

# 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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 1:15  
 KS DEPT OF AGRICULTURE

File No. 37145

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 N 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 move this water right to a well currently authorized by WR File No 4048 (ID# 10). This will allow a larger quantity of water for this well field. This is being proposed in conjunction with a P/D change application for SG-23 that is bringing this quantity of water to this well field. This change is contingent upon the approval of SG-23 and 4048 PD changes.

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

(Date)

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>	By <u>BMM</u>	Date <u>5/16/22</u>		
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>5/16/22</u>	Check # <u>10224</u>					

5/19/2022  
 LMoody

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	
20	26S	1E	WITHIN AREA SERVED BY CHISHOLM CREEK UTILITY (PARK CITY & BEL AIRE & IMMEDIATE VICINITY)																N/A
20	26S	1E	PROPERTIES ADJACENT TO WATTER SUPPLY LINE WITHIN 660' OF 45 <sup>TH</sup> ST NORTH																N/A

List any other water rights that cover this place of use. SG-23, 1746,3516,4048,15897,23449,27664,35328,35329.

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 is one well and diversion works  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Moving 37145 well to 4048 well CIN ID #10**

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. Authorized Rate 250 gpm Authorized Quantity 48.88 MGY

(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:

**Proposed point of diversion: (Complete only if change is requested)**

One in the NE Quarter of the SW Quarter of the SE Quarter of Section 20, Township 26 South, Range 1 (E), in Sedgwick County, Kansas, 1,040 feet North 1,475 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change

This point is:  Additional Well  Geo Center List other water rights that will use this point None

**4048 ID #10 GPS @ 998' N, 1,489' W from 2003 compliance check**

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. \_\_\_\_\_ 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 None

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. The current well will be used by WR File No. SG-23 in that change that will be processed in conjunction with this change.

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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.  
This is a point of diversion change between two existing wells in which we are authorizing 37145 to use the same quantity and rate at a new location ~648' from the previously authorized well. The consumptive use is not increased because even though we are moving more water to this location, the original SG-23 well is losing quantity to make up for this.
- \_\_\_\_\_  
(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](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 ½ 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 ½ 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) ½ mile downstream and ½ 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 source of supply will not change because this well already exists under water right file no. 4048 and there is no drilling necessary to complete this change. The well depth of 37145 currently is 45' in shale and ID #10 well for 4048 (proposed well) has depth of 44' with no well log. This water right is receiving additional water that is ultimately coming from SG-23, so the consumptive use is not increased (see item 13).
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 likely due to nearby domestic wells and nearby water rights. Not all wells within the 660' circle may be owned by CCUA. Applicant to identify well locations within 660' should they exist.

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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.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Jacob Coy</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)



State of Kansas )  
County of Sedgewick ) 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

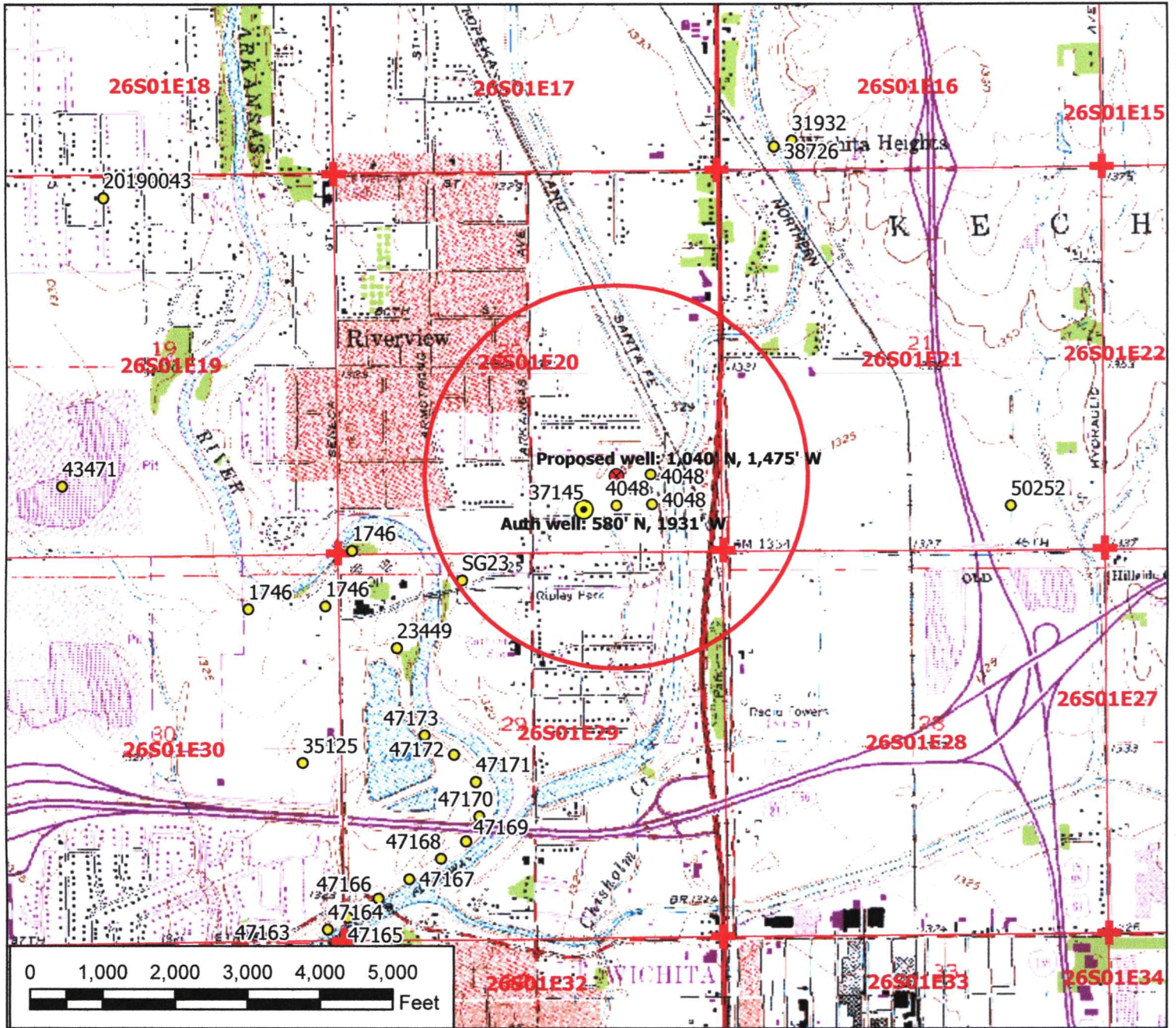
**FEE SCHEDULE**

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

## Water Right, File No. 37145

### Change in Point of Diversion Map 29-26-01E // 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

05/03/2022 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

## Water Right, File No. 37145

### Change in Point of Diversion Map 29-26-01E // 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

05/03/2022 TMA/SFFO 1:5,000 scale

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