

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

1. File Number: 50,654	2. Status Change Date: 3/27/2023	3. Field Office: 01	4. GMD:
----------------------------------	--	-------------------------------	---------

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p>GRIMM FARMS INC Attn: GERALD GRIMM 2774 DEWBERRY RD MORRILL, KS 66515</p>	<p>Person ID 67976 Add Seq# 67162</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p>	<p>Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p>7a</p>	<p>Person ID _____ Add Seq# _____</p>	<p>7d. Misc New to system <input type="checkbox"/></p>	<p>Person ID _____ Add Seq# _____</p>

<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>7a</p>	<p>Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><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 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>
---	---	--

10. Completion Date: 12/31/24 11. Perfection Date: 12/31/28 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: _____

<p>Date Prepared: 2/27/23 By: BMM Date Reviewed: 3/20/23 By: KAK Date Entered: 3/29/2023 LMoody</p>

File No. **50654** 15. Formation Code: Drainage Basin: S.F. Big Nemaha River County: BR Special Use: Stream: **chk Mulberry Creek Trib 5**

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
mod	89066		SW NE SW		16	2S	16E	1	1360	3450	1,000	121.1	1000	121.1	None
Dam															

18. Storage: Rate **nf** NF Quantity **121.1** ac/ft Additional Rate **nf** NF Additional Quantity **121.1** 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		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	70584		16 2S 16E 1					40	40	40	40	28				40	40			268	7a	N	NA

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 27, 2023

FROM: Brandon Milner

RE: Application, File No. 50,654

Grimm Farms Inc. filed the application referred to above for a permit to store 121.1 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 (121.1) acre-feet will then be rediverted for direct use of 268 acres at 1000 gallons per minute. The point of diversion is one dam located in the Southwest Quarter of Section 16, Township 2 South, Range 16 East, in Brown County. The reservoir is located within the South Fork of the Big Nemaha River drainage basin and has a capacity of 77.9 acre-feet. The applicant has signed the application form stating he has access to the point of diversion.

Runoff calculations determined that there is 17.46 inches of runoff per acre, and the small drainage area of 83.2 acres will only provide for 121.1 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 the limiting factor, and the application was reduced to this quantity. The proposed direct use quantity of 121.1 acre-feet, is equivalent to 1.55 times the capacity (77.9 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 (121.1 acre-feet), is less than the maximum allowable to irrigate the proposed 268 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 February 9, 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 with a dam structure's permit. However, a fill permit was approved and labeled LBR-0038 by Janelle Phillips of the structure's department and signed on March 20, 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.

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
New Applications Unit

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

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

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

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	37
Soil Cover Complex No.	80
Drainage Area, acres	83.2
Runoff at 20% Chance, AF	121.06

DO NOT EDIT BELOW

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

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	5.76	5.76
80%	1.92	1.90
90%	1.04	1.06
20%		17.46

OW THIS LINE

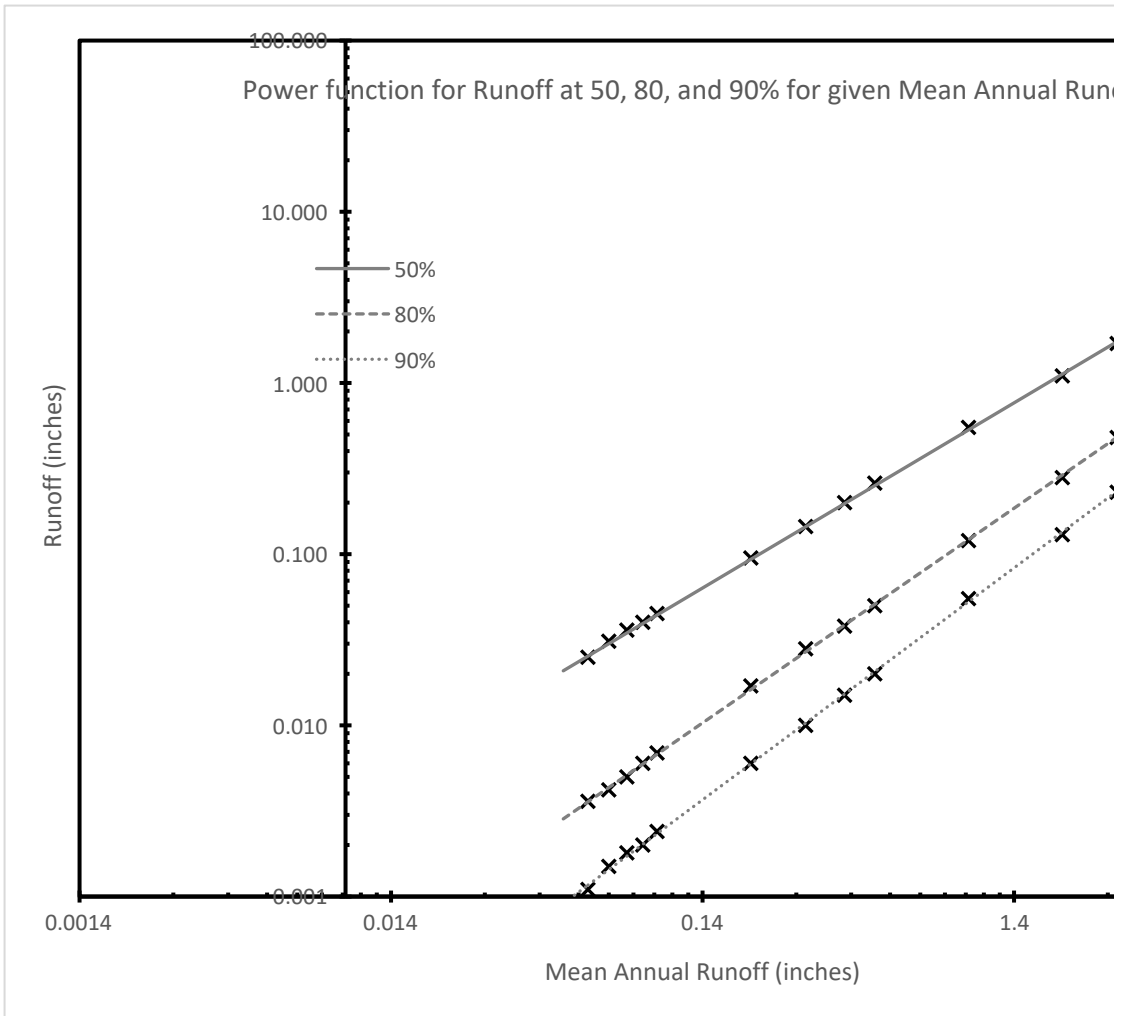
Std. Dev. 90%	1.33
Std. Dev. 80%	1.30
Avg	1.32

Mean annual runoff for CN = 80, inches	9.05
Mean annual runoff for CN = 85, inches	10.04
Interp. Mean annual runoff for CN = 80, inches	9.05

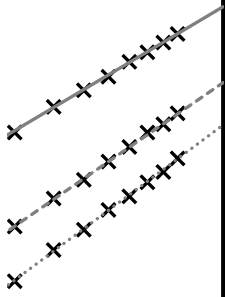
Calculated			
	50%	80%	90%
0.05	0.021	0.003	0.001
0.06	0.025	0.004	0.001
0.07	0.030	0.004	0.001
0.08	0.035	0.005	0.002
0.09	0.039	0.006	0.002
0.1	0.044	0.007	0.002
0.11	0.049	0.008	0.003
0.12	0.054	0.009	0.003
0.13	0.059	0.009	0.003
0.14	0.063	0.010	0.004
0.15	0.068	0.011	0.004
0.16	0.073	0.012	0.004
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

Read from chart			
	Cht. 50%	Cht. 80%	Cht. 90%
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

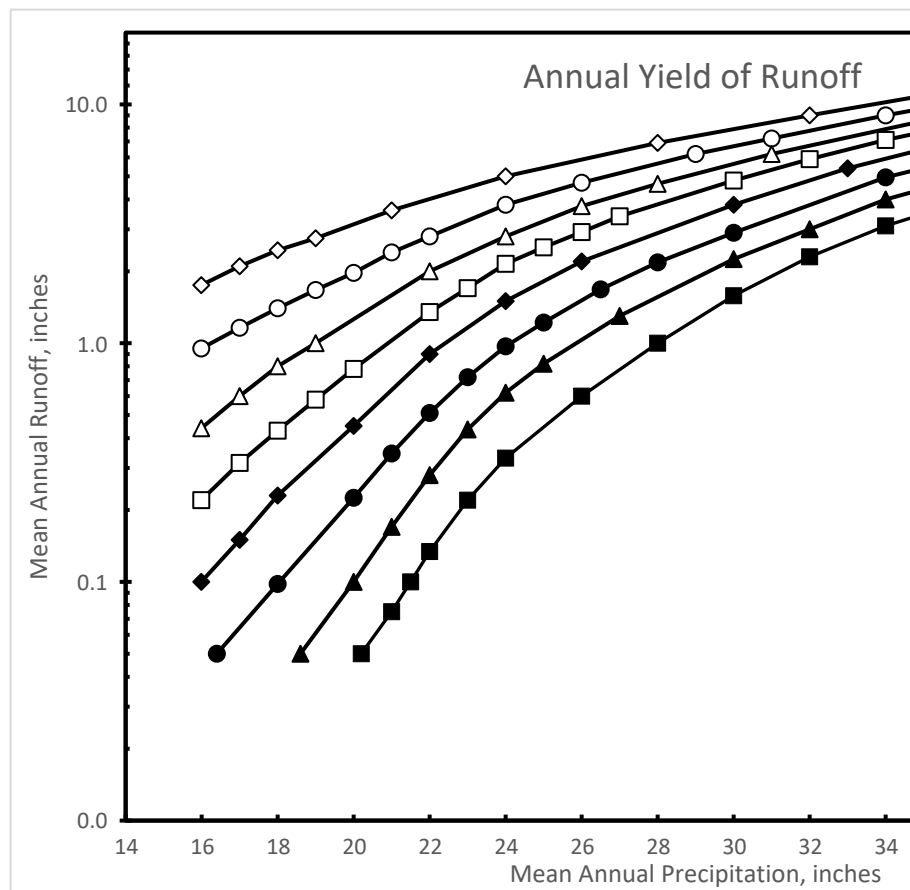


off

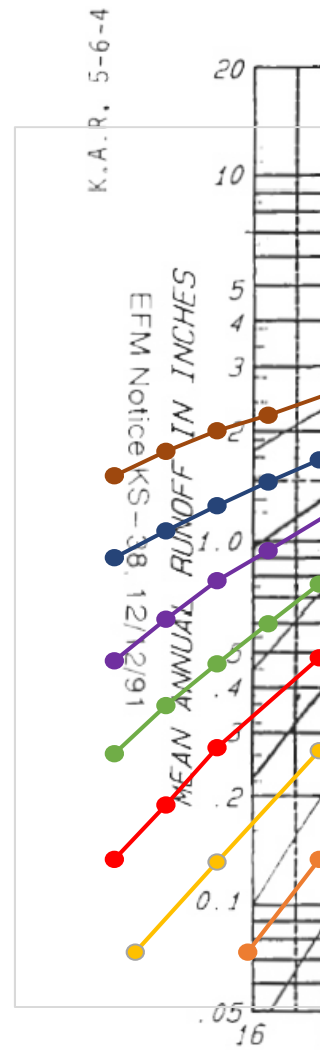
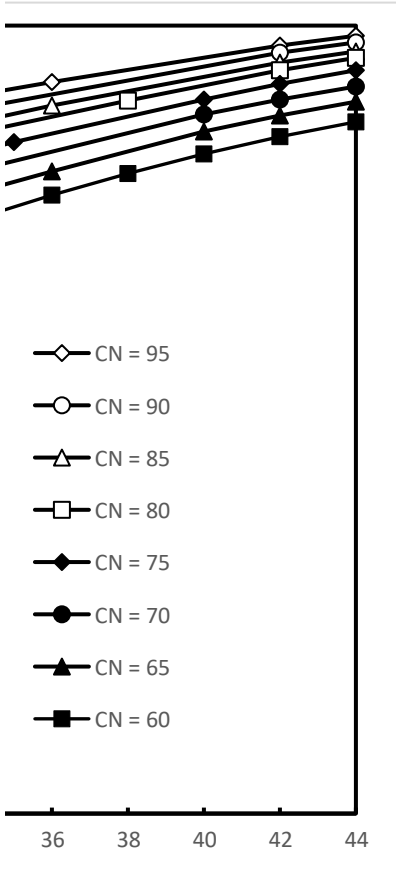


CN

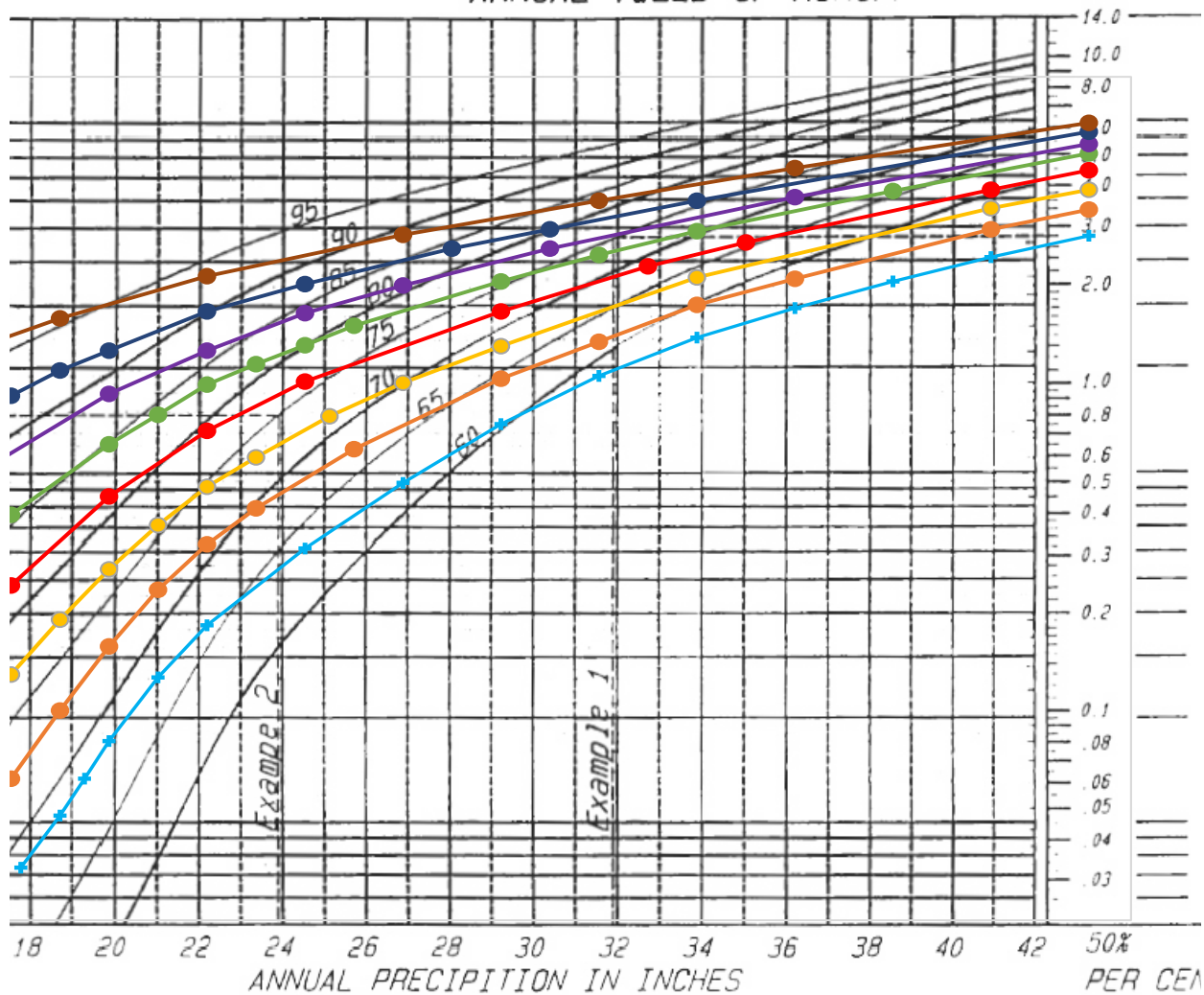
60		65		70		75		80	
20	0.1	19	0.1	16	0.1	16	0.1	16	0.2
21	0.1	20	0.1	18	0.1	17	0.2	17	0.3
22	0.1	21	0.2	20	0.2	18	0.2	18	0.4
22	0.1	22	0.3	21	0.3	20	0.5	19	0.6
23	0.2	23	0.4	22	0.5	22	0.9	20	0.8
24	0.3	24	0.6	23	0.7	24	1.5	22	1.4
26	0.6	25	0.8	24	1.0	26	2.2	23	1.7
28	1.0	27	1.3	25	1.2	30	3.8	24	2.2
30	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



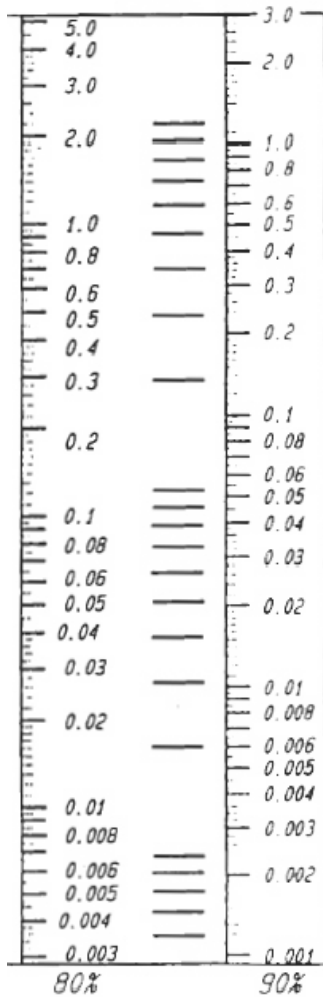
85		90		95	
16	0.4	16	1.0	16	1.8
17	0.6	17	1.2	17	2.1
18	0.8	18	1.4	18	2.5
19	1.0	19	1.7	19	2.8
22	2.0	20	2.0	21	3.6
24	2.8	21	2.4	24	5.0
26	3.8	22	2.8	28	6.9
28	4.7	24	3.8	32	9.0
31	6.2	26	4.7	36	11.6
36	9.3	29	6.2	42	16.5
42	14.0	31	7.2	44	18.1
44	15.6	34	9.0		
		42	15.4		
		44	17.0		



ANNUAL YIELD OF RUNOFF



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



RUNOFF IN INCHES

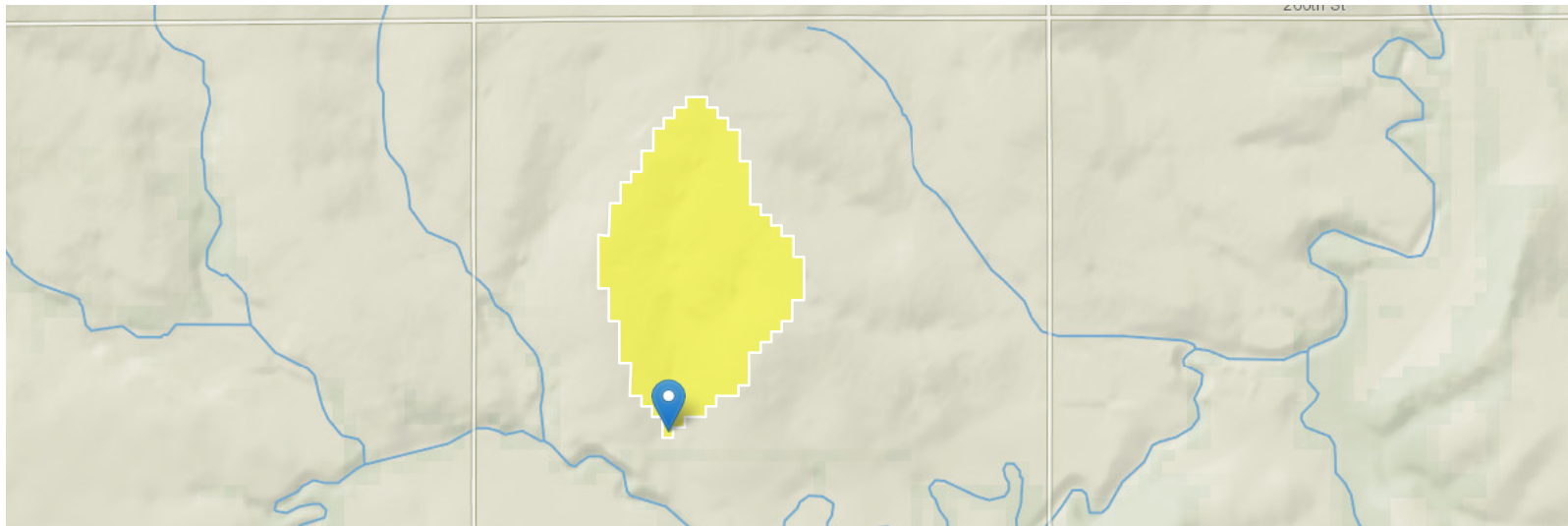
K5-2-36

VT CHANCE FIRM

nation

StreamStats Report

Region ID: KS
Workspace ID: KS20230207194716253000
Clicked Point (Latitude, Longitude): 39.87429, -95.63297
Time: 2023-02-07 13:47:37 -0600



⊕ Collapse All

➤ Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.13	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.

USGS Software Disclaimer: This software has been approved for release by the U.S. Geological Survey (USGS). Although the software has been subjected to rigorous review, the USGS reserves the right to update the software as needed pursuant to further analysis and review. No warranty, expressed or implied, is made by the USGS or the U.S. Government as to the functionality of the software and related material nor shall the fact of release constitute any such warranty. Furthermore, the software is released on condition that neither the USGS nor the U.S. Government shall be held liable for any damages resulting from its authorized or unauthorized use.

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

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. 50,654** of the applicant

**GRIMM FARMS INC
2774 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 **September 23, 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	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
16 - 2S - 16E					40	40	40	40	28					40	40			268

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Mulberry Creek designated in the office of the Chief Engineer as Mulberry Creek Trib 5 (S.F. 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 **121.1 acre-feet (39.46 million gallons)** of water per calendar year a reservoir created by a dam located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW¼ NE¼ SW¼) of Section 16, more particularly described as being near a point 1,360 feet North and 3,450 feet West of the Southeast corner of said section, in Township 2 South, Range 16 East, Brown County, Kansas, to provide **121.1 acre-feet (39.46 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 the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

15. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

16. 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.

17. 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.

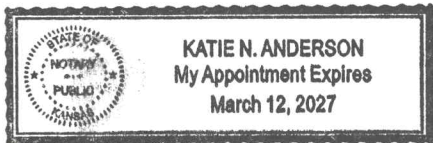
Ordered this 27th day of March, 2023, in Manhattan, Riley County, Kansas.

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 27th day of March, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson
 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

March 29, 2023

GERALD GRIMM
GRIMM FARMS INC
2774 DEWBERRY RD
MORRILL, KS 66515

RE: Appropriation of Water
File No. 50,654

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 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/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 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 29th day of March, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50654, dated March 27, 2023, was mailed postage prepaid, first class, US mail to the following:

GERALD GRIMM
GRIMM FARMS INC
2774 DEWBERRY RD
MORRILL, KS 66515

With photocopies to:

KDA-DWR Topeka Field Office