

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.

MAY 01 2023

1254

KS DEPT OF AGRICULTURE



State of Kansas

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

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
Point of Diversion
Use Made of Water

File No. 44908

2. Name of applicant: City of Dodge City

Address: 806 N. 2nd Avenue

City, State and Zip: Dodge City, Kansas 67801

Phone Number: (620) 225 8170 E-mail address: coreyk@dodgecity.org

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

Name of water use correspondent:

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):

Change use made of water to municipal use, change the point of diversion to overlap with City Well #14

Change in place of use to form a complete overlap with current Dodge City municipal water rights

The change(s) (was) (will be) completed by 12/31/2022 (Date)

For Office Use Only:

F.O. 2 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IND Source G S County FO By ALB Date 5/2/23
Code C-3 Fee \$ 700 TR # Receipt Date 5/1/23 Check # 2232

4. The presently authorized place of use is:

Owner of Land — NAME: JAG II Inc.

ADDRESS: PO Box 1493, Dodge City KS 67801

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	
34	26S	25W																	70

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 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: City of Dodge City Municipal Water Supply Distribution System

ADDRESS: 806 N. 2nd Avenue Dodge City, Kansas 67801

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. Will form complete overlap with existing City municipal water rights

Owner of Land — NAME: No other changes to place of use

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

6. The presently authorized point(s) of diversion (is) (are) The geographic center of one groundwater pit
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Dodge City Municipal Well #14
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

Existing GW Pit
City Well#14

One in the SE Quarter of the NW Quarter of the SW Quarter of Section 34, Township 26 South, Range 25W (E/W), in Ford County, Kansas, 1500 feet North 4200 feet West of Southeast corner of section. Authorized Rate 46in evap/year Authorized Quantity 268.006 AFY
(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 SE Quarter of the SE Quarter of the SW Quarter of Section 34, Township 26 South, Range 25W (E/W), in Ford County, Kansas, 210 feet North 2740 feet West of Southeast corner of section. Proposed Rate 97 gpm Proposed Quantity 157.167 AFY
 This point is: Additional Well Geo Center List other water rights that will use this point 35210

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 _____~~

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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for Industrial purposes.
It is proposed that the use be changed to Municipal purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The evaporation of water from the pit should be considered fully consumptive use

(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). 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.

See attached cover letter and maps

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Dodge City, Kansas, this 27th day of April, 2023.

Nick Hernandez (Owner) _____ (Spouse)

Nick Hernandez, City Manager, City of Dodge City, Ks
(Please Print) _____ (Please Print)

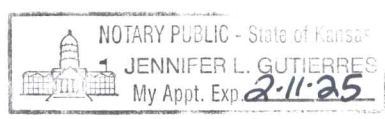
(Owner) _____ (Spouse)

(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)

(Please Print) _____ (Please Print)

State of Kansas Ka. }
County of Ford } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of April, 2023.

Jennifer L. Gutierrez
Notary Public

My Commission Expires 2-11-25

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.**



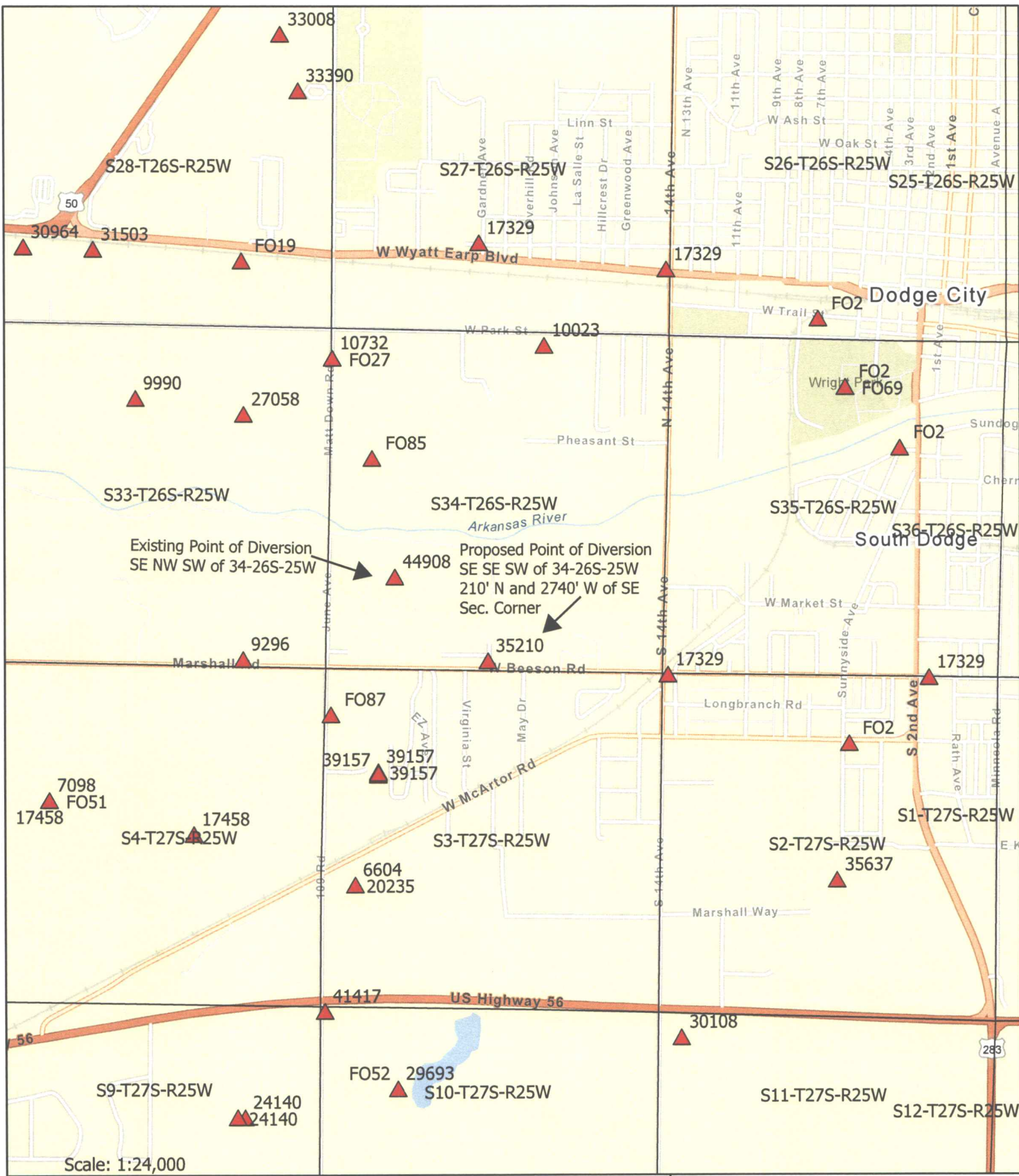
Scale: 1:10,000

Legend

- Municipal Wells
- ▲ Active Groundwater Rights Ford County
- Section Township Range





BURNS
MCDONNELL



Scale: 1:24,000

Legend

-  Active Groundwater Rights Ford County
-  Section Township Range



228722

Mail Tax Statement to:
CITY OF DODGE CITY
806 N. 2ND AVENUE
DODGE CITY, KS 67801

Property Address:
SECTION - TOWNSHIP
DODGE CITY, KS 67801



STATE OF KANSAS, FORD COUNTY

This instrument was filed for
Record on 07/01/2022 10:32 AM
BOOK D: B: 259 P: 462
202202251

RECORDING FEE 17.00
TECHNOLOGY FEE 3.00
HERITAGE TRUST FEE 1.00

PAGES: 1

BRENDA POGUE, REGISTER OF DEEDS

INDEXED
GRANTOR
GRANTEE
NUMERICAL
PHOTOGRAPHED

Brenda Pogue

GENERAL WARRANTY DEED (Statutory)

THE GRANTORS, JAG II, INC.,

convey and warrant to CITY OF DODGE CITY

all the following REAL ESTATE in the County of , and the State of Kansas, to-wit:

WATER RIGHTS AND WATER RIGHTS ONLY:
WATER RIGHT FILE NO., 44908-00

Lots Five (5) and Six (6), Section Thirty-four (34), Township Twenty-six (26) South, Range
Twenty-five (25) West of the 6th P.M., Ford County, Kansas, according to the Government
Survey thereof.

EXCEPT that portion which has been platted as Boley Morgison Addition

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the
taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 30th day of June, A.D. 2022.

JAG II, INC.,

Marie Coffin
By Marie Coffin - Secretary

STATE OF Kansas, Ford COUNTY, SS:

The foregoing instrument executed by

JAG II, INC., Marie Coffin, Secretary

was acknowledged before me this 30th day of June, 2022.

Mitch Little
Notary Public

Appointment expires: 1-2-24

(seal)



Entered in transfer record in my office
this 1st day of July A.D.
2022 *Mitch Little*
County Clerk



MAY 01 2023

KS DEPT OF AGRICULTURE

April 26, 2023

Earl Lewis
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Change Application for Water Permit 44908

Dear Mr. Lewis:

The City of Dodge City recently acquired water permit 44908 which covers the evaporation of water from a groundwater pit in the southwest quarter of Section 34, Township 26 south, Range 25W. The City is filing the enclosed change in point of diversion, place of use, and use made of water application for water permit 44908 to relocate the authorized quantity of water from the groundwater pit to the location of existing City Municipal Well #14. In preparation of the anticipated change application, the City has requested that DWR initiate the certification process for water permit 44908. Due to the potential for domestic wells in the area the City believes a public notice issued in the local newspaper may be the most efficient means of providing notice of the change application to surrounding well owners.

Sincerely,

Daniel Clement, P.G.
Senior Hydrogeologist



DWC/dwc

Enclosure – 44908 Change Application

cc: Corey Keller, City of Dodge City, Public Works Director
Ray Slattery, City of Didge City, Director of Engineering Services