

Submit To:
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
http://agriculture.ks.gov/dwr

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

WATER RESOURCES
RECEIVED
MAR 04 2024
13:23
KS Dept. of Agriculture



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
Please refer to the Fee Schedule attached to this application form.

File Number: **51195**

This item to be completed by the Division of Water Resources staff.

- Name of Applicant: PIERPOINT FARMS INC
Address: 700 N MAIN ST
City: YATES CENTER State: KS Zip Code: 66783
Phone: 620-437-6258 Email: jill-pierpoint@cox.net
- The source of water is: surface water in unnamed trib to East Buffalo Creek
(stream)
 groundwater in VERDIGRIS RIVER
(drainage basin)
- The maximum annual quantity of water desired is 816 acre-feet gallons
to be diverted at a maximum rate of ALL NAT FLOWS gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and redirection. The maximum annual quantity of water desired to be
rediverted is 500 acre-feet gallons, at a rate of 4000 gpm c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons
1 million gallons (mg) = 3.07 acre-feet (AF)
1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

- The water is intended to be appropriated for the following use(s):
 Artificial Recharge* Irrigation* Recreational* Water Power*
 Industrial* Municipal* Stockwatering* Sediment Control
 Domestic Dewatering Hydraulic Dredging Fire Protection
 Thermal Exchange Contamination Remediation

IMPORTANT: You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

| FOR OFFICE USE ONLY | | | | | | | |
|---------------------|------------|--------|------------|------|---------------|--------------|---------------|
| FO | <u>1</u> | GMD | DUA | Use | <u>IRR</u> | Source | <u>S</u> |
| County | <u>WL</u> | By | <u>ALB</u> | Date | <u>3/5/24</u> | | |
| Code | <u>RE3</u> | Fee \$ | <u>340</u> | TR # | | Receipt Date | <u>3-4-24</u> |
| | | | | | | Check # | <u>775</u> |

MAR 04 2024

KS Dept. of Agriculture

File No. _____

- 5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **must** be described to at least a 10-acre tract, unless you specifically request a 60-day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300-foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800gpm and which supply water to a common distribution system.

- (A) One in the SE quarter of the NW quarter of the SW quarter of Section 12, more particularly described as being near a point 1400 feet North and 4250 feet West of the Southeast corner of said section, in Township 27 South, Range 15 E W, WILSON County, KS. A.K.A: _____
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (E) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____

- 6. The proposed project for diversion of water will consist of ONE EXCAVATED PIT POND
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: ALREADY COMPLETE
(date each was or will be completed)

- 7. The first actual application of water for the proposed beneficial use was or is estimated to be UPON APPROVAL
(Date)

- 8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.
P/U - 5627; 5627B(PARTIAL); 22992; 48620; 48621; 49982

WATER WILL BE RELEASED FROM THIS PIT AND CONVEYED DOWNSTREAM TO THE VERDIGRIS RIVER
WHERE IT CAN BE PUMPED DURING TIMES WHEN NATURAL FLOWS ARE LIMITED
IN THE VERDIGRIS RIVER

MAR 04 2024

File No. _____

KS Dept. of Agriculture

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No

If **yes**, a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you made an application for a permit for construction of this dam and reservoir with DWR? Yes No

If yes, write the Water Structures permit number here: _____

11. Furnish a detailed topographic or aerial map that depicts the following information:

The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and

- (E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

| Well location as shown in Item No. 5 | (A) | (B) | (C) | (D) | (E) |
|--------------------------------------|-------|-------|-------|-------|-------|
| Date drilled | _____ | _____ | _____ | _____ | _____ |
| Total depth of well | _____ | _____ | _____ | _____ | _____ |
| Depth to static water level | _____ | _____ | _____ | _____ | _____ |

13. The owner(s) of the point of diversion, if other than the applicant is:

APPLICANT

(name, address, and phone)

(name, address, and phone)

MAR 04 2024

File No. _____

KS Dept. of Agriculture

14. The owner(s) of the property where the water is used, if other than the applicant, is:

APPLICANT

(name, address, and phone)

(name, address, and phone)

15. The relationship of the applicant to the proposed place where the water will be used is that of:

Owner Agent Tenant Other: _____

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

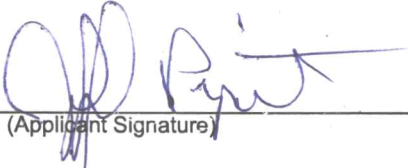
JEFFERY & JILL PIERPOINT 700 N MAIN ST YATES CENTER KS 66783

(name, address, and phone)

17. I understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

I declare, under penalty of perjury, that I have legal access to or control of, the point(s) of diversion described in this application from the landowner or the landowner's authorized representative.

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.


(Applicant Signature)

2-28-2024
(Date)

Pierpoint Farms Inc by Jeff Pierpoint
(Applicant Name - please print)

President
(Applicant Title, if applicable - please print)

Assisted by BRETT BUNGER

TFO/WATER COMMISSIONER
(office/title)

Date: 2-14-24

MAR 04 2024

FEE SCHEDULE

Make checks payable to the Kansas Department of Agriculture.

KS Dept. of Agriculture

- The fee for an application for a permit to appropriate water for beneficial use, except for domestic, waterpower, dewatering, or sediment control use, shall be (see No. 2 below if requesting storage):

| Million Gallons (mg) | Acre-Feet (AF) | Fee |
|----------------------|----------------|---|
| ≤ 32.585 | ≤ 100 | \$200.00 |
| 32.586 - 104.272 | 100.1 – 320.0 | \$300.00 |
| > 104.272 | > 320 | \$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof |

- The fee for an application in which **storage** of water is requested, except for domestic use, shall be:

| Million Gallons (mg) | Acre-Feet (AF) | Fee |
|----------------------|----------------|---|
| ≤ 81.462 | ≤ 249.9 | \$200.00 |
| ≥ 81.463 | ≥ 250 | \$200.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof |

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

- The fee for an application for **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ
1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office
1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office
300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office
820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office
4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

Helpful Sources of Information

DWR Water Appropriation Program
DWR Water Appropriation Forms
KGS Water Well Completion Records
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

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 8, 2024

PIERPOINT FARMS INC
700 N MAIN ST
YATES CENTER KS 68783

RE: Application, File No(s). **51195**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, 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,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): PIERPOINT FARMS INC

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: PIERPOINT FARMS INC

ADDRESS: 700 N MAIN ST YATES CENTER KS 66783

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|-----|-----|----|----|------|------|----|----|----|-----|-------|----|----|-----|-----|------|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 3 | 28 | 15E | | | | | | | | | | 12 | 35 | 28 | | | 3 | | 78 |
| 4 | 28 | 15E | | | 34 | 32 | | | | | | | | | 40 | 40 | 40 | 40 | 226 |
| 5 | 28 | 15E | | | 40 | 40 | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 400 |
| 9 | 28 | 15E | 40 | 40 | 30 | 39.5 | | | | | | | | | 37 | 8.8 | 3.85 | | 199.15 |
| 10 | 28 | 15E | | | | | 20.5 | 39 | 40 | 13 | | 21.35 | | | | | | | 133.85 |

TOTAL = 1037 ACRES

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

| |
|---|
| PDFs |
| Mean Annual Precipitation |
| Soil Cover Complex |

| | |
|---------------------------------|---------------|
| Mean Annual Precip, in | 38 |
| Soil Cover Complex No. | 76 |
| Drainage Area, acres | 580 |
| Runoff at 20% Chance, AF | 816.32 |

DO NOT EDIT BELOW THIS LINE

| % 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% | 5.53 | 5.53 |
| 80% | 1.84 | 1.81 |
| 90% | 0.99 | 1.01 |
| 20% | | 16.89 |

| | |
|---------------|------|
| Std. Dev. 90% | 1.34 |
| Std. Dev. 80% | 1.31 |
| Avg | 1.33 |

| | |
|--|------|
| Mean annual runoff for CN = 75, inches | 8.48 |
| Mean annual runoff for CN = 80, inches | 9.70 |
| Interp. Mean annual runoff for CN = 76, inches | 8.72 |



UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream –

- #1) PAYNE REVOCABLE TRUST
86 MISSION DR
NEW BRAUNFELS TX 78130
- #2) PATRICK & DEONA JOY
14347 QUINTER RD
ALTOONA KS 66710
- #3) RANDALL ROBINSON
14217 QUINTER RD
ALTOONA KS 66710

Downstream –

- #1) Applicant owns all land associated with this tributary that is downstream of the point of diversion

Jawn Pierpoint recently purchased the site of the Buffalo Brick Factory that ceased operation in the early 1970's. Remaining on the site is the pit that was excavated for the material to produce the bricks. Mr. Pierpoint indicated that he has used a boat and a depth finder to investigate the depth and storage capacity of the pit. He indicated that there are many locations that are over 30 feet deep but he felt that the average depth was closer to 22 feet. With a surface area of around 18 acres, he believes that the storage capacity is 396 AF.

For many years the pit served as a water supply for the City of Buffalo. Water Rights under File Nos. 35129 & 44309 authorized this use of water. Records would indicate that they quit using water from the pit in 2009. The point of diversion for these water rights was a concrete structure with a gate that was installed on the tributary that feeds into the SW corner of the pit. The concrete structure was located about 200 feet West of the road that runs along the West side of the pit. There are photos in File No. 44309 that would verify its existence. Mr. Pierpoint indicated that this concrete structure no longer exists today. The only thing that is left is rubble. He said that water now free flows into the pit from this tributary. For this application the point of diversion will be the spillway which is a defined low area in the Southeast corner of the pit.

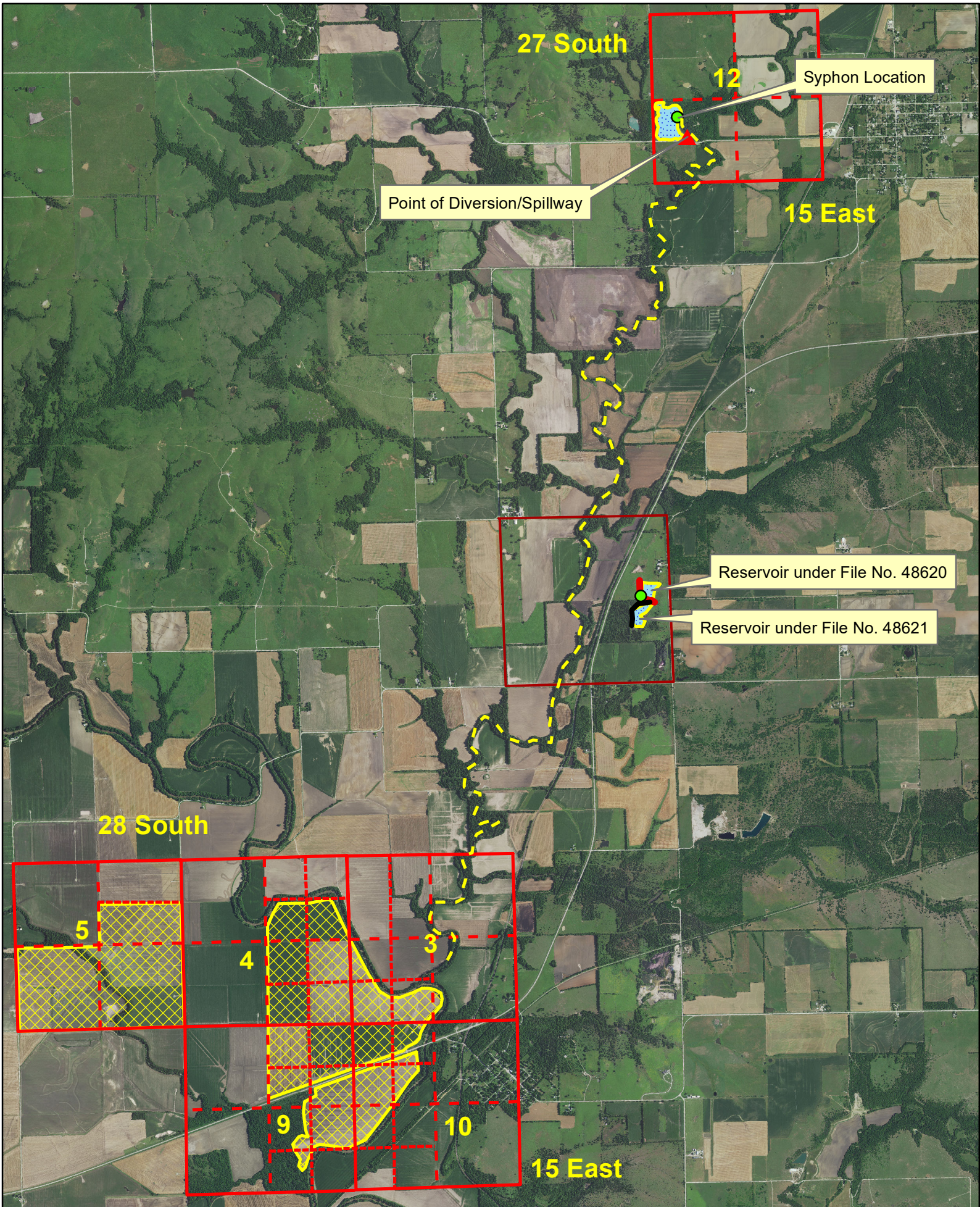
Mr. Pierpoint indicated that the City of Buffalo has a lease agreement on the property that expires in June. He said that prior to his purchase the City signed documents that released their interest in the lease. He said that these documents were made a matter of record in the Register of Deeds office.

With the fact that the City no longer has access to the pit, efforts will be made to secure dismissal of these water rights. Should dismissal not be secured it is recommended that a limitation be placed on the storage quantity that would limit the total storage to 816 AF when combined with File Nos. 35129 & 44309.

Mr. Pierpoint proposes to install a syphon line very near the location of the old City pumphouse on the East side of the pit. Water will be syphoned from the pit into East Buffalo Creek which will then convey the water downstream to Buffalo Creek and then conveyed further downstream to the Verdigris River where multiple pumpsites are in place to access this water. This will be done when the natural flows of the Verdigris River are limited. Buffalo Creek dumps water into an extensive pool created by a riffle on the Verdigris River that is located a short distance downstream of the confluence of Buffalo Creek and the Verdigris river. Water backs up the Verdigris to the point that it can be accessed from the existing pumpsites.

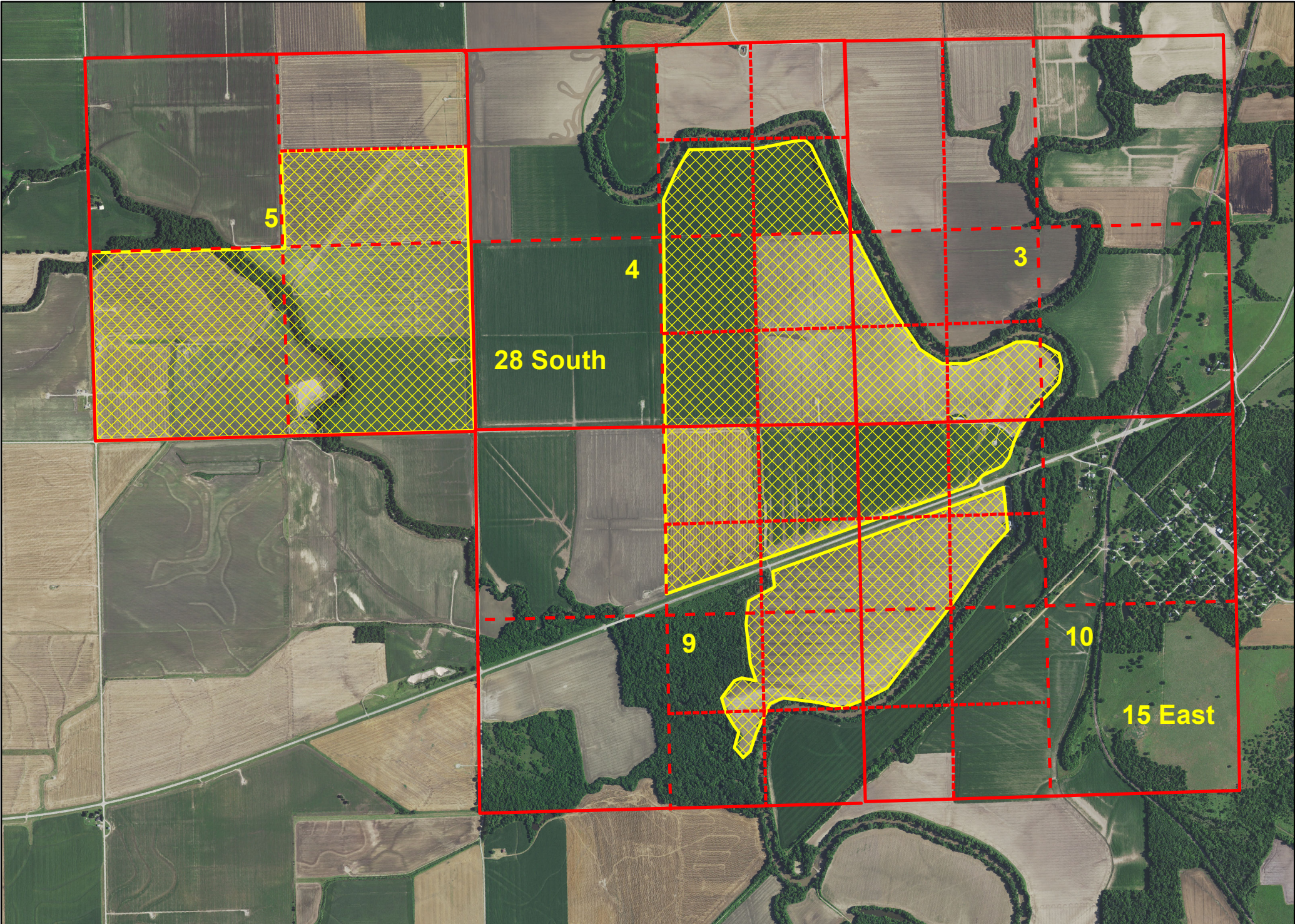
1:45,000

New Application



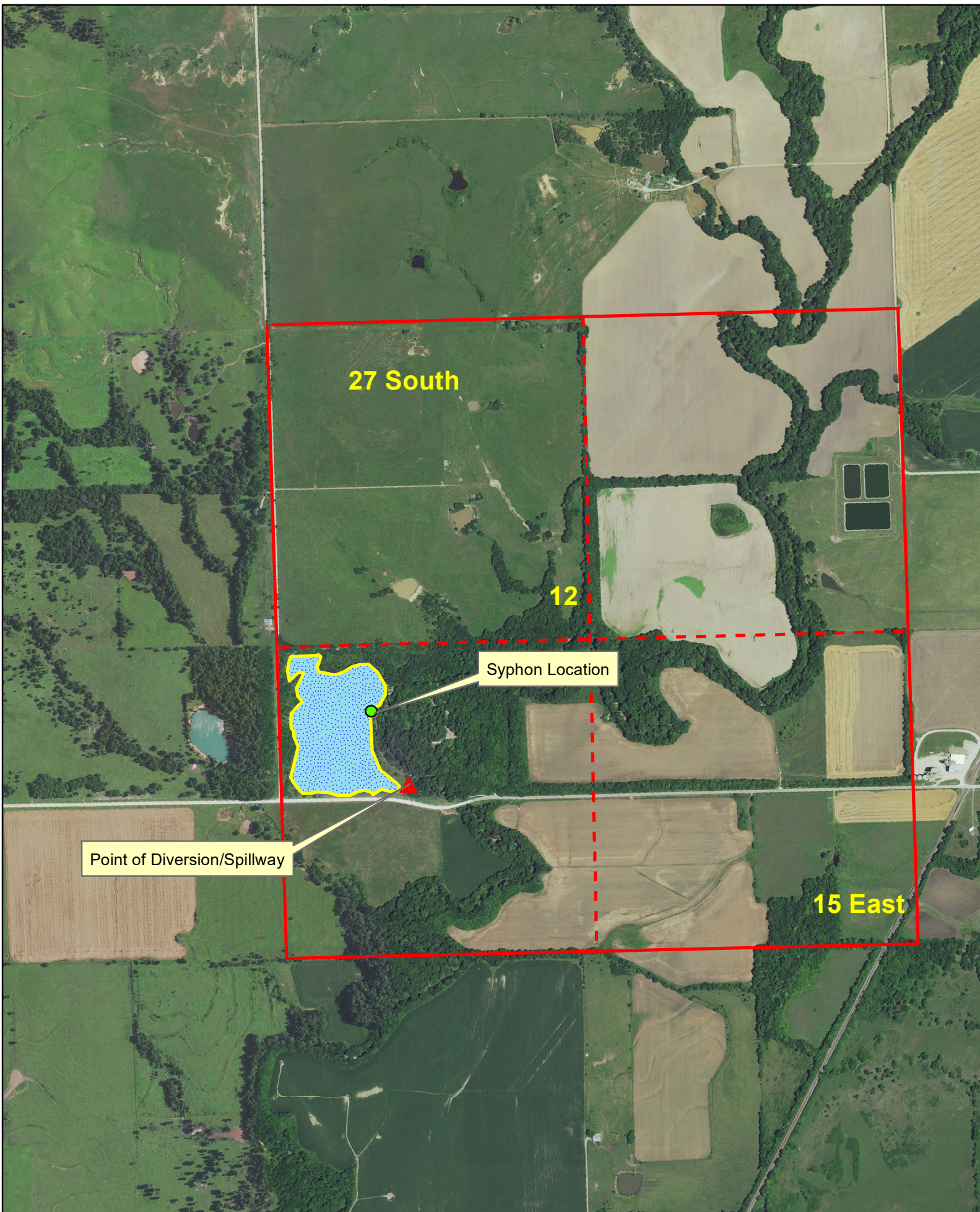
1:20,000

New Application Proposed Place of Use



1:12,000

New Application



95°45'

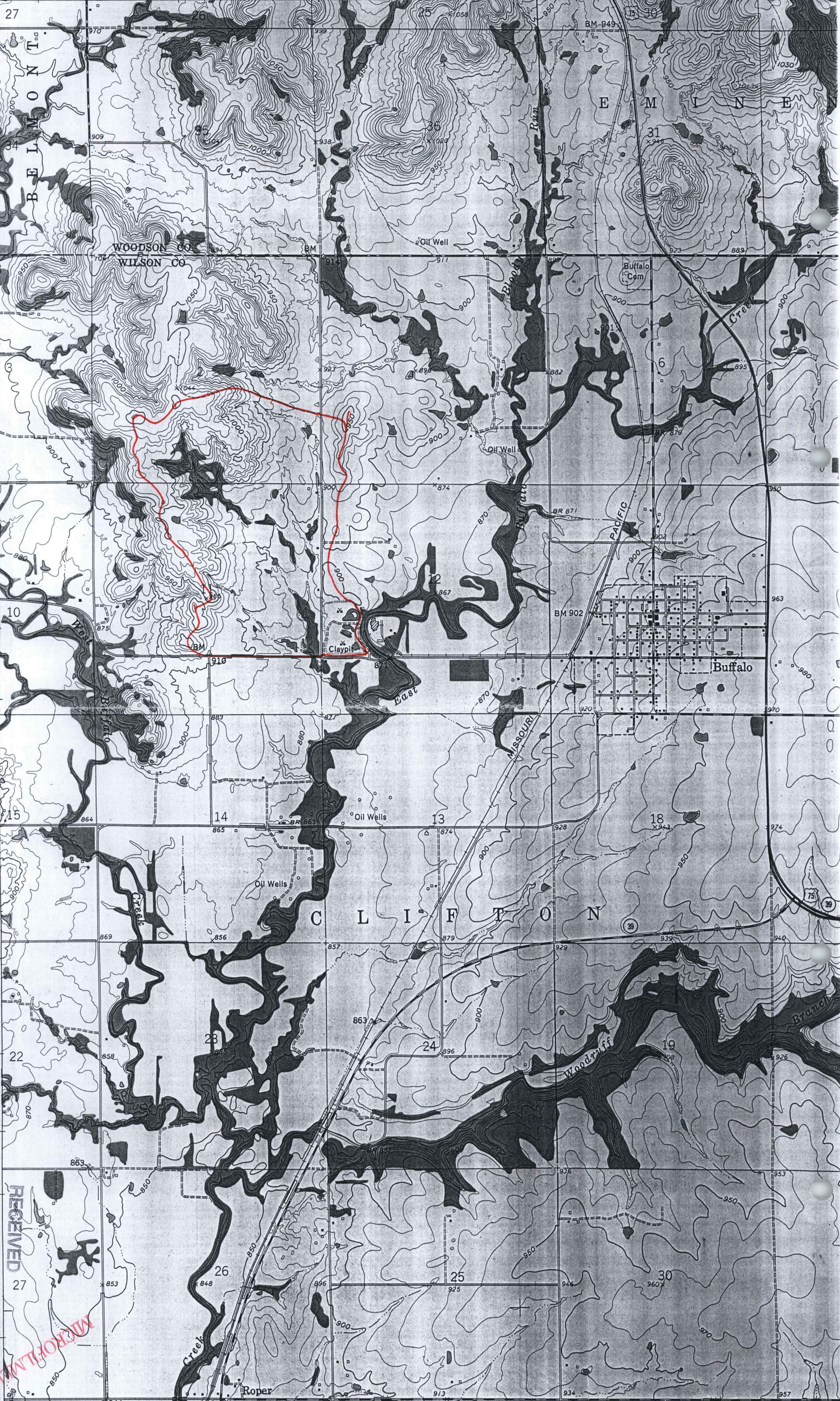
258000m.E.

R. 15 E. 42'30"

TOPEKA 93 MI. R. 16 E. NYATES CENTER 10 MI. (FREDONIA 1:125 000)

37°45'

4181000m.N.



T. 26 S.
T. 27 S.

42'30"

(FREDONIA 1:62 500)

APR 02 2001

RECEIVED

TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

MICROFILM