

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
  - Point of Diversion
  - Use Made of Water

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SEP 06 2022

1:23

KS DEPT OF AGRICULTURE

File No. 12,896

2. Name of applicant: Pierce Inc.

Address: Attn: Steven Pierce 2083 NW Ohio St Rd

City, State and Zip: Towanda, KS 67144-9139

Phone Number: (316)200-0747 E-mail address: spierce49@yahoo.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Same as applicant

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the place of use, point of diversion, and use made of water to convert 6 AF from STK to MUN use for a housing development. Remaining 26 AF of STK use will be converted to IRR use and moved to the existing IRR well.

The change(s) (was) (will be) completed by 12/31/23  
(Date)

For Office Use Only:	
F.O. <u>3</u> GMD _____ Meets K.A.R. 5-5-1 (YES / NO) Use <u>MUN/IRR</u> Source <u>G / S</u> County <u>TR</u> By <u>ALB</u> Date <u>9/7/22</u>	
Code <u>C-3</u> Fee \$ <u>100</u> TR # _____ Receipt Date <u>9-6-22</u> Check # <u>1762</u>	

9/13/2022  
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Robert E & Patricia A Schmidt - \*Has no claim to water right, signature not required.

ADDRESS: 2902 Country Ln Hays, KS 67601-1710

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼							
30	14S	21W															13			6					19

List any other water rights that cover this place of use. 1706, 1706-B

Owner of Land — NAME: Pierce Inc.

ADDRESS: Attn: Steven Pierce 2083 NW Ohio St. Rd Towanda, KS 61744-9139

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼							
31	14S	21W		9			38	28	40	8	5	38	16												182

List any other water rights that cover this place of use. 1706, 1706-B

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Robert E & Patricia A Schmidt - \*Has no claim to water right, signature not required.

ADDRESS: 2902 Country Ln Hays, KS 67601-1710

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼							
30	14S	21W															13			6					19

List any other water rights that cover this place of use. 1706, 1706-B

Owner of Land — NAME: Pierce Inc.

ADDRESS: Attn: Steven Pierce 2083 NW Ohio St. Rd Towanda, KS 61744-9139

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼							
31	14S	21W		9			38	28	40	8	5	38	16												182

List any other water rights that cover this place of use. 1706, 1706-B

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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6. The presently authorized point(s) of diversion are 2 individual wells and a battery of 2 wells.  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 1 well and a battery of 2 wells.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion: 1 well for IRR use.**  
 One in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 31, Township 14 South, Range 21 W, in Trego County, Kansas, 2997 feet North 4871 feet West of Southeast corner of section. Authorized Rate 540 gpm Authorized Quantity 75.9 AF  
 (DWR use only: Computer ID No. 10 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) 1 well for IRR use.**  
 One in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 31, Township 14 South, Range 21 W, in Trego County, Kansas, 2997 feet North 4871 feet West of Southeast corner of section. Proposed Rate 710 gpm Proposed Quantity 101.877 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None.

9. **Presently authorized point of diversion: \*Geo-Center of Batt. Of 2 wells for STK use.**  
 One in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 31, Township 14 South, Range 21 W, in Trego County, Kansas, 2817 feet North 3679 feet West of Southeast corner of section. Authorized Rate 20 gpm Authorized Quantity 10.42 MGY  
 (DWR use only: Computer ID No. 14 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) \*Geo-Center of Batt. Of 2 wells for MUN use.**  
 One in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 31, Township 14 South, Range 21 W, in Trego County, Kansas, 2817 feet North 3679 feet West of Southeast corner of section. Proposed Rate 150 gpm Proposed Quantity 1.9551 MGY  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None.

10. **Presently authorized point of diversion: 1 well for STK use.**  
 One in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 31, Township 14 South, Range 21 W, in Trego County, Kansas, 3043 feet North 5013 feet West of Southeast corner of section. Authorized Rate 300 gpm Authorized Quantity 10.42 MGY  
 (DWR use only: Computer ID No. 18 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) \*Well will no longer be used; remove.**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. plug or cap it.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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12. The presently authorized use of water is for IRR & STK purposes.

It is proposed that the use be changed to IRR & MUN purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

We are changing the STK use portion to MUN & IRR. Since STK use is 100% consumptive, we will not be increasing the consumptive use. The single STK well is currently auth. 10.42 MGY (31.977 AF) @300gpm. 6 AF @130gpm will be moved to the Batt. of 2 wells for MUN use and the remaining 8.465 MGY (25.977 AF) and 170 gpm of STK use will be changed to IRR use and moved to the existing IRR well.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All wells are existing and covered under the same water right. No change in source of supply, no impairment is expected to occur.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

All regs met.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at EL DORADO, Kansas, this 2<sup>nd</sup> day of September, 2022.

Stan Pierce for PIERCE Inc.  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

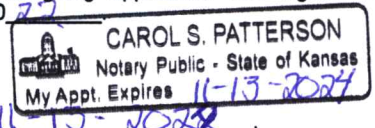
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Butler } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2<sup>nd</sup> day of September, 2022.



Carol S. Patterson  
Notary Public

My Commission Expires 11-13-2024

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

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1. The presently authorized place of use is:

Owner of Land — NAME: Pierce Inc.

ADDRESS: Attn: Steven Pierce 2083 NW Ohio St. Rd Towanda, KS 61744-9139

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31	14S	21W	FEED	LOT	IN	THE	E2 OF	THE	W2.										

List any other water rights that cover this place of use. None.

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

2. It is proposed that the place of use be changed to:

Owner of Land — NAME: Joel A. & Amber M. Younger

ADDRESS: 1514 200th Ave Hays, KS 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24	14S	22W	MUNI	CIPAL	USE	IN	THE	SW¼											

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

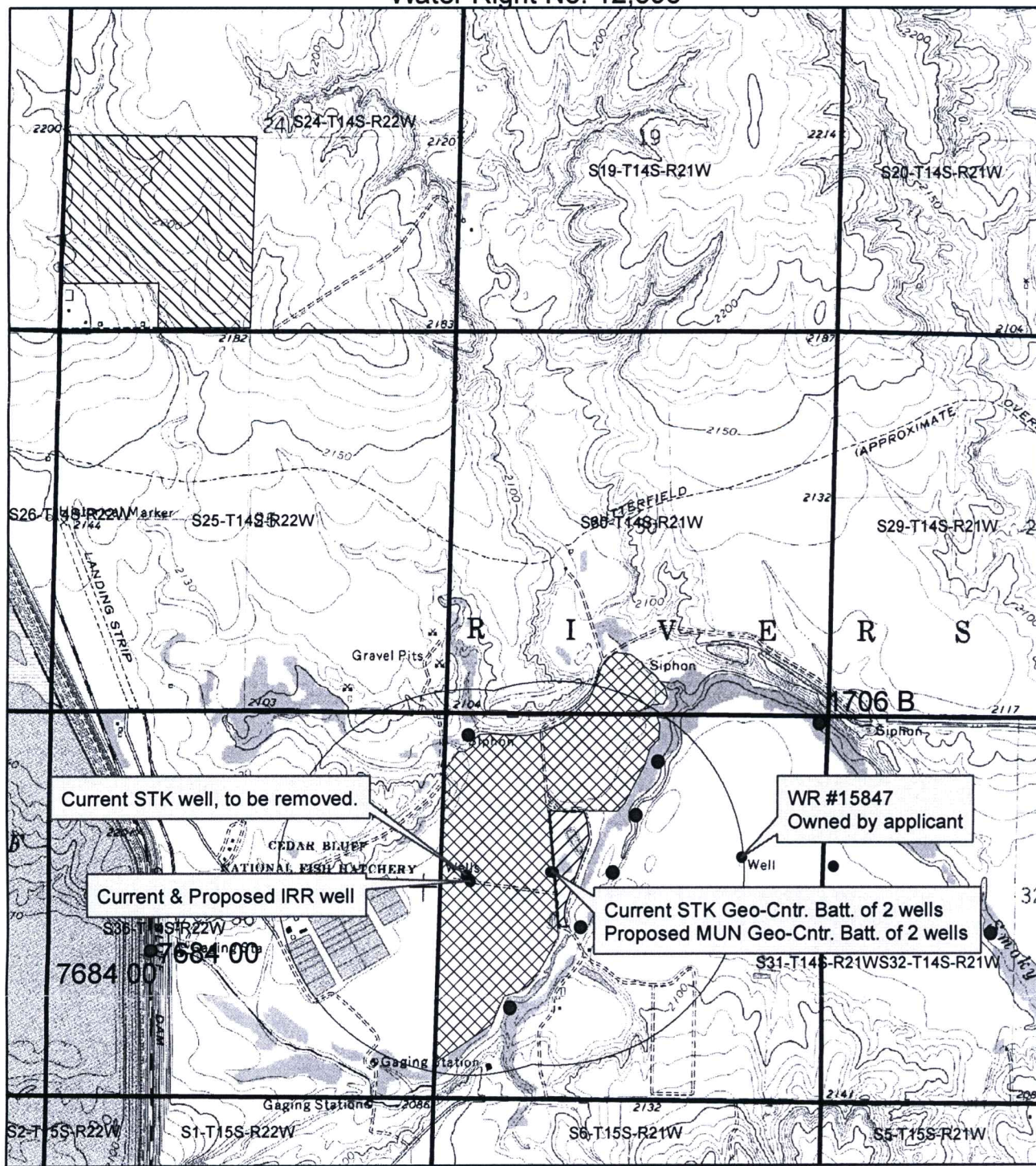
List any other water rights that cover this place of use. \_\_\_\_\_






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# Application to Change the Point of Diversion, Place of Use, and Use Made of Water Water Right No. 12,896



-  Current IRR Place of Use
-  Proposed Place of Use
-  Current STK Place of Use
-  Proposed MUN Place of Use
-  1/2 mile radius

● GW P/D's  
● SW P/D's

1:24,000

All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:



*Tom J. Sieme* FOR  
Signature PIERCE W.C.

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9-2-2022  
Date **SEP 06 2022**





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

September 8, 2022

PIERCE INC  
2083 NW OHIO ST RD  
TOWANDA KS 67144

RE: File No(s). **12896**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for 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(s) 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](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program