

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,647</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>6/6/2023</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD:
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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(Landowners)                      Person ID <b>67944</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p style="margin-top: 20px;"><b>GRIMM GIRLS LAND &amp; LIVESTOCK LLC</b> <b>2722 DEWBERRY</b> <b>MORRILL, KS 66515</b></p>	<p>7c. Landowner(s)                                      Person ID _____ New to system <input type="checkbox"/>                                      Add Seq# _____</p>
<p>7b. Landowner(s)                                      Person ID 67805 _____ New to system <input type="checkbox"/>                                      Add Seq# _____</p>	<p>7d. Landowner    Person ID _____ New to system <input type="checkbox"/>    Add Seq# _____</p>

<p>8. WUR Correspondent                                      Person ID _____ 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 <b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p style="margin-left: 40px;"><input type="checkbox"/> Groundwater                      <input 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 checked="" 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: 12/31/2024                      11. Perfection Date: 12/31/2028                      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: 6/1/23 Date Reviewed: 6/5/2023 Date Entered: <span style="border: 1px solid blue; padding: 2px;">6/7/2023</span> <span style="border: 1px solid blue; padding: 2px;">LMoody</span>	By: BMM By: KAK By: _____
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File No. **50,647**      15. Formation Code:      Drainage Basin: Delaware River      County: BR      Special Use:      Stream: **CEDAR CREEK TRIBUT 7**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK 89051</b>				<b>SW SW NE</b>	<b>30</b>	<del><b>22S</b></del>	<b>15E</b>		<b>2670</b>	<b>1995</b>	<b>1000 (RED)</b>	<b>160</b>	<b>1000</b>	<b>160</b>	<b>None</b>
						<b>2S</b>									

18. Storage: Rate **NF** NF      Quantity **205.5** ac/ft      Additional Rate **NF** NF      Additional Quantity **205.5** 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 **12/31/2024**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				Total	Owner	Chg? <b>NO</b>	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>						
<b>CHK 70560</b>				<b>30</b>	<b>2S</b>	<b>15E</b>	<b>1</b>	<b>40</b>	<b>36.5</b>	<b>29.5</b>	<b>40</b>														<b>146</b>	<b>7a</b>	<b>N</b>	<b>None</b>	
<b>CHK 70561</b>				<b>32</b>	<b>2S</b>	<b>15E</b>	<b>1</b>	<b>31.5</b>	<b>34.5</b>	<b>40</b>	<b>40</b>														<b>146</b>	<b>7a</b>	<b>N</b>	<b>None</b>	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 15, 2023

**FROM:** Brandon Milner

**RE:** Application, File No. 50,653

The Grimm Girls Land and Livestock has filed the application referred to above for a permit to store 205.5 acre-feet of surface water in a new reservoir at a rate not to exceed all natural flows of Cedar Creek Trib 7. The quantity of stored water (160) acre-feet will then be rediverted for direct use of 292 acres at 1,000 gallons per minute. The point of diversion is the centerline of the dam located in the Northeast Quarter of Section 30, Township 2 South, Range 15 East, in Brown County. The reservoir is located within the Delaware River drainage basin and has a capacity of 40.4 acre-feet. The applicant has signed the application form stating he has access to the point of diversion.

Runoff calculations determined that there is 14.56 inches of runoff per acre, and the drainage area of 614 acres will provide for 746 acre-feet of runoff 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, so the application will be processed via the 1:1:1 rule of one year of direct use, one year of indirect use and capacity of the reservoir. The capacity of the reservoir (40.4 AF) along with the direct use of (160 AF) along with one year of evaporation (5.1 AF) would equate to 205.5 AF of storage per year.

The proposed direct use quantity of 160 acre-feet, is equivalent to 4 times the capacity (40.4 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times the capacity of the reservoir at normal pool for reasonable storage quantity.

The total quantity of water that will be rediverted (160 acre-feet), is less than the maximum allowable to irrigate the proposed 292 acres, based on the allowable quantity for irrigation in Brown County of 1.0 AF/acre. However, this still provides 0.55 AF/acre which may be considered reasonable for irrigation purposes.

The applicant identified one upstream and downstream owner within one-half (½) mile of the property lines, and the nearby landowner letters were sent out on January 26, 2023. No responses were received to date.

The proposed structure was reviewed by DWR Water Structures Program staff and was determined to qualify as a low hazard exemption. However, a floodplain obstruction permit was approved as LBR-0036 on February 8, 2023.

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.

The application was sent to the Topeka Field office for recommendation on May 31, 2023 and was recommended for approval on the same date.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is non-jurisdictional for structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Brandon Milner  
Environmental Scientist

<b>File Name:</b>	PotentialAnnualRunoff_v1.0.xlsx
<b>Author:</b>	D. Engelhaupt
<b>Last Revision:</b>	2-Apr-19
<b>Purpose</b>	Computes potential annual runoff at 20%

<b>Instructions for Use</b>	
	<ol style="list-style-type: none"> <li>1 Go to sheet <i>Potential Annual Runoff</i> (green)</li> <li>2 Enter the mean annual precipitation (inches) into cell F3</li> <li>3 Enter the soil cover complex number into cell F4</li> <li>4 Enter the basin drainage area (acres) into cell F5</li> <li>5 Computed potential annual runoff is in cell F6</li> </ol>

<b>Sheet Descriptions</b>	
<b>Instructions</b>	This sheet
<b>Potential Annual Runoff</b>	Contains input, computations and outputs potential annual runoff.
<b>CN &amp; Precip - Mean Runoff</b>	Contains a table and plot of soil complex number/annual precipitation vs. mean annual runoff. Computations interpolate from this table.
<b>Mean Runoff - PChnc FIRM</b>	Plot and table of the power curves that approximate the 50, 80 and 90% chance for a given mean annual runoff (inches).

<b>PDFs</b>
<a href="#">Mean Annual Precipitation</a>
<a href="#">Soil Cover Complex</a>

Mean Annual Precip, in	<b>36</b>
Soil Cover Complex No.	<b>76</b>
Drainage Area, acres	<b>614.4</b>
<b>Runoff at 20% Chance, AF</b>	<b>745.71</b>

**DO NOT EDIT BELOW**

<b>% Chance Firm Coefficients</b>			
	<b>50%</b>	<b>80%</b>	<b>90%</b>
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

<b>%Chance Firm</b>	<b>Runoff, in</b>	<b>Comp. Runoff, in</b>
50%	4.64	<b>4.64</b>
80%	1.50	<b>1.48</b>
90%	0.79	<b>0.81</b>
20%		<b>14.56</b>

**OW THIS LINE**

Std. Dev. 90%	1.38
Std. Dev. 80%	1.34
Avg	1.36

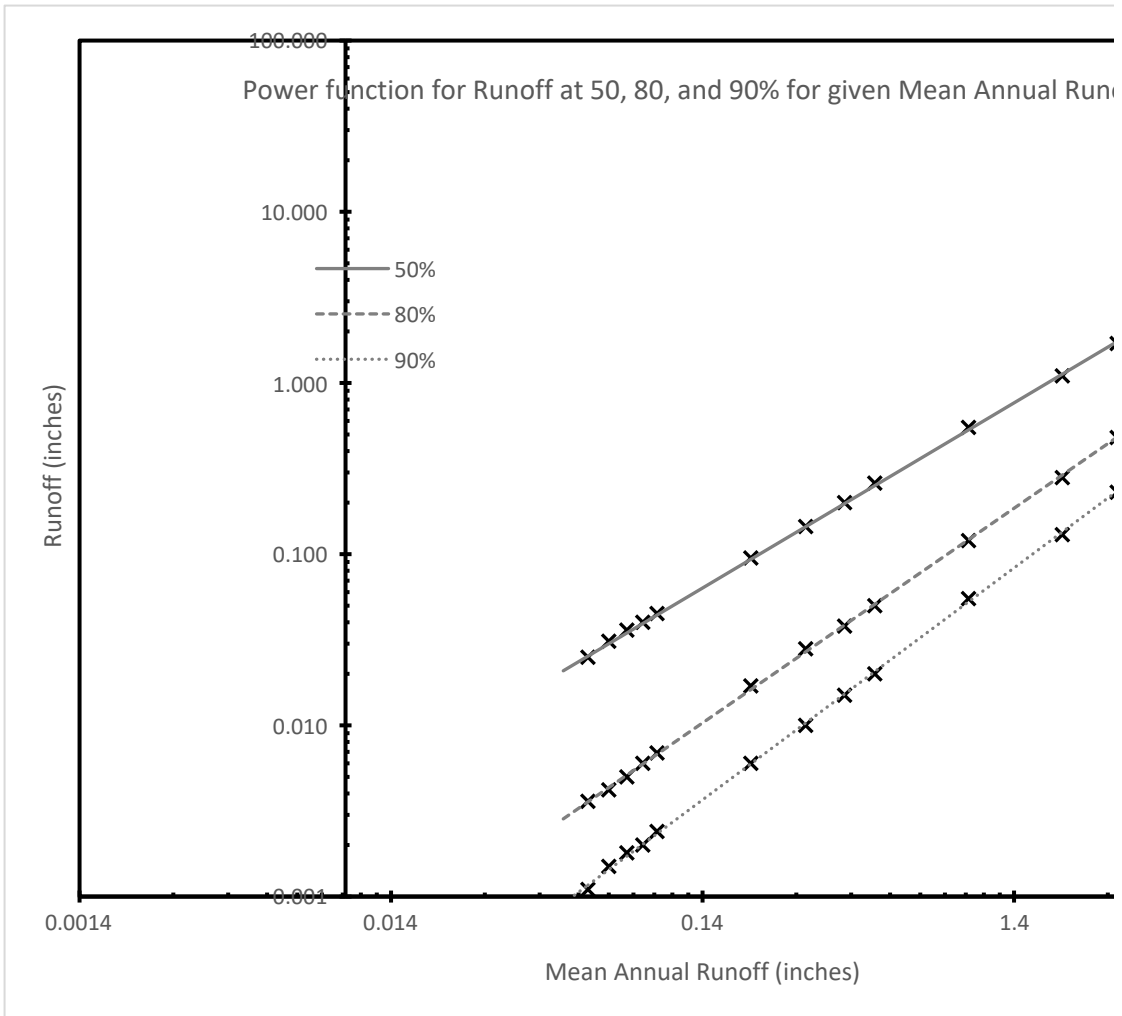
Mean annual runoff for CN = 75, inches	7.16
Mean annual runoff for CN = 80, inches	8.40
Interp. Mean annual runoff for CN = 76, inches	7.41

<b>Calculated</b>			
	<b>50%</b>	<b>80%</b>	<b>90%</b>
0.05	0.021	0.003	0.001
0.06	0.025	0.004	0.001
0.07	0.030	0.004	0.001
0.08	0.035	0.005	0.002
0.09	0.039	0.006	0.002
0.1	0.044	0.007	0.002
0.11	0.049	0.008	0.003
0.12	0.054	0.009	0.003
0.13	0.059	0.009	0.003
0.14	0.063	0.010	0.004
0.15	0.068	0.011	0.004
0.16	0.073	0.012	0.004
0.17	0.078	0.013	0.005
0.18	0.083	0.014	0.005
0.19	0.088	0.015	0.006
0.2	0.093	0.016	0.006
0.25	0.119	0.021	0.008
0.3	0.145	0.027	0.010
0.35	0.171	0.033	0.013
0.4	0.197	0.039	0.015
0.45	0.224	0.045	0.018
0.5	0.251	0.051	0.021
0.6	0.306	0.064	0.026
0.7	0.362	0.078	0.033
0.8	0.418	0.092	0.039
0.9	0.474	0.107	0.046
1	0.532	0.122	0.053
1.1	0.589	0.137	0.060
1.2	0.648	0.153	0.067
1.3	0.706	0.169	0.075
1.4	0.765	0.185	0.083
1.5	0.824	0.202	0.091
1.6	0.884	0.219	0.100
1.7	0.94	0.24	0.11
1.8	1.00	0.25	0.12
1.9	1.06	0.27	0.13
2	1.13	0.29	0.13
2.1	1.19	0.31	0.14
2.2	1.25	0.33	0.15
2.3	1.31	0.35	0.16
2.4	1.37	0.36	0.17
2.5	1.43	0.38	0.18
2.6	1.49	0.40	0.19
2.7	1.56	0.42	0.20
2.8	1.62	0.44	0.21
2.9	1.68	0.46	0.22
3	1.74	0.48	0.23
3.1	1.81	0.50	0.24
3.2	1.87	0.52	0.25
3.3	1.93	0.54	0.27
3.4	2.00	0.56	0.28
3.5	2.06	0.58	0.29
3.6	2.12	0.61	0.30

<b>Read from chart</b>			
	<b>Cht. 50%</b>	<b>Cht. 80%</b>	<b>Cht. 90%</b>
0.06	0.025	0.0036	0.0011
0.07	0.031	0.0042	0.0015
0.08	0.036	0.005	0.0018
0.09	0.04	0.006	0.002
0.1	0.045	0.0069	0.0024
0.2	0.095	0.017	0.006
0.3	0.145	0.028	0.01
0.4	0.2	0.038	0.015
0.5	0.26	0.05	0.02
1	0.55	0.12	0.055
2	1.1	0.28	0.13
3	1.7	0.48	0.23
4	2.4	0.7	0.35
5	3	0.9	0.46
6	3.6	1.15	0.6
7	4.4	1.4	0.72
8	5	1.7	0.87
9	5.7	1.9	1
10	6.4	2.2	1.2
20	14	5.2	3

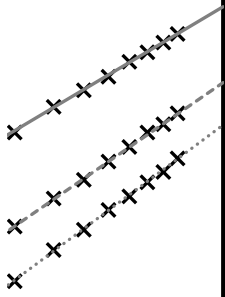
3.7	2.19	0.63	0.31
3.8	2.25	0.65	0.32
3.9	2.32	0.67	0.33
4	2.38	0.69	0.34
4.2	2.51	0.74	0.37
4.4	2.64	0.78	0.39
4.6	2.77	0.82	0.42
4.8	2.90	0.87	0.44
5	3.03	0.91	0.47
5.2	3.16	0.96	0.49
5.4	3.29	1.01	0.52
5.6	3.43	1.05	0.54
5.8	3.56	1.10	0.57
6	3.69	1.15	0.60
6.2	3.83	1.20	0.62
6.4	3.96	1.25	0.65
6.6	4.09	1.30	0.68
6.8	4.23	1.35	0.71
7	4.36	1.39	0.74
7.2	4.50	1.44	0.76
7.4	4.63	1.50	0.79
7.6	4.77	1.55	0.82
7.8	4.90	1.60	0.85
8	5.04	1.65	0.88
8.2	5.18	1.70	0.91
8.4	5.31	1.75	0.94
8.6	5.45	1.81	0.97
8.8	5.59	1.86	1.00
9	5.72	1.91	1.03
9.2	5.86	1.96	1.07
9.4	6.00	2.02	1.10
9.6	6.14	2.07	1.13
9.8	6.28	2.13	1.16
10	6.41	2.18	1.19
10.5	6.76	2.32	1.27
11	7.11	2.46	1.36
11.5	7.46	2.60	1.44
12	7.81	2.74	1.53
12.5	8.17	2.89	1.61
13	8.52	3.03	1.70
13.5	8.87	3.18	1.79
14	9.23	3.33	1.88





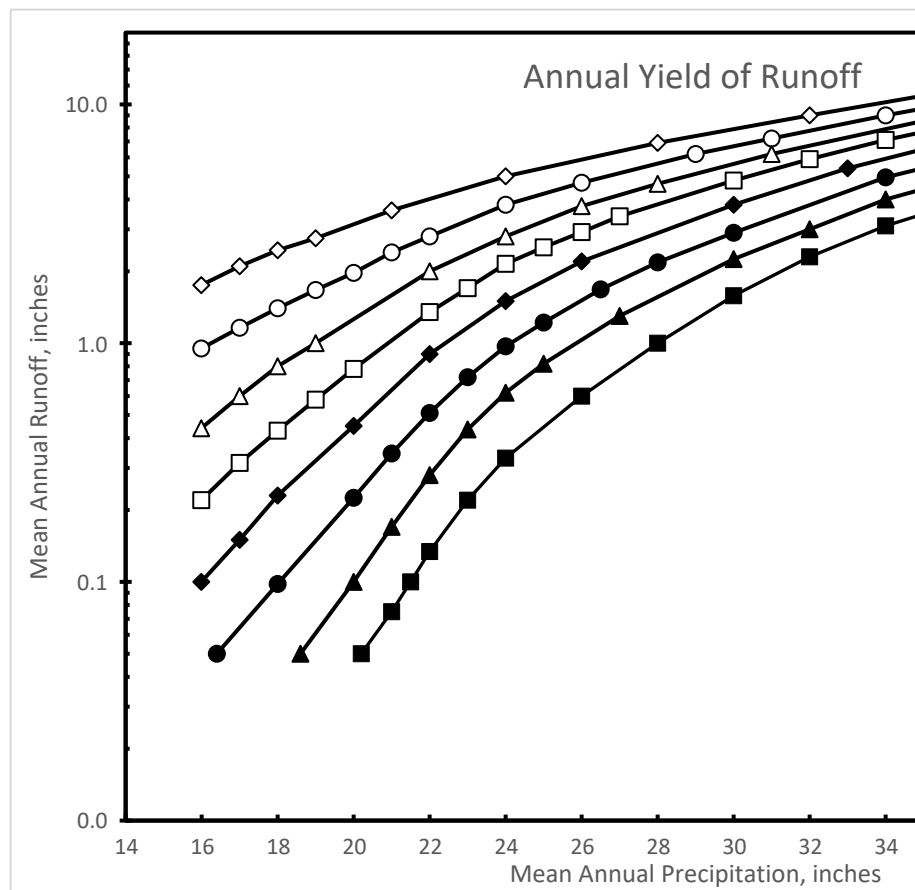


off

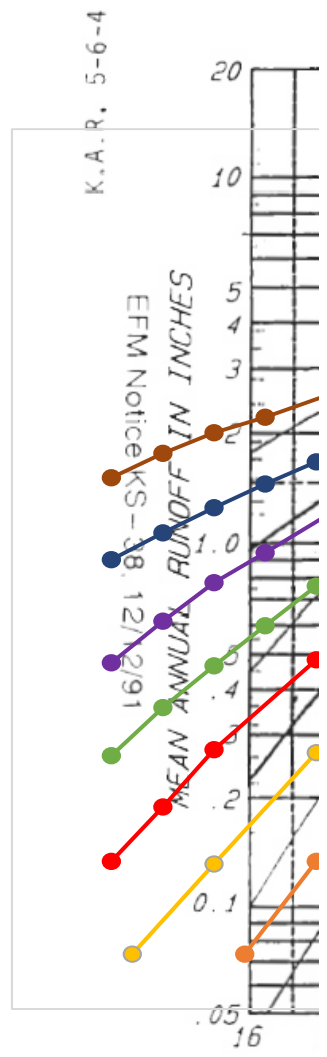
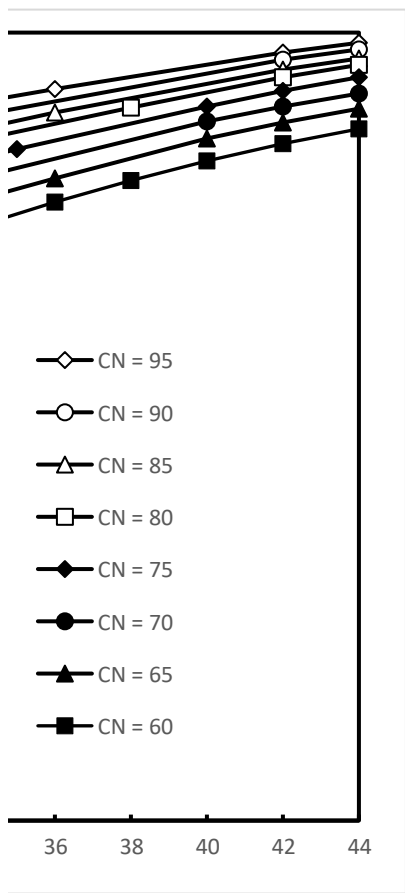


CN

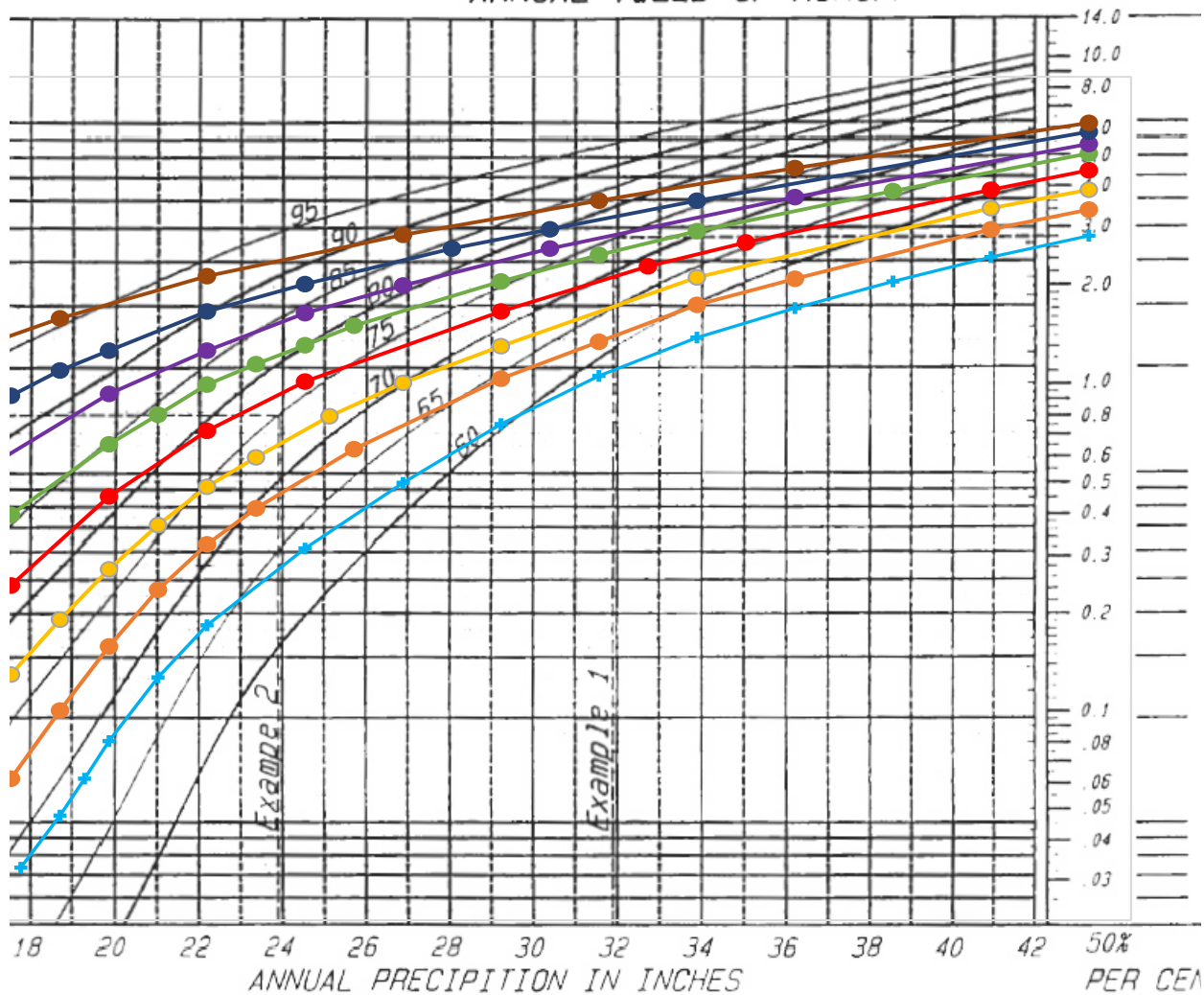
60		65		70		75		80	
20	0.1	19	0.1	16	0.1	16	0.1	16	0.2
21	0.1	20	0.1	18	0.1	17	0.2	17	0.3
22	0.1	21	0.2	20	0.2	18	0.2	18	0.4
22	0.1	22	0.3	21	0.3	20	0.5	19	0.6
23	0.2	23	0.4	22	0.5	22	0.9	20	0.8
24	0.3	24	0.6	23	0.7	24	1.5	22	1.4
26	0.6	25	0.8	24	1.0	26	2.2	23	1.7
28	1.0	27	1.3	25	1.2	30	3.8	24	2.2
30	1.6	30	2.3	27	1.7	33	5.4	25	2.5
32	2.3	32	3.0	28	2.2	35	6.5	26	2.9
34	3.1	34	4.0	30	2.9	40	9.8	27	3.4
36	3.9	36	4.9	34	5.0	42	11.4	30	4.8
38	4.8	40	7.2	40	8.5	44	13.0	32	5.9
40	5.8	42	8.4	42	9.8			34	7.1
42	6.9	44	9.6	44	11.1			38	9.7
44	7.9							42	13.0
								44	14.7



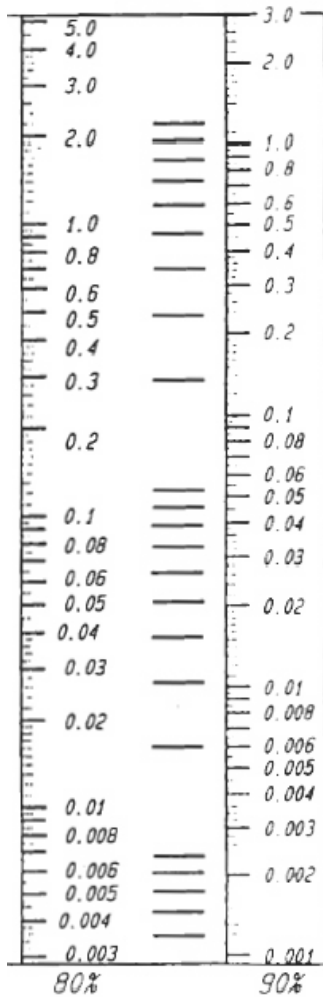
85		90		95	
16	0.4	16	1.0	16	1.8
17	0.6	17	1.2	17	2.1
18	0.8	18	1.4	18	2.5
19	1.0	19	1.7	19	2.8
22	2.0	20	2.0	21	3.6
24	2.8	21	2.4	24	5.0
26	3.8	22	2.8	28	6.9
28	4.7	24	3.8	32	9.0
31	6.2	26	4.7	36	11.6
36	9.3	29	6.2	42	16.5
42	14.0	31	7.2	44	18.1
44	15.6	34	9.0		
		42	15.4		
		44	17.0		



# ANNUAL YIELD OF RUNOFF



United States department of agriculture, natural resources conservation service, engineering handbook series, part 650, engineering field handbook.



*RUNOFF IN INCHES*

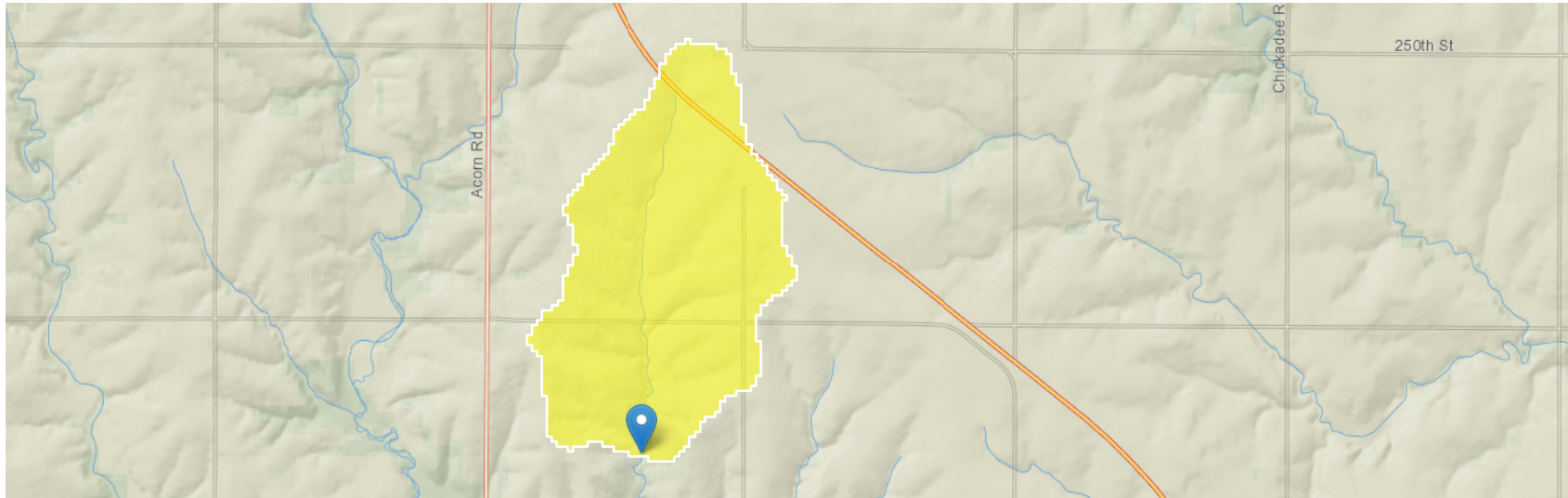
K5-2-36

VT CHANCE FIRM

nation

# StreamStats Report

**Region ID:** KS  
**Workspace ID:** KS20230207185540745000  
**Clicked Point (Latitude, Longitude):** 39.84889, -95.77773  
**Time:** 2023-02-07 12:56:01 -0600



⊕ Collapse All

## Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.96	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.12.0  
 StreamStats Services Version: 1.2.22





**From:** Bungler, Brett [KDA]  
**Sent:** Wed 5/31/2023 2:50 PM  
**To:** Milner, Brandon [KDA]  
**Subject:** RE: 50647 Memo

Brandon, I appreciate the well wishes.

Being the author of this application I can't hardly say anything but it looks great. Your memo sounds great as well. I would certainly recommend approval.

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**From:** Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>  
**Sent:** Wednesday, May 31, 2023 1:47 PM  
**To:** Bungler, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** 50647 Memo

Good afternoon Brett,

Congratulations on the new career position!

I believe that I will be sending all memos in the Topeka area to you for recommendation from here on out. I always like to have someone else look at my stuff before it gets written up. Anywho, I've attached a memo for 50,647 which is a natural catch reservoir to be utilized for irrigation. Could you take a look and provide a recommendation on this one? Thank you!

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

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. 50,647** of the applicant

**GRIMM GIRLS LAND & LIVESTOCK LLC  
2722 DEWBERRY  
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 **September 15, 2021**.

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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
30 - 2S - 15E	40.0	36.5	29.5	40.0													146.0
32 - 2S - 15E	31.5	34.5	40.0	40.0													146.0

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of the Delaware River designated in the office of the Chief Engineer as Cedar Creek Trib. 7 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **205.5 acre-feet (66.96 million gallons)** of water per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 30, more particularly described as being near a point 2,670 feet North and 1,995 feet West of the Southeast corner of said section, in Township 2 South, Range 15 East, Brown County, Kansas, to provide **160 acre-feet (52.14 million gallons)** of water as needed for direct irrigation use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

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

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit, in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12, adopted by the Chief Engineer. The 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 diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

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 failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 6 day of June, 2023, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 6 day of June, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Tony Jay Connors*

Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 8, 2023

GRIMM GIRLS LAND & LIVESTOCK LLC  
2722 DEWBERRY  
MORRILL KS 66515

RE: Appropriation of Water  
File No. 50,647

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](http://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.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum".

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

KAB:bmm

Enclosure(s)  
pc: Topeka Field Office

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

## CERTIFICATE OF SERVICE

On this 8 day of June, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50647, dated June 6, 2023, was mailed postage prepaid, first class, US mail to the following:

GRIMM GIRLS LAND & LIVESTOCK LLC  
2722 DEWBERRY  
MORRILL KS 66515

KDA-DWR Topeka Field Office



Division of Water Resources