

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, Kansas 66502
 http://agriculture.ks.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

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

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 MAY 16 2022
 1:15
 KS DEPT OF AGRICULTURE

File No. SG-23

2. Name of applicant: Chisholm Creek Utility Authority

Address: 5551 N Broadway; ATTN: Jacob Coy

City, State and Zip: Park City, KS 67219

Phone Number: (316)838-4748 E-mail address: jacobcoy@coxbusiness.net

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

Name of water use correspondent: Chisholm Creek Utility Authority

Address: 5551 North Broadway

City, State and Zip: Park City, KS 67219

Phone Number: (316)838-4878 E-mail address: sara@ccua.kscoxmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Owner would like to add more quantity to the Bel Aire well field that can use the quantity, as there is currently more quantity than needed at the one well authorized to SG-23. There are two other change applications associated with this change for WR files 37145 and 4048, and they are contingent upon one another.

The change(s) (will be) completed by As soon as possible. (Date)

5/19/2022
LMoody

For Office Use Only:													
F.O.	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>MUN</u>	Source	<u>G/S</u>	County	<u>SG</u>			
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #	<u> </u>	Receipt Date	<u>5-16-22</u>	Check #	<u>10224</u>	By	<u>BMM</u>	Date	<u>5/16/22</u>

4. The presently authorized place of use is:

Owner of Land — NAME: CHISHOLM CREEK UTILITY AUTHORITY

ADDRESS: 5551 NORTH BROADWAY, PARK CITY, KS 67219

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	
29	26S	1E	WITHIN AREA SERVED BY CHISHOLM CREEK UTILITY (PARK CITY & BEL AIRE & IMMEDIATE VICINITY)																N/A
29	26S	1E	PROPERTIES ADJACENT TO WATER SUPPLY LINE WITHIN 660' OF 45 TH ST NORTH																N/A

List any other water rights that cover this place of use. 1746,3516,4048,15897,23449,27664,35328,35329,37145

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.)

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

Owner of Land — NAME: NO CHANGE

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. _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion is one well and diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion are two wells and diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 29, Township 26 South, Range 1 (E), in Sedgwick County, Kansas, 4,949 feet North 3,558 feet West of Southeast corner of section. Authorized Rate 972 gpm Authorized Quantity 499 MGY
 (DWR use only: Computer ID No. 9 GPS listed above feet North listed above 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)
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 29, Township 26 South, Range 1 (E), in Sedgwick County, Kansas, no change feet North no change feet West of Southeast corner of section. Proposed Rate 722 gpm Proposed Quantity 399 MGY
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 7 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows: A "new" well
Proposed point of diversion: (Complete only if change is requested)
 One in the --- Quarter of the --- Quarter of the NC SW SE Quarter of Section 20, Township 26 South, Range 1 (E), in Sedgwick County, Kansas, 580 feet North 1,931 feet West of Southeast corner of section. Proposed Rate 250 gpm Proposed Quantity 100 MGY
 This point is: Additional Well Geo Center List other water rights that will use this point None

This well exists currently under 37145. Now will be authorized for SG-23 and rate and quantity is split b/w 2 wells.

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ 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)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/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. All points of _____ diversion will continue to be used.

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12. The presently authorized use of water is for municipal purposes.
It is proposed that the use be changed to no change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A : Not a change in place of use or use made of water. Changing the quantity and rate, but it will be split between the two wells such that there is no increase in quantity or rate.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No reduction (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to No reduction 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). 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.

The new additional well is allowed under SG-23 because it was originally permitted for two wells in the past. The source of supply would not change because the well that is there under 37145 already exists and is not a new well. The well depth of the current SG-23 well is documented in WWC5 at 52 ft in shale and the 37145 well at 45 ft with the same shale layer.

There is not an overall quantity increase for this file but rather a transfer of water to another well on this water right.

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.
- A waiver of K.A.R. 5-5-4 Well Spacing is needed due to nearby domestic wells and nearby water rights. Not all wells within the 660' circle are owned by CCUA. Applicant to identify well locations within 660' should they exist. It should also be noted that the proposed well at the current location of 37145 is in GMD 2, so water will be moved in to GMD 2 with this change.

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 Park city, Kansas, this 10 day of May, 20 22.

[Signature]
(Owner)

(Spouse)

Jacob Coy
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)



State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of May, 20 22.

[Signature]
Notary Public

My Commission Expires 10-29-2025

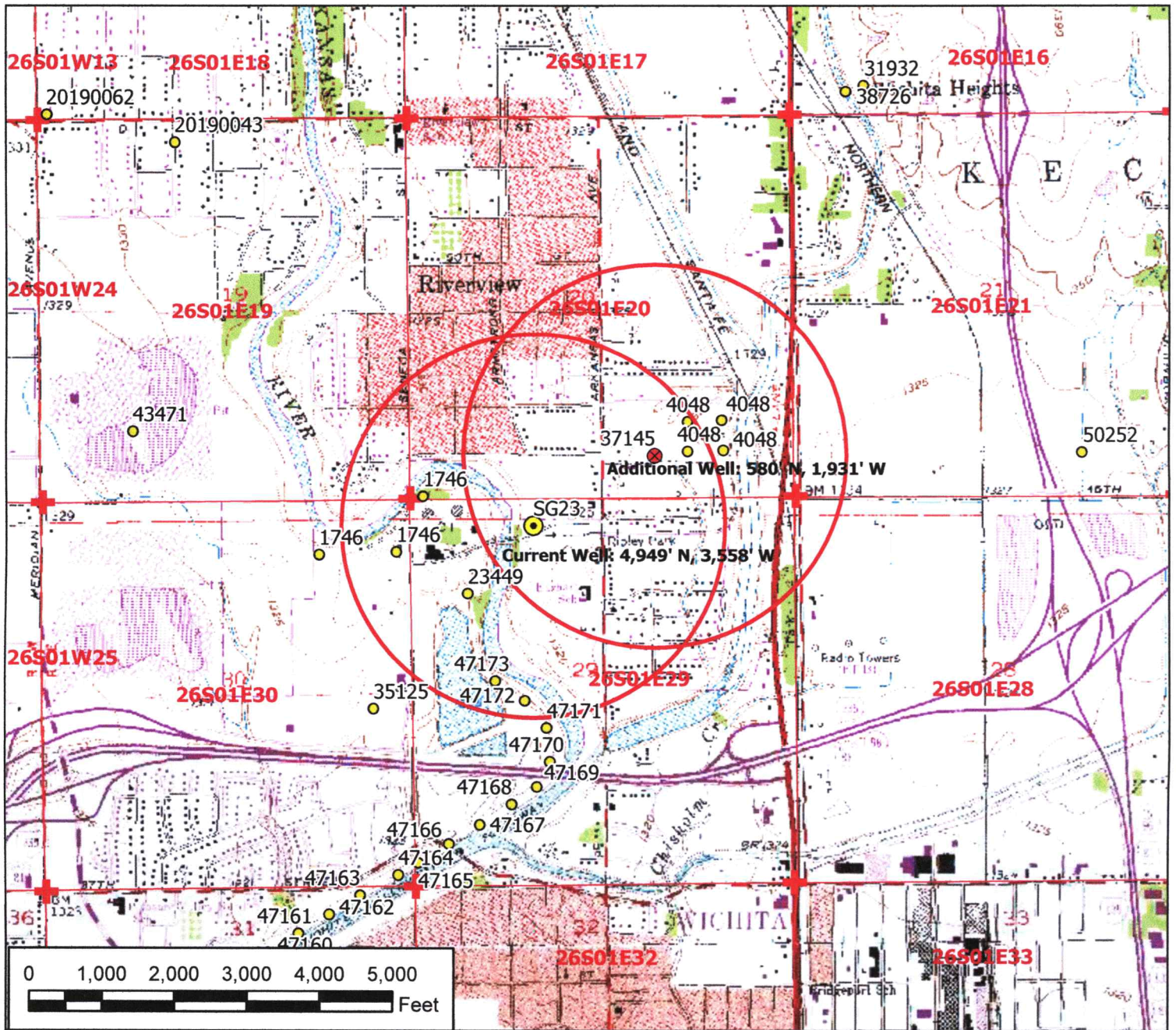
FEE SCHEDULE

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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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle

Vested Right, File No. SG-23

Change in Point of Diversion Map 20/29-26-1E // Sedgwick County

Assistance with a public notice is requested due to the large number of domestic wells within 1/2 mile of the proposed point of diversion.



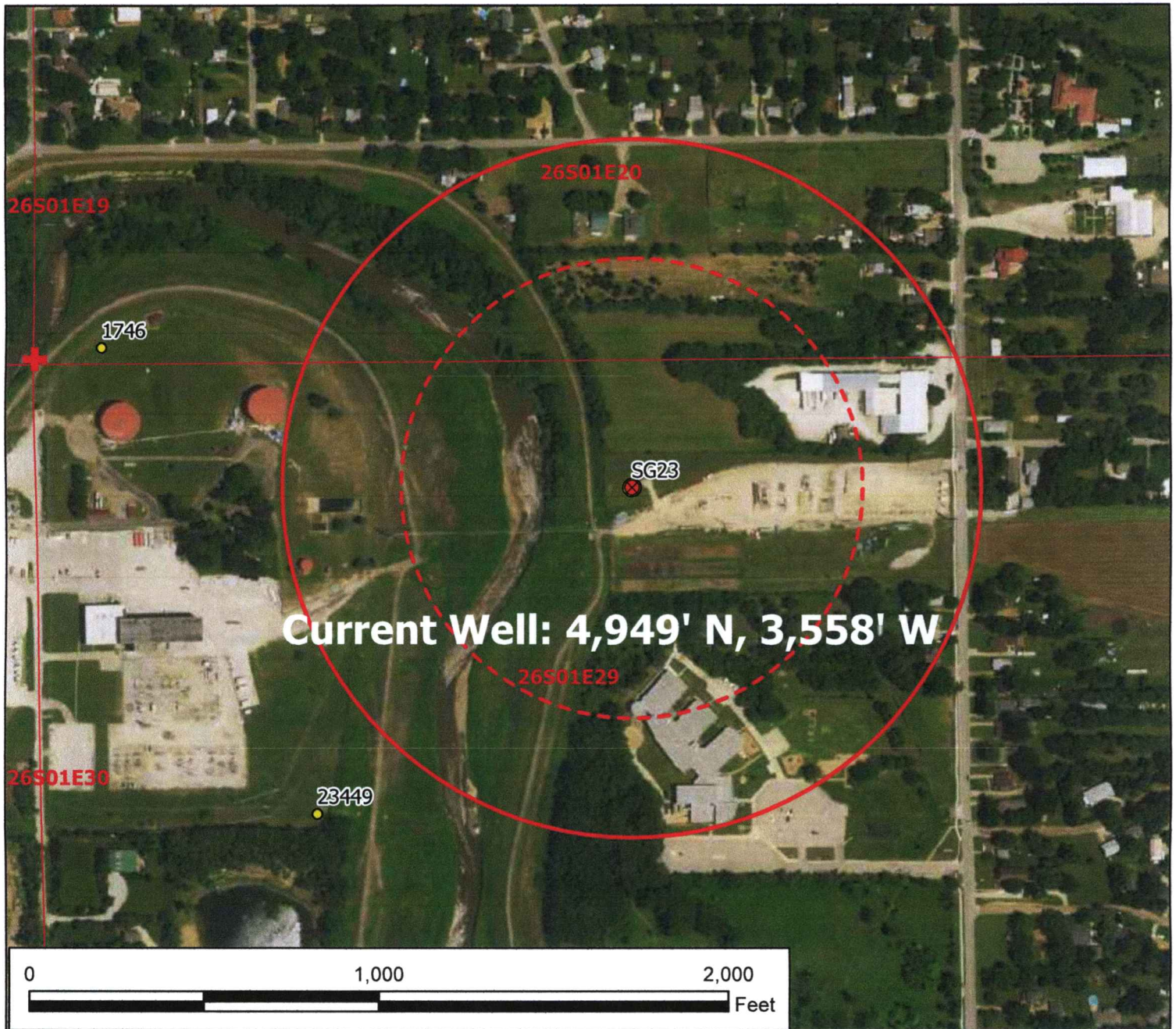
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Signature / Date

05/02/2022 TMA/SFFO 1:24,000 scale



Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ⊕ Section Corner
- ▭ Section Line
- ▭ 1,000 ft Nearby Circle
- ▭ 660 ft Nearby Circle

Vested Right, File No. SG-23

Change in Point of Diversion Map 20/29-26-1E // Sedgwick County

To the best of my knowledge, all wells within 1,000 feet of the proposed point of diversion have been shown.



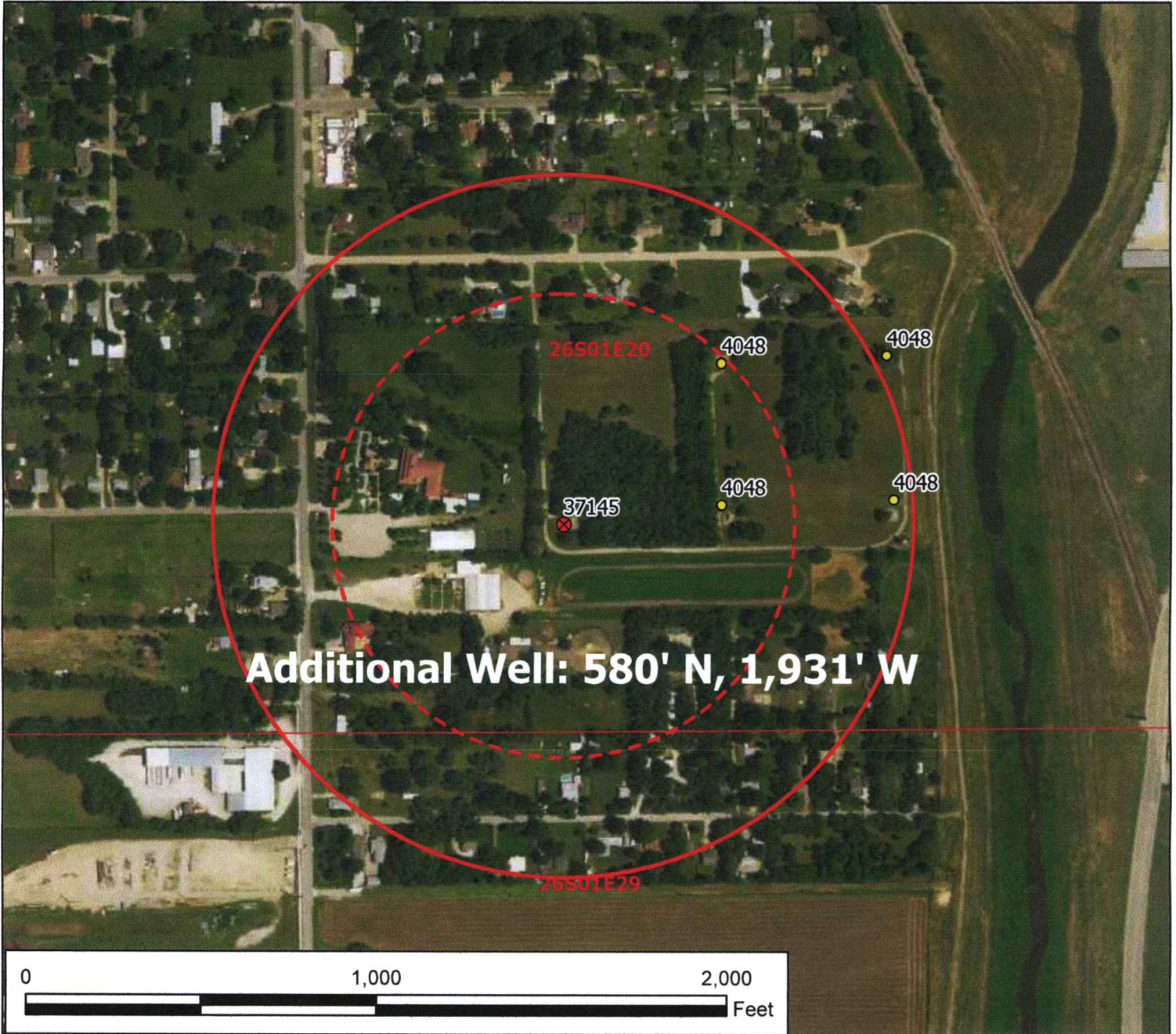
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Signature / Date

05/02/2022 TMA/SFFO 1:5,000 scale



Additional Well: 580' N, 1,931' W

Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- Section Line
- 1,000 ft Nearby Circle
- 660 ft Nearby Circle

Vested Right, File No. SG-23

Change in Point of Diversion Map 20/29-26-1E // Sedgwick County

To the best of my knowledge, all wells within 1,000 feet of the proposed point of diversion have been shown.



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Signature / Date

05/02/2022 TMA/SFFO 1:5,000 scale