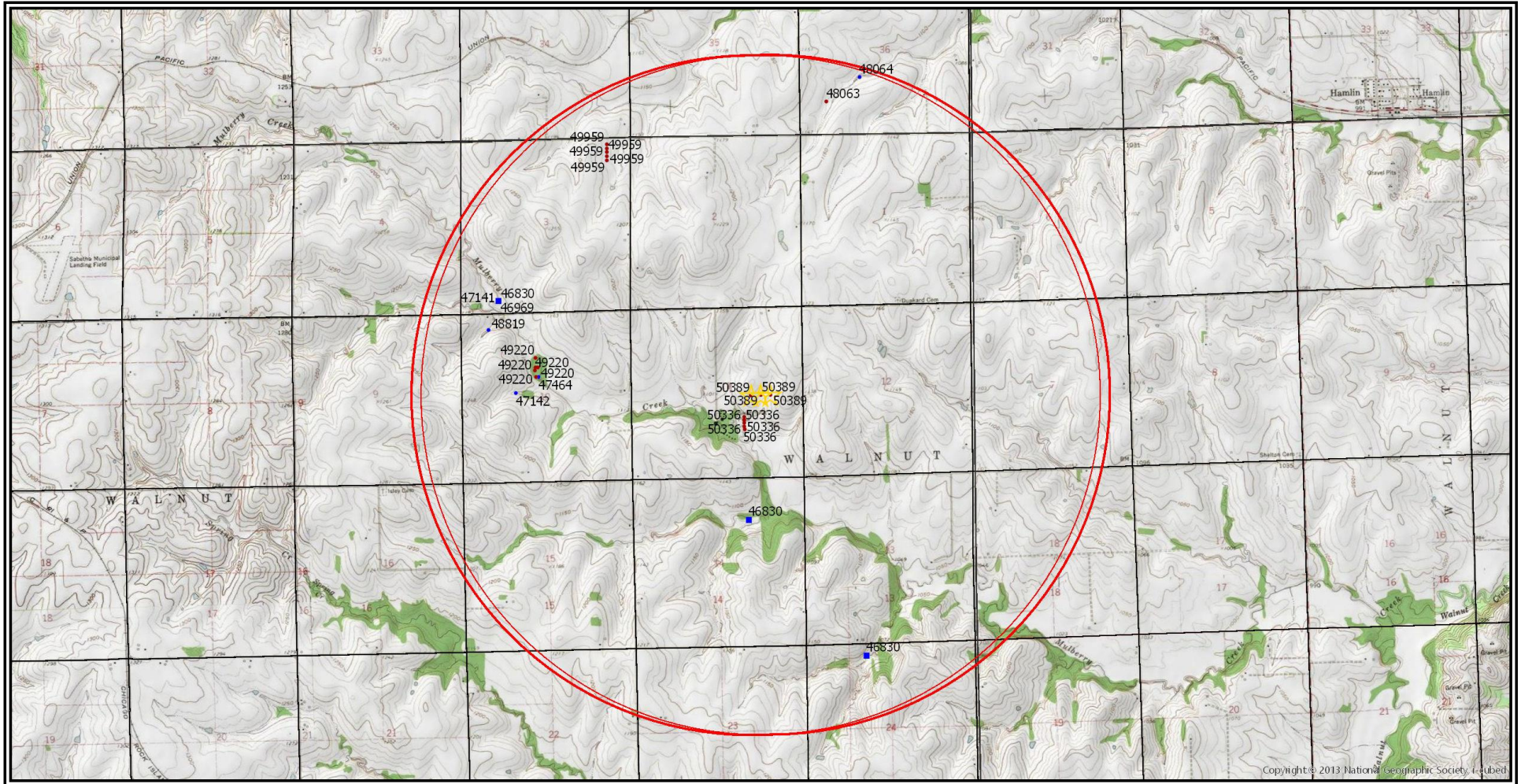
From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, January 21, 2021 8:48 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: Double G & L Farms LLC New Apps and Changes

So I think I've got all these good to go. From what I remember, based on our internal discussion, we are OK with moving 50389 along with the reductions suggested by the applicant.

I've modified the well locations, reduced rate and quantity on 50389, and worked up the PU changes on the senior files.

Please review.

Safe Yield Report Sheet
Water Right- A5038900
Point of Diversion in 11-02S-15E
Footages from SE corner- 2,610 feet North 1,285 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 3,418.05 AF.

Total prior appropriations in the circle is 1,097.00 AF. + 612 AF = 1,709 AF

Total quantity of water available for appropriation is ~~2,321.05~~ AF.

1709.05 AF

Application File No. 50,389 - Requesting 500 AF
Meets Safe Yield
dws/dwr 6/16/20

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.1 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 16-JUN-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 5 water rights and 20 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 48063 00	IRR	NK	G		NE	SW	SW	1105	4304	36	01	15E	1	WR	97.00	97.00	747.00	0.00
A 49220 00	IRR	LO	G		NE	SE	NW	3594	2939	10	02	15E	4	WR	612.00	0.00 + 612 AF	710.00	0.00
Same	IRR	LO	G		SE	SE	NW	3299	2964	10	02	15E	5	WR				
Same	IRR	LO	G		NE	SE	NW	3496	2947	10	02	15E	6	WR				
Same	IRR	LO	G		NE	SE	NW	3693	2930	10	02	15E	7	WR				
Same	IRR	LO	G		NE	SE	NW	3889	2914	10	02	15E	8	WR				
A 49959 00	IRR	KE	G		NE	NE	NE	4950	588	03	02	15E	7	WR	500.00	500.00	710.00	0.00
Same	IRR	KE	G		NE	NE	NE	5200	588	03	02	15E	8	WR				
Same	IRR	KE	G		NE	NE	NE	5075	588	03	02	15E	9	WR				
Same	IRR	KE	G		NE	NE	NE	4825	588	03	02	15E	10	WR				
Same	IRR	KE	G		NE	NE	NE	4700	588	03	02	15E	11	WR				
A 50336 00	IRR	AY	G		SE	NW	SE	1750	1815	11	02	15E	1	WR	500.00	500.00	1,086.00	0.00
Same	IRR	AY	G		SE	NW	SE	1950	1815	11	02	15E	2	WR				
Same	IRR	AY	G		SE	NW	SE	1850	1815	11	02	15E	3	WR				
Same	IRR	AY	G		SE	NW	SE	1650	1815	11	02	15E	4	WR				
Same	IRR	AY	G		SE	NW	SE	1550	1815	11	02	15E	5	WR				
A 50389 00	IRR	AY	G		NW	NE	SE	2610	1285	11	02	15E	6	WR	500.00	0.00	1,086.00	0.00
Same	IRR	AY	G		NW	NE	SE	2610	986	11	02	15E	7	WR				
Same	IRR	AY	G		NW	NE	SE	2610	1285	11	02	15E	8	WR				
Same	IRR	AY	G		NE	NW	SE	2610	1585	11	02	15E	9	WR				

Limitations

File Number	Seq Num	Limitations
A 49220 00	1	616.5 AF/YR COM/W #46969, #47141, #47142, #47464 & #48819

612 AF ADDED BACK INTO ADD QTY BECAUSE SENIOR FILES ARE NOT IN SAME CIRCLE.

File Number	Seq Num	Limitations
A 49959 00	1	710 AF/YR COM/W #46969, #47141, #47142, #47464, #48819 & #49220 (P/U)

Report Date: Tuesday, June 16 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50389 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50389 00 IRR

Water Right and Points of Diversion Within 2.00 of a point defined as:

2610 Feet North and 1285 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 48063	00	IRR	NK	G	9436	--	NE	SW	SW	1105	4304	36	1	15E	1	97.00	97.00	AF	
A__ 49220	00	IRR	LO	G	7082	--	SE	SE	NW	3299	2964	10	2	15E	5	B4	612.00	.00	AF
Same					7086	--	NE	SE	NW	3496	2947	10	2	15E	6	B4			
Same					7094	--	NE	SE	NW	3594	2939	10	2	15E	4	G4			
Same					7099	--	NE	SE	NW	3693	2930	10	2	15E	7	B4			
Same					7119	--	NE	SE	NW	3889	2914	10	2	15E	8	B4			
A__ 49959	00	IRR	KE	G	8764	--	NE	NE	NE	4700	588	3	2	15E	11	B4	500.00	500.00	AF
Same					8869	--	NE	NE	NE	4825	588	3	2	15E	10	B4			
Same					8976	--	NE	NE	NE	4950	588	3	2	15E	7	G4			
Same					9085	--	NE	NE	NE	5075	588	3	2	15E	9	B4			
Same					9192	--	NE	NE	NE	5200	588	3	2	15E	8	B4			
A__ 50336	00	IRR	AY	G	846	--	SE	NW	SE	1950	1815	11	2	15E	2	B4	500.00	500.00	AF
Same					927	--	SE	NW	SE	1850	1815	11	2	15E	3	B4			
Same					1010	--	SE	NW	SE	1750	1815	11	2	15E	1	G4	Battery Geo-Center for File No. 50,336.		
Same					1097	--	SE	NW	SE	1650	1815	11	2	15E	4	B4			
Same					1185	--	SE	NW	SE	1550	1815	11	2	15E	5	B4			
A__ 50389	00	IRR	AY	G	0	--	NW	NE	SE	2610	1285	11	2	15E	6	G3	500.00	.00	AF
Same					0	--	NW	NE	SE	2610	1285	11	2	15E	8	B3			
Same					299	--	NW	NE	SE	2610	986	11	2	15E	7	B3			
Same					300	--	NE	NW	SE	2610	1585	11	2	15E	9	B3			

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	500.00	.00
Total Permitted Amount (AF) =	500.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	97.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1097.00	.00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

2610 Feet North and 1285 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
> GRIMM BROS LLC			
>			
> 570 280TH ST			
> MORRILL KS 66515			
>			
> PINE RIDGE INC			
>			
> 477 K 246			
> MORRILL KS 66515			
>			
> PINE RIDGE INC			
>			
> 477 K 246			
> MORRILL KS 66515			
>			

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> DOUBLE G & L FARMS LLC
>
> 2722 DEWBERRY RD
> MORRILL KS 66515
> . . . . .
> DOUBLE G & L FARMS LLC
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> 2722 DEWBERRY RD
> MORRILL KS 66515
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50389 00 IRR
Water Right and Points of Diversion Within 2.00 of a point defined as:
  2610 Feet North and 986 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E
GROUNDWATER ONLY
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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 48063	00	IRR	NK	G	9363	--	NE	SW	SW	1105	4304	36	1	15E	1	97.00	97.00	AF	
A__ 49220	00	IRR	LO	G	7379	--	SE	SE	NW	3299	2964	10	2	15E	5	B4	612.00	.00	AF
Same					7383	--	NE	SE	NW	3496	2947	10	2	15E	6	B4			
Same					7390	--	NE	SE	NW	3594	2939	10	2	15E	4	G4			
Same					7394	--	NE	SE	NW	3693	2930	10	2	15E	7	B4			
Same					7413	--	NE	SE	NW	3889	2914	10	2	15E	8	B4			
A__ 49959	00	IRR	KE	G	8924	--	NE	NE	NE	4700	588	3	2	15E	11	B4	500.00	500.00	AF
Same					9028	--	NE	NE	NE	4825	588	3	2	15E	10	B4			
Same					9132	--	NE	NE	NE	4950	588	3	2	15E	7	G4			
Same					9240	--	NE	NE	NE	5075	588	3	2	15E	9	B4			
Same					9345	--	NE	NE	NE	5200	588	3	2	15E	8	B4			
A__ 50336	00	IRR	AY	G	1060	--	SE	NW	SE	1950	1815	11	2	15E	2	B4	500.00	500.00	AF
Same					1125	--	SE	NW	SE	1850	1815	11	2	15E	3	B4			
Same					1195	--	SE	NW	SE	1750	1815	11	2	15E	1	G4			
Same					1268	--	SE	NW	SE	1650	1815	11	2	15E	4	B4			
Same					1346	--	SE	NW	SE	1550	1815	11	2	15E	5	B4			
A__ 50389	00	IRR	AY	G	0	--	NW	NE	SE	2610	986	11	2	15E	7	B3	500.00	.00	AF
Same					299	--	NW	NE	SE	2610	1285	11	2	15E	8	B3			
Same					299	--	NW	NE	SE	2610	1285	11	2	15E	6	G3			
Same					599	--	NE	NW	SE	2610	1585	11	2	15E	9	B3			

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =    1000.00      .00
Total Permitted Amount (AF) =    1000.00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =     194.00      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =     2194.00      .00
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GROUNDWATER ONLY
WATER USE CORRESPONDENTS:
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File Number   Use ST SR
> GRIMM BROS LLC
>
> 570 280TH ST
> MORRILL KS 66515
> . . . . .
> PINE RIDGE INC
>
> 477 K 246
> MORRILL KS 66515

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> .....
> PINE RIDGE INC
>
> 477 K 246
> MORRILL KS 66515
> .....
> DOUBLE G & L FARMS LLC
>
> 2722 DEWBERRY RD
> MORRILL KS 66515
> .....
> DOUBLE G & L FARMS LLC
>
> 2722 DEWBERRY RD
> MORRILL KS 66515
> .....

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50389 00 IRR

Water Right and Points of Diversion Within 2.00 of a point defined as:
 2610 Feet North and 1285 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ 48063	00	IRR	NK	G	9436	--	NE	SW	SW	1105	4304	36	1	15E	1	97.00	97.00	AF
A__ 49220	00	IRR	LO	G	7082	--	SE	SE	NW	3299	2964	10	2	15E	5	612.00	.00	AF
Same					7086	--	NE	SE	NW	3496	2947	10	2	15E	6			
Same					7094	--	NE	SE	NW	3594	2939	10	2	15E	4			
Same					7099	--	NE	SE	NW	3693	2930	10	2	15E	7			
Same					7119	--	NE	SE	NW	3889	2914	10	2	15E	8			
A__ 49959	00	IRR	KE	G	8764	--	NE	NE	NE	4700	588	3	2	15E	11	500.00	500.00	AF
Same					8869	--	NE	NE	NE	4825	588	3	2	15E	10			
Same					8976	--	NE	NE	NE	4950	588	3	2	15E	7			
Same					9085	--	NE	NE	NE	5075	588	3	2	15E	9			
Same					9192	--	NE	NE	NE	5200	588	3	2	15E	8			
A__ 50336	00	IRR	AY	G	846	--	SE	NW	SE	1950	1815	11	2	15E	2	500.00	500.00	AF
Same					927	--	SE	NW	SE	1850	1815	11	2	15E	3			
Same					1010	--	SE	NW	SE	1750	1815	11	2	15E	1			
Same					1097	--	SE	NW	SE	1650	1815	11	2	15E	4			
Same					1185	--	SE	NW	SE	1550	1815	11	2	15E	5			
A__ 50389	00	IRR	AY	G	0	--	NW	NE	SE	2610	1285	11	2	15E	6	500.00	.00	AF
Same					0	--	NW	NE	SE	2610	1285	11	2	15E	8			
Same					299	--	NW	NE	SE	2610	986	11	2	15E	7			
Same					300	--	NE	NW	SE	2610	1585	11	2	15E	9			

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Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	1500.00	.00
Total Permitted Amount (AF) =	1500.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	291.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3291.00	.00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:
 2610 Feet North and 1285 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

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File Number    Use ST SR
> GRIMM BROS LLC
>
> 570 280TH ST

```

```

> MORRILL KS 66515
> -----
> PINE RIDGE INC
>
> 477 K 246
> MORRILL KS 66515
> -----
> PINE RIDGE INC
>
> 477 K 246
> MORRILL KS 66515
> -----
> DOUBLE G & L FARMS LLC
>
> 2722 DEWBERRY RD
> MORRILL KS 66515
> -----
> DOUBLE G & L FARMS LLC
>
> 2722 DEWBERRY RD
> MORRILL KS 66515
> -----
    
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50389 00 IRR
Water Right and Points of Diversion Within 2.00 of a point defined as:
 2610 Feet North and 1585 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E
GROUNDWATER ONLY
    
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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 48063	00	IRR	NK	G	9518	--	NE	SW	SW	1105	4304	36	1	15E	1	97.00	97.00	AF	
A__ 49220	00	IRR	LO	G	6784	--	SE	SE	NW	3299	2964	10	2	15E	5	B4	612.00	.00	AF
Same					6789	--	NE	SE	NW	3496	2947	10	2	15E	6	B4			
Same					6798	--	NE	SE	NW	3594	2939	10	2	15E	4	G4			
Same					6803	--	NE	SE	NW	3693	2930	10	2	15E	7	B4			
Same					6825	--	NE	SE	NW	3889	2914	10	2	15E	8	B4			
A__ 49959	00	IRR	KE	G	8610	--	NE	NE	NE	4700	588	3	2	15E	11	B4	500.00	500.00	AF
Same					8718	--	NE	NE	NE	4825	588	3	2	15E	10	B4			
Same					8826	--	NE	NE	NE	4950	588	3	2	15E	7	G4			
Same					8938	--	NE	NE	NE	5075	588	3	2	15E	9	B4			
Same					9046	--	NE	NE	NE	5200	588	3	2	15E	8	B4			
A__ 50336	00	IRR	AY	G	699	--	SE	NW	SE	1950	1815	11	2	15E	2	B4	500.00	500.00	AF
Same					794	--	SE	NW	SE	1850	1815	11	2	15E	3	B4			
Same					890	--	SE	NW	SE	1750	1815	11	2	15E	1	G4			
Same					987	--	SE	NW	SE	1650	1815	11	2	15E	4	B4			
Same					1085	--	SE	NW	SE	1550	1815	11	2	15E	5	B4			
A__ 50389	00	IRR	AY	G	0	--	NE	NW	SE	2610	1585	11	2	15E	9	B3	500.00	.00	AF
Same					300	--	NW	NE	SE	2610	1285	11	2	15E	8	B3			
Same					300	--	NW	NE	SE	2610	1285	11	2	15E	6	G3			
Same					599	--	NW	NE	SE	2610	986	11	2	15E	7	B3			

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =     2000.00      .00
Total Permitted Amount (AF) =     2000.00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =       388.00      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =       4388.00      .00
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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Water Right and Points of Diversion Within 2.00 of a point defined as:
 2610 Feet North and 1585 Feet West of the Southeast Corner of Section 11 Twp 2S Rng 15E
GROUNDWATER ONLY
    
```

WATER USE CORRESPONDENTS:

=====
File Number Use ST SR

> GRIMM BROS LLC

>

> 570 280TH ST

> MORRILL KS 66515

> - - - - -

> PINE RIDGE INC

>

> 477 K 246

> MORRILL KS 66515

> - - - - -

> PINE RIDGE INC

>

> 477 K 246

> MORRILL KS 66515

> - - - - -

> DOUBLE G & L FARMS LLC

>

> 2722 DEWBERRY RD

> MORRILL KS 66515

> - - - - -

> DOUBLE G & L FARMS LLC

>

> 2722 DEWBERRY RD

> MORRILL KS 66515

> - - - - -

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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. 50,389** of the applicant

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

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 **April 27, 2020**.
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	
35	1S	15E	12.5	5	28.5	40				0.5	1.5				40	38.5	6.5	34	207
36	1S	15E									31	33	38	39.5		5	3.5		150
1	2S	15E					35	27	24.5	35	33	32	17.5	33					237
2	2S	15E	35	38	38.5	35.5	2.5			2.5					40			40	232
11	2S	15E													40	20	4	40	104
12	2S	15E						40	40										80
13	2S	15E						36											36
14	2S	15E	40																40

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE¼ NW¼ SE¼) of Section 11, more particularly described as being near a point 2,630 feet North and 1,610 feet West of the Southeast corner of said section, in Township 2 South, Range 15 East, Brown County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **120 gallons per minute (0.27 c.f.s.)** and to a quantity not to exceed **193.5 acre-feet** of water for any calendar year.
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 of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
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 of \$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 diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the 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).

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

March 10, 2021

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

RE: Appropriation of Water, File Nos. 50,336 and 50,389; and
Water Right, File Nos. 46,934; 47,143; 48,063 and 48,064

Dear Sir or Madam:

Enclosed are permits (File Nos. 50,336 and 50,389) authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits. Please note that both your existing well and all wells drilled under the authority of this permit must have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer.

Notices must be filed on the enclosed forms once the diversion works have been completed for each file. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. Annual water use reports must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approvals of your applications constitute permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

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

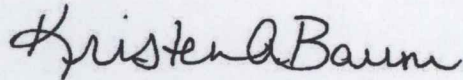
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since these orders modify the original document referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Kent and Molly Grimm Living Trust
Nathan & Lois Grimm Rev Trust
Grimm Bros LLC
Grimm Farms Inc
Summit Farms LLC

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.

CERTIFICATE OF SERVICE

On this 10 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,389, dated 2 March 2021 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

KENT & MOLLY GRIMM LIVING TRUST
570 280TH ST
MORRILL KS 66515-9403

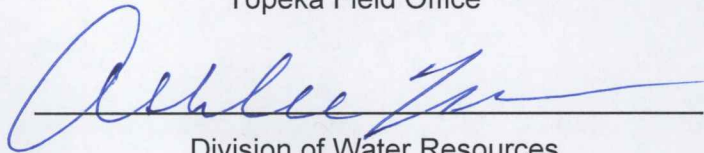
GRIMM BROS LLC
570 280TH ST
MORRILL KS 66515-9403

SUMMIT FARMS LLC
570 280TH ST
MORRILL KS 66515

GRIMM FARMS INC
Attn: GERALD GRIMM
2774 DEWBERRY RD
MORRILL KS 66515

NATHAN & LOIS GRIMM REV TRUST
2774 DEWBERRY RD
MORRILL KS 66515

Topeka Field Office



Division of Water Resources