

# **STUDY SESSION**

July 2, 2007 6:00 p.m.

Commission Chambers

1. Discussion of City Manager search and qualifications

# **COMMISSION AGENDA**

July 2, 2007 7:00 p.m.  
Commission Chambers  
MEETING NO. 4680

## ***CALL TO ORDER***

## ***ROLL CALL***

***INVOCATION***- Captain Jose Rangel, Salvation Army

## ***PLEDGE OF ALLEGIANCE***

## ***PETITIONS & PROCLAMATIONS***

***VISITORS*** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

Kenny Zelke, Supervisor, Public Works

Character Trait for the month of July - **CONTENTMENT**

## ***CONSENT CALENDAR***

1. Approval of minutes of meeting from June 18, 2007
2. Approval of payment of bills
3. Approval of Change Order 2006 Inlet and Curb & Gutter Project-SD0602 in the increase amount of \$1,287.25
4. Approval of Purchase of Truck Tire Changer
5. Approval of Purchase of Temporary Easment at 2300 West Wyatt Earp
6. Approval of Change order No8 for Wyatt Earp BLVD reconstruction in the amount of \$15917.49
7. Approval Cereal Malt Beverage License
  - Wal-Mart Stores, INC., 1905 N. 14<sup>th</sup> Ave, Dodge City

## ***ORDINANCES & RESOLUTIONS***

**Ordinance No 3434** Curfew Ordinance

**Resolution 2007-10** A resolution establishing fees and rates for Solid Waste Collection

**Resolution 2007-11** A resolution authorizing the improvement of re-improvement of certain traffic ways within the City of Dodge City, Kansas; and providing for the payment of the costs thereof

**Resolution 2007-12** A resolution of the City of Dodge City, Kansas, Declaring it necessary to re-improve certain streets within the City of Dodge City, Kansas; and authorizing and providing for the payment of costs thereof

***UNFINISHED BUSINESS***

***NEW BUSINESS***

Approval of application to Division of Water Resources for Water Right Changes

***OTHER BUSINESS***

Administration Team

Commissioners

***ADJOURNMENT***

# COMMISSION MINUTES

Date: June 18, 2007 - 7:00 p.m.

Commission Chambers

MEETING NO. 4679

Mayor Smoll called the meeting to order at 7:00 pm

Responding to Roll Call were Mayor Smoll, Commissioners Rick Sowers, Jim Sherer, Terry Lee reported absent was Commissioner Jim Lembright.

Pledge of Allegiance

Petitions & Proclamation

Kansas Exoduster Colonies Days, August 8 & 9, 2007

Visitors (Limit of 5 minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting, unless an emergency situation does exist)

Brian Shirley, BS Trailer Sales, presented information to the Commissioners on the Work Place Utility Vehicles. Consensus to move forward with an Ordinance when the League of Kansas Municipalities drafts the wording.

Consent Calendar was approved on a motion by Commissioner Sherer, seconded by Commissioner Sowers, vote 4-0.

1. Minutes of Regular Meeting of June 4, 2007 were approved
2. Check report for June 4, 2007 was approved
3. Cereal Malt Beverage License for Legends Park was approved

## ORDINANCES & RESOLUTIONS

Resolution 2007-09: Resolution establishing a Temporary Suspension and Waiver of Certain Provisions of Ordinance NO. 2838 and the Uniform Fire Code Pertaining to the Discharge of Fireworks Within the City Limits of the City of Dodge City, KS was adopted on a motion by Commissioner Sowers, second by Commissioner Sherer, vote 4-0.

Commissioner Sowers moved to amend the Agenda to add an Executive Session to discuss Attorney/Client matters. Commissioner Sherer seconded, motion passed 4-0

Commissioner Sowers moved to Adjourn to Executive Session to discuss Attorney/Client matters at 7:25 p.m., not to exceed one (1) hour, no action will be taken during this time. Commissioner Sherer seconded, motion passed 4-0

Meeting reconvened at 8:25 p.m.

Meeting was adjourned on a motion by Commissioner Sowers, seconded by Commissioner Sherer. Motion passed 4-0.

# City of Dodge City

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## Memorandum

June 4, 2007

TO: Jeff Pederson, City Manager

FROM: Joseph E. Finley, P.E., Director of Public Works 

RE: 2006 Inlet and Curb & Gutter Project – SD0602

Attached please find Change Order 1 for your review on the above referenced project. The change order is for an increase of \$1,287.25.

The change order is the result of the following.

**Place Standard Curb & Gutter** – The deletion of 292 L.F. of Standard Curb and Gutter represents actual field measurements. This item was decreased to the fact that the curb & gutter placed needed to have an extended toe due to the bad edge of existing asphalt pavement.

**Place Reverse Modified Curb & Gutter** – The deletion of 3 L.F. of Reverse Modified Curb and Gutter represents actual field measurements. This decrease was due to an over estimation in the design phase.

**Place Curb & Gutter w/Extended Toe** – The addition of this item was needed as previously mentioned because the edge of the existing asphalt pavement was deteriorated more than originally thought. To keep the back of curb in the original design location, so that the roadway would not be narrowed, it was decided to place the new curb with an extended toe to make up the difference. The addition of 323 L.F. represents actual field measurements.

Staff would recommend approval of this change order as submitted. To date, the change orders are for a total increase of \$1,287.25. Should you have questions or need additional information please let me know.

JF/jlg

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## CHANGE ORDER #1

### 2006 Inlet and Curb & Gutter Project SD 0602

#### ITEM:

#### DESCRIPTION:

**Place Standard Curb & Gutter** – The deletion of 292 L.F. of Standard Curb and Gutter represents actual field measurements. This item was decreased to the fact that the curb & gutter placed needed to have an extended toe due to the bad edge of existing asphalt pavement.

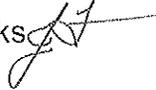
**Place Reverse Modified Curb & Gutter** – The deletion of 3 L.F. of Reverse Modified Curb and Gutter represents actual field measurements. This decrease was due to an over estimation in the design phase.

**Place Curb & Gutter w/Extended Toe** – The addition of this item was needed as previously mentioned because the edge of the existing asphalt pavement was deteriorated more than originally thought. To keep the back of curb in the original design location, so that the roadway would not be narrowed, it was decided to place the new curb with an extended to make up the difference. The addition of 323 L.F. represents actual field measurements.

# Memorandum

June 25, 2007

To: Jeff Pederson, City Manager

From: Joseph E. Finley, P.E., Director of Public Works 

RE: Truck Tire Changer

During the 2006 Budget process, the Fleet Maintenance Department requested a Truck Tire Changer. Currently any truck tires are broken down by hand. This process takes a lot of time and is not the safest method when dealing with the large truck tires.

The mechanics requested quotes and received the following:

	Coats CTS HIT5000 Tire Changer	Tire	Disc Holder	TOTAL
NAPA	\$10,850	\$82.29	\$310.99	\$11,252.28
CARQUEST	\$10,000	\$74.95	\$299.49	\$10,374.44

Staff would recommend accepting the proposal from CARQUEST in the amount of \$10,374.44. The budget for this purchase was \$11,000 and will be paid for from Fleet Maintenance.

Should you have any questions, please let me know.

JF/jlg

# Memorandum

June 25, 2007

TO: Jeff Pederson  
City Manager

FROM: Joseph E. Finley, P.E.   
Director of Public Works

RE: Temporary Easement  
West Wyatt Earp Blvd. 14<sup>th</sup> Ave. – Matt Down Lane

Attached for your review and approval is a request for payment to Donna Ralya in the amount of \$8,000.00 for the purchase of a temporary easement. As you recall several temporary easements are necessary to allow our contractor adequate access when replacing the pavement, sidewalks, and driveways along this section of Wyatt Earp Blvd.

I have visited with our agent and he has made contact with 90% of the property owners and believes the he will be able to have the necessary right-of-way and easements necessary for this project by mid-July.

Staff would recommend approval of this request. Should you have any questions, please let me know.

JF/jlg



**REQUEST FOR REAL  
PROPERTY ACQUISITION PAYMENT**

PARCEL NO. 0005  
PROJECT NO: Wyatt Earp Blvd  
COUNTY: Ford

Purpose: Purchase of Real Property  
Offering Price: \$ 8,000.00  
Settlement Price: \$ 8,000.00

1. Payee: Donna Ralya  
Address 2300 W Wyatt Earp Blvd  
Dodge City, KS 67801  
Tax ID 451-49-8118

AMOUNT: Eight Thousand and 00/100 Dollars (\$8,000.00)

THIS PAYMENT IS SUBJECT TO IRS 1099 REPORTING REQUIREMENTS.

PAYMENT INSTRUCTIONS: Please hold check for pick up.

LAND ACQUISITIONS, INC.

Gerald Cain, Project Manager

June 18, 2007  
Date

PROJECT: WYATT EARP BOULEVARD DATE: April 2, 2007

COUNTY: Ford TRACT NO.: 0005

THE CITY OF DODGE CITY, KANSAS

**CONTRACT FOR CONVEYANCE OF REAL ESTATE BY  
TEMPORARY EASEMENT**

THIS AGREEMENT Made and entered into this 23<sup>rd</sup> day of May, 2007, by and

between Donna Sinhpraseut  
2300 W. Wyatt Earp Blvd.  
Dodge City, KS 67801

(Name and Address)

landowner(s), and the City of Dodge City of the State of Kansas.

**WITNESSETH**, For consideration as hereinafter set forth, the landowner(s) hereby agree(s) to convey Temporary Easement to the City of Dodge City with a Temporary Easement to the following described real estate in the County of Ford, State of Kansas, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

It is understood and agreed that landowner(s) is/are responsible for all property taxes on the above described property accrued prior to the conveyance of title to the City of Dodge City. In the event of relocation, landowner(s) hereby expressly agrees and covenants that they will hold and save harmless and indemnify the City of Dodge and his or her authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever which may occur during the time the City becomes legally entitled to the property and the date of relocation. In no event will the landowner(s) be required to move until the City becomes legally entitled to the property.

The City of Dodge City agrees to purchase the above described real estate, and to pay therefore, the following amount within sixty days after the warranty deed conveying said property free of encumbrance has been delivered.

Approximately _____ (Sq. Ft.) for Right of Way	\$ _____
Damages including but not limited to: <u>all remaining property and improvements</u>	\$ _____
Approximately <u>N/A</u> (acres) for Uneconomic Remnant	\$ _____
Damages including but not limited to: <u>N/A</u>	\$ _____
Approximately <u>N/A</u> (acres) for Permanent Easement	\$ _____
Damages including but not limited to: <u>N/A</u>	\$ _____
Approximately <u>3791</u> (Sq. ft.) for Temporary Easement	\$ _____
Damages including but not limited to: <u>all remaining property and improvements</u>	\$ <u>8,000.00</u>
Miscellaneous: _____	\$ _____
<b>TOTAL:</b>	\$ <u>8,000.00</u>

It is understood and agreed that the above stated consideration for said real estate is in full payment of said tract of land and all damages arising from the transfer of said property and its use for the purposes above set out.

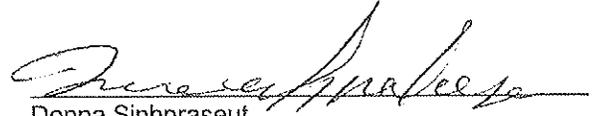
**IN WITNESS WHEREOF** The parties have hereunto signed this agreement the day and year first above written.

APPROVED BY:

LANDOWNER(S):

Donna Sinhpraseut

BY: \_\_\_\_\_

  
Donna Sinhpraseut

MEMORANDA

Exact and full name of owner, as name appears of record:

Donna Sinhpraseut

If mortgage or other liens, show names of holders:

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

REMARKS:

Tax ID # DCO4539

RECOMMENDED BY:

  
Gerald K. Cain  
Project Manager

Prepared by:  
Land Acquisitions, Inc.  
1-800-837-8755

2300 W. Wyatt Earp Boulevard  
James and Verna Jean Davis  
A Tract in the SW ¼ Sec. 27, T26S, R25W  
Book 195, Page 295

December 1, 2006

TEMPORARY EASEMENT

A tract of land in the Southwest Quarter of Section 27, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., in the City of Dodge City, Ford County, Kansas described as follows: Beginning at the intersection of the centerline of Riney Street, Maple Grove Addition extended and the North right-of-way line of Wyatt Earp Boulevard;

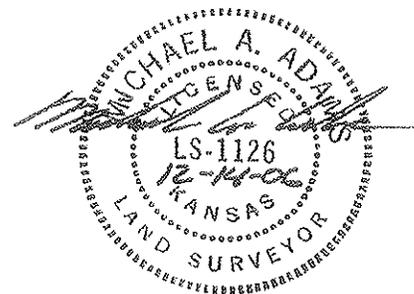
thence North 85 degrees 08 minutes 55 seconds West along said North right-of-way line a distance of 252.73 feet;

thence North 01 degrees 21 minutes 43 seconds East a distance of 15.03 feet;

thence South 85 degrees 08 minutes 55 seconds East a distance of 252.73 feet to the centerline of said Riney Street extended;

thence South 01 degrees 21 minutes 43 seconds West along said extension a distance of 15.03 feet to the point of beginning.

Said tract contains 3,791 square feet of land more or less.



# City of Dodge City

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## Memorandum

June 25, 2007

TO: Jeff Pederson, City Manager

FROM: Joseph E. Finley, P.E., Director of Public Works *JF*

RE: Change Order #8 Wyatt Earp Blvd. Reconstruction Project ST 0201

Attached for your review is Change Order #8 for the above referenced project. As you recall the contract specified a cement treated base (CBT). Dobson Brothers requested that we consider substituting 6" of AB-3 (crushed rock) for the CBT

Once the contractor submitted an appropriate mix design that they could meet, this request was approved. During the review of the request, staff felt that a credit was due to the city, as this material would allow the contractor to proceed through the winter and that the material was cheaper to produce and place.

This change order is the result of the change in material and is for a deduction of \$27,006.00. To date the following change orders have been approved.

CO#1	Change in type of service line	<7,800.00>
CO#2	Additional signs	+3,780.00
CO#3	Remove & replace storm pipe	+3,381.00
CO#4	Deletion of storm pipe	<15,810.00>
CO#5	Change in type of marking	<2,298.69>
CO#6	Waterline addition	+16,811.55
CO#7	Modifying cross at 14 <sup>th</sup> Ave.	+13,024.65
CO#8	Pavement Section Credit	<27,006.00>
	<b>Net Decrease</b>	<b>15,917.49</b>

Staff would recommend approval of this change order. Should you have any questions, please let me know.

JF/jlg

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Cook, Flatt & Strobel  
ENGINEERS, P.A.

2930 SW Woodside Dr.  
Topeka, Kansas 66614  
(785) 777-1706  
(785) 777-4736 Fax  
www.cfsa.com

Other Offices:  
Kansas City, Missouri  
Wichita, Kansas  
Leavenworth, Kansas  
Topeka, Kansas

December 12, 2006

Mr. Darrin Duffy  
Dobson Brothers Construction  
410 South 7<sup>th</sup> Street  
P.O. Box 81409  
Lincoln, NE 68501-1409

Re: West Wyatt Earp Reconstruction  
Phase I, ST 0201  
Dodge City, Kansas  
CF&S No. 06-012

Dear Darrin:

Enclosed are four (4) copies of Change Order No. 8 for the above referenced project. Change Order No. 8 is for typical section revisions regarding the substitution of 6" AB-3 and geogrid for the 4" Cement Treated Base.

If this meets with your approval, please sign and date all copies and forward all copies to City of Dodge City, Mr. Joe Finley, Public Works Director, 806 2<sup>nd</sup> Avenue, Dodge City, KS 67801 for their approval and distribution.

Very truly yours,  
Cook, Flatt & Strobel Engineers, P.A.

Melvin D. Chapman, P.E.

John C. Bayless, P.E.  
*Chairman*

Kenneth M. Blair, P.E.  
*President*

Melvin D. Chapman, P.E.  
*Vice President Secretary*

Robert S. Chambers, P.E.  
*Vice President Treasurer*

Douglas W. Flatt, P.E.  
*Consultant*

Cc: Joe Finley, City of Dodge City  
Carla Gilmore, CFS Inspector

Enclosures

CHANGE ORDER  
For  
Change in Plans and Construction

Contract No. 06-012 Change Order No. 8

Description West Wyatt Earp Reconstruction, Phase I, (ST 0201) Dodge City, Kansas

Contractor: Dobson Brothers Construction Address: PO Box 81409, Lincoln, NE 68501

EXPLANATION OF CHANGE RECOMMENDED

At the request of the Contractor the typical structural section for the roadway pavement was modified and approved according to the attached section as follows:

10" Concrete Pavement (A1) (NRDJ), 6" Aggregate (AB-3), BX-1100 Geogrid, on 6" subgrade-compaction (Type AA) (MR-0-5). Payment for this change will be made per current bid items and plan quantities, and Contractor agrees to give City of Dodge City a credit in the amount of \$27,006.00.

OVERRUNS

Revised Quantities	Item No.	Item of Work	Contract Unit Price	Revised Unit Price	Amount

Total Overruns \$ \_\_\_\_\_

UNDERRUNS

Revised Quantities	Item No.	Item of Work	Contract Unit Price	Revised Unit Price	Amount
1	LS 142	Pavement Section -- Credit		27,006.00	27,006.00

Total Underruns \$ 27,006.00

TOTAL DECREASE/INCREASE \$ 27,006.00

This is to affirm that I/we have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amount shown above

Contractor Dobson Brothers Construction

Signed By *[Signature]*

Date 6/14/07

APPROVED:

Owner City of Dodge City

Signed By *Joseph E. Lindsey*

Date 6/19/07

Recommended for Approval:  
Cook, Flatt & Strobel Engineers, P.A.

By: *[Signature]*

Date December 12, 2006

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, June 1, 2007

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KA

or

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KA

GENTLEMEN--On behalf of the Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #372

corporation whose principal place of business is 1905 N. 14th Ave. Dodge City, KS 67801

and under authority of the resolution of the Board of D. of said corporation. I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas...

1. The proposed licensee is Wal-Mart Stores, Inc. corporation with principal place of business at 702 SW 8th St., Bentonville, AR 72716-0500...

2. The following are the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock...

See attached officers listing

3. The premises for which the license is desired are located at 1905 N. 14th Ave., Dodge City, KS 67801

(a) The legal description of the premises is on file

(b) The street number is

(c) The building is described as One story, one room with approximately 200,084 sq ft.

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:

Wal-Mart Stores, Inc. dba

Wal-Mart Supercenter #372

4. The name and address of the owner or owners of the premises upon which the place of business is located is

Wal-Mart Stores, Inc.

702 SW 8th St., Bentonville, AR 72716-0500

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

(a) None of them has within the last two years from this date been convicted of

- (1) A felony
(2) A crime involving moral turpitude
(3) Drunkenness
(4) Driving a motor vehicle while under the influence of intoxicating liquor
(5) Violation of any state or federal intoxicating liquor law

If any of the above have been convicted of any of the specified offenses, the details are set out hereinafter:

(b) No manager, officer or director or any stockholder in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of the corporation which:

- (A) has had a retailer's license revoked under K.S.A. 41-2001 and amendments thereto; or
(B) has been convicted of a violation of The Drinkin' Establishment Act or the Cereal Malt Beverage Laws of this State.

6. The place of business will be conducted by the following manager or agent:

Name John Ostrom

Address 10559 Brenton Ct.

Residence Dodge City, KS 67801

Length of residence within this city or county in which this application is being made September 2005

Method of obtaining U.S. citizenship together with date of naturalization if such is the method Birth

Date and place of birth 8/20/64 Belleville, KS

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverages for consumption on the premises. ( ) For a license to retail cereal malt beverages in original and unopened containers for consumption on the premises. (X).

A license fee of \$ 125.00 is enclosed herewith.

I, Rick W. Brazile, Vice-President of Finance  
(Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, and do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of such laws, rules or regulations.

(Corporate Seal)

Wal-Mart Stores, Inc.  
(Corporation)

Attest:   
(Secretary of Corporation)  
Thomas Gean, Assistant Secretary

By Rick W. Brazile  
(Signature and position of individual making application on behalf of corporation)  
Rick W. Brazile, Vice-President of Finance

STATE OF ~~KANSAS~~ ARKANSAS COUNTY OF BENTON, ss.

I, Rick W. Brazile Rick W. Brazile, Vice-President of Finance,  
(Signature and official position)  
Wal-Mart Stores, Inc. do sol  
(Name of corporation)

swear that I have read the contents of this application, and that all information and answers herein contained are complete and true to the best of my knowledge and belief, and help me God.

Rick W. Brazile  
(Signature and official position)  
Rick W. Brazile, Vice-President of Finance

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_  
(Character of official administering oath)

My commission expires on the 22nd day of June A.D. 2013

APPLICATION APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

By \_\_\_\_\_  
(Official position)

of \_\_\_\_\_, Kansas.  
(City or county)

Recorded in Volume \_\_\_\_\_, at page \_\_\_\_\_

## Memorandum

To: City Commissioners  
cc: Chief John Ball  
From: Nannette Pogue, City Clerk  
Ken W. Strobel, City Attorney  
Date: June 29, 2007  
Subject: Juvenile Curfew Ordinance



Presented for your consideration is a draft of a revised Juvenile Curfew Ordinance for the City of Dodge City. As you will recall, the previous curfew ordinance expired sometime ago and was not reenacted. If adopted, the new ordinance would become effective upon publication in the Dodge City Daily Globe.

The proposed ordinance mirrors closely the provisions of an ordinance adopted in Dallas, Texas several years ago, which has withstood a constitutional challenge in the United States 5<sup>th</sup> Circuit Court of Appeals. Although the proposed ordinance contains many of the same provisions as the prior ordinance, there are several significant changes proposed in light of the results of the Dallas court case.

First, under the prior ordinance, fines for a curfew violation were only assessed against the parents of the minor. Under the new ordinance the minor, the parents or the owner or operator of an "establishment," as defined in the ordinance, may be found guilty of a violation and an appropriate fine assessed.

Second, the prior ordinance provided for a warning only on a first violation. Such a warning requirement is not present in the proposed ordinance.

Third, the prior ordinance contained a sunset provision under which the ordinance automatically expired unless the commission took action to renew it. No such sunset provision appears in the proposed ordinance. As indicated earlier, the above three provisions were included in the prior ordinance in order to bolster the validity of the ordinance in the event of a constitutional challenge. In light of the Dallas court case, it appears such provisions are no longer necessary in order to meet constitutionality requirements.

The enclosed ordinance has been discussed with the local juvenile authorities and Chief Ball who believe the ordinance will be of assistance to them in addressing various juvenile issues present in our community. The ordinance comes before you upon a staff recommendation for adoption.

Should you have any questions concerning the matter, please feel free to give me a call.

Ken

ORDINANCE NO. 3134

AN ORDINANCE TO ESTABLISH NOCTURNAL CURFEW APPLICABLE TO MINORS (AS DEFINED HEREIN) AND REGULATING THEIR ACTIONS IN PUBLIC PLACES; DEFINING THE DUTIES OF PARENTS OR GUARDIANS OF MINORS; PROVIDING FOR RELATED MATTERS INCLUDING EXCEPTIONS, POLICE PROCEDURES, AND PENALTIES FOR THE VIOLATION THEREOF:

BE IT ENACTED BY THE COMMISSION OF THE CITY OF DODGE CITY, That this ordinance may be cited as the "Juvenile Curfew Ordinance of 2007."

**Section 1. Findings and purpose.**

- A. The Commission of the City of Dodge City (Commission) has determined that persons under the age of 17 years are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be the victims of older perpetrators of crime.
- B. The Commission has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over, and responsibility for, children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.
- C. The Commission has found that there has been a significant breakdown in the supervision and guidance normally provided by parents for minor children resulting in an increase in crimes and other unacceptable behavior including vandalism, public drinking and littering, drug use, breaking and entering and harassment of residents.
- D. The Commission has determined that parental responsibility for the whereabouts of their children is the accepted norm and legal sanctions to enforce such responsibility will increase parental responsibility for minor children within their control and decrease juvenile delinquency.
- E. The Commission has determined that a curfew for those under the age of 17 years will be in the interest of the public health, safety, and general welfare and will help to attain these objectives and to diminish the undesirable impact of this conduct on the citizens of the City of Dodge City.
- F. The commission determines that passage of a curfew ordinance will protect the welfare of minors by:
  - 1. Reducing the likelihood that minors will be the victims of criminal acts during the curfew hours;
  - 2. Reducing the likelihood that minors will become involved in criminal acts or exposed to narcotics trafficking during the curfew hours; and
  - 3. Aiding parents or guardians in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care.

## Section 2. Definitions.

For the purposes of this ordinance, the term:

- A. "Curfew hours" means from 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, until 6:00 a.m. on the following day, and from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday. During the months of June, July and August, the term "curfew hours" mean from 12:01 a.m. until 6:00 a.m.
- B. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation that requires immediate action to prevent serious body injury or loss of life.
- C. "Establishment" means any privately-owned place of business operated for profit to which the public is invited, including, but not limited to, any place of amusement or entertainment and parking lots adjacent thereto.
- D. "Guardian" means a person who, under court order, is the guardian of the person or a minor or a public or private agency with whom a minor has been placed by the court.
- E. "Minor" means any person under the age of 17 years, but does not include a judicially emancipated minor or a married minor.
- F. "Operator" means any individual, firm, association, partnership, or corporation operation, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- G. "Parent" means a natural parent, adoptive parent or stepparent, or any person who has legal custody by court order or marriage, or any person not less than 21 years of age who is authorized by the natural parent, adoptive parent, stepparent or custodial parent of a child to be a caretaker for the child.
- H. "Public place" means any place to which the public, or a substantial group of the public, has access, and includes, but is not limited to, streets, highways, parking lots and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- I. "Remain" means to:
  - (1) linger or stay; or
  - (2) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- J. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Section 3. Curfew Offenses.**

- A. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- B. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**Section 4. Defenses.**

- A. It is a defense to prosecution under this ordinance that the minor was:
  - 1. Accompanied by the minor's parent or guardian.
  - 2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - 3. In a motor vehicle, train, or bus involved in interstate travel;
  - 4. Engaged in an employment activity, or going to, or returning home from, an employment activity, without detour or stop;
  - 5. Involved in an emergency;
  - 6. On the sidewalk that abuts the minor's residence or that abuts the residence of a next-door neighbor, if the neighbor did not complain to the Dodge City Police Department about the minor's presence;
  - 7. In attendance at an official school, religious, or other recreational activity sponsored by the City of Dodge City, a civic organization, or other similar entity that takes responsibility for a minor, or going to, or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Dodge City, a civic organization, or other similar entity that takes responsibility for a minor; or
  - 8. Exercising First Amendment rights protected by the United States Constitution, including free exercise of religion, freedom of speech, and the right of assembly.
  - 9. It is a defense to prosecution under this ordinance that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

**Section 5. Enforcement.**

- A. Before taking any enforcement action under this section, a police officer shall ask the apparent minor's age and reason for being in the public place or establishment during curfew hours. The officer shall not take any enforcement action under this section unless the officer reasonably believes that a violation of this ordinance has occurred and that, based on any response and other circumstances, no defense in subsection (B) of Section 3 is proffered or is present.
- B. If a police officer reasonably believes that a minor is in a public place or establishment in violation of this ordinance, the officer shall notify the minor that he/she is in violation of curfew hours and shall require the minor to provide

his/her name, address, telephone number and how to contact his/her parent or guardian. In determining the age of the minor and in the absence of convincing evidence, a police officer shall use his/her best judgment in determining age.

**Section 6. Penalties.**

- A. A person who violates a provision of Section 3 of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
- B. The Judge of the Municipal Court, upon finding a parent or guardian guilty of a violation of Section 3.B. of this ordinance, shall sentence the parent to pay an appropriate fine and the costs of prosecution, and may require the parent or guardian to complete parenting classes at the Dodge City Area Mental Health Center or Department of Social and Rehabilitation Services.
- C. Any minor who shall violate curfew hours more than three (3) times may be reported by the Chief of Police to the Department of Social and Rehabilitation Services as a minor in need of care and the Chief of Police may proceed to file an appropriate complaint with juvenile authorities.

**Section 7. Reports.**

The City Manager shall report to the Commission every six months after the effective date of this act, on the curfew's effectiveness.

**Section 8. Effective Date.**

This ordinance shall take effect from and after its publication in the official City newspaper.

ADOPTED this \_\_\_\_\_ day of July, 2007, by the governing body of the City of Dodge City, Kansas.

\_\_\_\_\_  
Kent Smoll, Mayor

ATTEST:

\_\_\_\_\_  
Nannette Pogue, City Clerk

# City of Dodge City

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## Memorandum

June 27, 2007

TO: Nannette Pogue, City Clerk

FROM: Joseph E. Finley, P.E., Director of Public Works 

RE: Resolution 2007-10 Establishing fees and rates for solid waste collection services

On March 20, 2006 a resolution establishing new rates for solid waste collection was passed by the City Commission. As a part of this resolution a previous resolution 2002-07 was repealed. However, resolution 2004-06 was passed on March 1, 2004 and is still a valid resolution as it was never repealed.

In the 2004 resolution the commission established fees for special item pick up. Technically we have two resolutions on the books that are in conflict. Resolution 2007-10 established the special collection rates and also the new rates adjusted for the annual CPI adjustments.

Staff would recommend approval of this resolution as submitted. Should you have any questions please let me know.

JF/jlg

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## RESOLUTION NO. 2007-10

### A RESOLUTION ESTABLISHING FEES AND RATES FOR SOLID WASTE COLLECTION SERVICE IN THE CITY OF DODGE CITY

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WHEREAS, for the peace, health, safety and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide Solid Waste Collection service to its citizens; and

WHEREAS, such Solid Waste Collection services includes both scheduled and non-scheduled garbage, refuse and trash pickup and disposal; and

WHEREAS, because of current Ford County Landfill regulations, yard waste must be separated from municipal solid waste, now requiring the City to make separate collections; and

WHEREAS, it is necessary for each and every citizen of the City of Dodge City to pay a fair and equitable share of the cost of this Solid Waste Collection service.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas:

**Section 1:** REPEAL: Resolutions 2004-06; adopted on the 1<sup>st</sup> day of March, 2004 and Resolution 2007-04: adopted on the 2<sup>nd</sup> day of April, 2007, are hereby repealed.

**Section 2:** SERVICE TO DWELLINGS:

- 2.1 Dwellings shall include all single family residences, duplexes, or two family dwellings. Fees for dwellings shall be \$14.33 per month per dwelling plus an additional fee of \$1.15 per month per dwelling for recycling and the handling of disposal of household hazardous wastes.
- 2.2 Multiple family dwellings shall be all residential buildings, except hotels or motels, having three (3) or more separate living units. Fees for multiple family dwellings shall be \$14.33 for the first dwelling unit and \$8.55 for each additional dwelling unit plus an additional fee per month per unit of \$1.15 for recycling and the handling of disposal of household hazardous wastes.
- 2.3 Special fees. In addition to the base rates provided herein above, special fees shall be charged in those cases where the Sanitation Department personnel shall be required to collect such items as refrigerators, stoves, furniture, etc., and large accumulations of trash or metal. In addition, trash placed by either the poly-kart or dumpster will also be subject to an additional charge.

Special fees for some items are as follows:

<b>ITEM</b>	<b>FEE</b>
Refrigerators	\$5.00 plus any fee for disposal of compressor or refrigerant
Freezers	\$5.00 plus any fee for disposal of compressor or refrigerant
Air Conditioners	\$5.00 plus any fee for disposal of compressor or refrigerant
Stoves, dishwashers or other white goods	\$5.00 per item
Metal goods	\$5.00 per item
Furniture, Mattresses, Carpet, or other large household items	\$5.00 per item
Bagged or loose trash not in poly-kart or dumpster	\$1.00 per 40 lb. Bag
Should there be more than three (3) items placed at curb for special pickup, these items will be considered as a bulky accumulation and subject to that charge.	
Trees and other large brush accumulations and other bulky large accumulations	Minimum of \$25.00 per load plus \$12.50 per hour plus landfill charges
Alley Cleanup	Minimum of \$25.00 per load plus \$12.50 per hour plus landfill charges
Late Pickup	A \$2.00 charge for pickup of items and karts not placed at the curb by 7:00 a.m. on the scheduled day for pickup

**Section 3. SERVICE TO HOME OCCUPATIONS**

Home occupations and similar activities, but not including child care facilities shall pay a \$14.33 per month fee for the residence and shall also pay an additional \$14.33 per month fee for service to the home occupation. Such home occupations shall also pay an additional \$1.15 each for the residence and for the home occupation for recycling and the handling and disposal of household hazardous wastes.

**Section 4. SPECIAL CONDITIONS**

Any special conditions not included in the above rate schedule shall be determined by the Director of Public Works, subject to the approval of the Governing Body.

**Section 5. YARD WASTE**

As the Ford County Landfill requires that all yard wastes be separated from solid waste and that all yard wastes cannot be bagged, the City of Dodge City requires all residents desiring to have their yard waste disposed of by the City shall rent a container, provided by the City, for a cost of \$2.28 per month. Residents may dispose of yard waste by bagging the waste. Bags may not weigh more than 40 lbs. when full. Crews will pick up the bags for \$1.00 per bag.

**Section 6.** EFFECTIVE DATE

This Resolution shall become effective upon its adoption by the City Commission and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS THIS  
THE 2<sup>nd</sup> DAY OF JULY, 2007.

---

KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

June 28, 2007

MEMO

TO: City Commission

FROM: Nannette Pogue 

SUBJECT: Resolution Nos. 2007-11 and 2007-12

Resolution No. 2007-11 authorizes improvements of main trafficways in the City of Dodge City. Those main traffic ways are Wyatt Earp Boulevard, 14<sup>th</sup> Avenue, Comanche to U.S. Highway 50, 14<sup>th</sup> Avenue, Ross Boulevard to Iron Road and 6<sup>th</sup> Avenue from Ross Boulevard to Plains. Resolution No. 2007-12 authorizes improvement of residential streets in the City. Those residential streets are part of the Asphalt Street Sealing project and Asphalt Reconstruction project. All of the main trafficways and residential streets were included in the 2007 street program. The resolutions are necessary as part of the G.O. Bond process.

If you have any questions or wish additional information, please let me know.

RESOLUTION NO. 2007-11

A RESOLUTION AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF DODGE CITY, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 *et seq.* (the "Act"), and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, the Act provides that all costs of improvements or reimprovements authorized thereunder, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large and may be funded, among others, by the issuance of general obligation bonds; and

WHEREAS, the governing body of the City of Dodge City, Kansas (the "City"), has heretofore designated certain streets within the City as main trafficways, as provided by and under the authority of the Act; and

WHEREAS, said governing body hereby finds and determines that it is necessary to improve or reimprove said main trafficways, and to provide for the payment of the costs thereof, all as provided by and under the authority of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS:

Section 1. Project Authorization. It is hereby deemed and declared to be necessary to improve or reimprove the main trafficways hereinafter set forth:

<u>Project Description</u>	<u>Main Trafficway Designation</u>	<u>Cost Estimate</u>	<u>City Share</u>
Reconstruction of Wyatt Earp Boulevard <sup>1</sup>	Ord. 2563	\$11,500,000	\$8,750,000
Reconstruction of 14th Avenue - Commanche Street to U.S. Highway 50 <sup>2</sup>	Ord. 3016	4,700,000	4,700,000
Reconstruction of 14th Avenue - Ross Boulevard to Iron Road <sup>3</sup>	Ord. 3016	3,000,000	300,000
Reconstruction of 6th Avenue - Ross Boulevard to Plains Street	Ord. 3087	385,000	385,000
Total		\$19,585,000	\$14,135,000

<sup>1</sup>Previously authorized at \$3,750,000 City Share by Resolution No. 2005-12

<sup>2</sup>Previously authorized at \$1,600,000 City Share by Resolution No. 2005-12

<sup>3</sup>Previously authorized by Resolution No. 2005-12

(the "Project") under the authority of the Act, in accordance with plans and specifications therefor prepared or approved by the City Engineer.

**Section 2. Financing Authority.** The City's share of the costs of the Project and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the "Bonds"). The City has previously issued bonds in the amount of \$5,350,000, plus associated costs of issuance for the first two projects listed above. This authorization is for the remaining balance of the City's share of the Project costs, plus associated financing costs.

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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ADOPTED AND APPROVED by the governing body of the City of Dodge City, Kansas, on July 2, 2007.

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2007-\_\_ of the City of Dodge City, Kansas adopted by the governing body on July 2, 2007 as the same appears of record in my office.

DATED: July 2, 2007.

\_\_\_\_\_  
Clerk

**RESOLUTION NO. 2007-12**

**A RESOLUTION OF THE CITY OF DODGE CITY, KANSAS DECLARING IT NECESSARY TO REIMPROVE CERTAIN STREETS WITHIN THE CITY OF DODGE CITY, KANSAS; AND AUTHORIZING AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

WHEREAS, K.S.A. 13-1038 *et seq.* (the "Act") provides that the governing body of any city of the first class shall have the power to declare by resolution its intent to recurb, regutter, resurface or repave or repair any street or alley or any portion thereof in said city and cause said improvement to be made, provided that no street or alley or any portion thereof shall be recurbed, reguttered, resurfaced or repaved, under the provisions of the Act until at least ten (10) years have elapsed subsequent to the date of completion of such original improvement; and

WHEREAS, the Act further provides that cities having a population of more than 15,000 and less than 110,000 may pay the entire cost of resurfacing of any such streets city at large and issue bonds in payment of the cost thereof; and

WHEREAS, the governing body of the City of Dodge City, Kansas (the "City"), is a city of the first class, with a population of approximately 26,104; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to recurb, regutter, resurface or repave or repair certain streets or portions thereof within the City, and that the costs thereof should be financed by the issuance of general obligation bonds of the City, payable by the city at large, under authority of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS:**

**Section 1. Project Authorization.** It is hereby deemed and declared to be necessary to recurb, regutter, resurface or repave or repair certain streets or portions thereof within the City, and it is hereby authorized, ordered and directed that the streets be improved or reimproved under the authority of the Act, in the following particulars:

- (i) Constructing street sealing, as follows (the "Street Sealing Project"):

Street	From	To
Andrew	University	Campus
Andrew	Crescent Dr - E	University
Annette	Crescent Dr - E	Carousel - W
Ave A	San Jose	Campus
Ave A	Campus	University
Ave A	University	La Mesa
Ave A	La Mesa	Comanche

Cactus	Elbow Bend	Circle Lake
Campus	Ave A	Fairway
Carousel - E	El Trigo	University
Carousel - W	El Trigo	University
Circle Lake	Elbow Bend	Ave P
Clover	El Trigo	East Lane
Club View	Fairway	Fredrick
Comanche	Fairway	Ave P
Country Club	Comanche	E. Crescent
Country Club	La Mesa	Country Club
Country Club	Comanche	Country Club
Crescent Dr	La Vista	Picayune
Crescent Dr - E	Country Club	Picayune
E. La Mesa	Country Club	La Vista
East Lane	El Trigo	S. End
El Cotro	E. La Mesa	E. Crescent
El Trigo	Crescent Dr - E	Fairway
Elbow Bend	Comanche	Circle Lake
Fairway	Comanche	University
Fairway	University	N. End
Fredrick	Clubview	Ruth Ann
Hillpointe Place	Hillpointe Way	E. End
Hillpointe Way	University	E. End
Hillside	University	Campus
Kerri	Marsha	Ragan
La Mesa	Ave A	La Mesa (Circle)
La Mesa	Comanche	La Mesa (Circle)
La Mesa (Circle)	Country Club	E. La Mesa
La Vista	Ave A	Crescent Dr - E
Lindy Lane	Ave A	La Mesa
Longview	Country Club	La Vista
Marsha	Fairway	Robin
McCoy	University	Campus
Picayune	University	Campus
Picayune	Crescent Dr - E	University
Plaza	Ave A	Woodrow
Ragan	Fairway	Robin
Ragan Loop	Fairway	Fairway
Roanoke	University	Campus
Roanoke	La Mesa	University
Robin	University	Ragan
Ruth Ann	Fairway	E. End
Shadow Lane	Elbow Bend	Ave P
Sharon	La Mesa	Country Club
University	Central	Summerlon Addition
University	Loops off	of University
Woodrow	University	Campus
Access Rd.	Frontview	US 50

Amber	Joel	Canterbury
Anna	St. Joseph	Ross
Barbara Lane - East	St. Joseph	Barbara Lane - W
Barbara Lane - West	St. Joseph	Barbara Lane - E
Frontview	Ave A	E. City Limits (Access Rd.)
Ross	Ave A	Amber
Ross	Drainage Ditch	E. End
St. Joseph	Ave A	E. End
Suc	St. Joseph	Barbara Lane - W

(ii) Asphalt reconstruction of the following streets (the "Asphalt Reconstruction Project"):

Street	From	To
Melencamp Ave.	Country Acres Dr.	North End Park
Windsong Way	Elbow Bend	Circle Lake Dr.
Elbow Bend	Circle Lake Dr.	Ave. P

The aforesaid improvements shall be undertaken in accordance with plans and specifications prepared or approved by the City's Director of Public Works.

**Section 2. Financing Authority.** The estimated costs of the Street Sealing Project, including construction, engineering fees, contingencies and administrative expenses is \$400,000. The estimated costs of the Asphalt Reconstruction Project, including construction, engineering fees, contingencies and administrative expenses is \$360,000. The costs of the Street Sealing Project and \$200,000 of the Asphalt Reconstruction Project, together with associated financing costs and interest on interim financing shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the "Bonds"), with the balance of said estimated costs to be paid from available special street funds.

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

ADOPTED AND APPROVED by the governing body of the City of Dodge City, Kansas, on July 2, 2007.

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2007-\_\_ of the City of Dodge City, Kansas adopted by the governing body on July 2, 2007 as the same appears of record in my office.

DATED: «F\_Project\_Auth\_Date\_».

\_\_\_\_\_  
Clerk

## Memorandum

To: Nannette Pogue, City Clerk

From: Joseph E. Finley, P.E.   
Director of Public Works

Date: June 25, 2007

Subject: Application for approval to change the place of use, point of diversion or use made of existing water rights

As you know, PEC is currently working with staff to look at our existing wells and water rights and help us determine how to best use our existing wells, combine existing water rights and develop new water rights that have not been developed.

After several months of study and meeting with the Division of Water Resources (DWR), PEC is making several recommendations and is needing to make application to DWR for these changes.

The following is a summary of the recommendations and what appears on the application to DWR.

- Water right 30108 (Well #21 Race Track)
  - Change the point of use  
Currently the point of use is for the ground at the race track. This change would allow the water to be used City wide
  - Point of Diversion  
The physical location of the well is being relocated so that other water rights close to this well might be purchased and transferred to this location
  - Use made of the water  
We are requesting a change from irrigated right to domestic right
  
- Water right 34040 (Well #16 Old Landfill)
  - Point of Diversion  
The well casing is bad, which requires the well to be relocated a minimum of 50ft. Currently the well is located on county property. We are seeking a change in the diversion to relocate the well at the Airport.

- Water Right 25293 (Well #1 & #15 Wright Park & Utility Division)
  - Point of Diversion  
Both wells utilize the vested right FO2. Currently neither well is permitted to pump due to high levels of nitrates. We have done some preliminary test pumping several years ago and believe that we can isolate the two different layers of the aquifer and pump from the lower level which is free from this high level of nitrates. However, we must relocate the well to accomplish this. We are proposing to locate the well in the southeast corner of Wright Park.
  
- Vested Water Right FO69 (Well #15 Utility Division)
  - Point of Diversion  
We are proposing to move the well and utilize its water from two water rights FO69 and FO2. This request would authorize the relocation of the well to the south east corner of Wright Park along with well #2

Staff has reviewed the applications and would recommend that they be approved as submitted. Should you have any questions, please let me know.

JF/jlg

Water Right  
of Creek

30108	0	500
26293	0	200
22235	0	100
34240	0	200
FO2	0	200
FO6	0	200

I need a refund check for the amount listed above

Checks are payable to Kansas Department of Agriculture

RUNS 510 NEW 4100 NOV 41 11 20 08 07

DESC Abolished & Discretion under Review

to show use of water rights

SIN Book E of 11

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

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

under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. \_\_\_\_\_  
 Appropriation Right under Application No. 30108 (AKA WELL #21)

2. Name and address of applicant: CITY OF DODGE CITY  
806 SECOND AVE. Phone Number: 620 ( ) 225-8106  
DODGE CITY, KS

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS  
806 SECOND AVE. Phone Number: 620 ( ) 225 8106  
DODGE CITY, KS 67801

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____
--

File No. \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY

ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
11	25S	25W	40	40	40	18	40	40	40	40	0	0	0	0	0	0	0	0	298

Owner of Land — NAME: \_\_\_\_\_

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

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

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

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

Owner of Land — NAME: CITY OF DODGE CITY

ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
13	26S	24W																	
26	26S	25W																	

Owner of Land — NAME: \_\_\_\_\_

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

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

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

5. The presently authorized point(s) of diversion (is) (are) ONE \_\_\_\_\_  
(Give number)

WELL, PUMP, & MOTOR \_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)

One in the NW quarter of the NW quarter of the NE quarter of Section 11,  
Township 27S, Range 25W, in FORD County, Kansas, 4780 feet North 2290 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (are) ONE WELL, PUMP, AND MOTOR \_\_\_\_\_  
(Give number)

\_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)

One in the NW quarter of the SW quarter of the NE quarter of Section 11,  
Township 27S, Range 25W, in FORD County, Kansas, 3340 feet North 2450 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE WELL, PUMP, AND MOTOR \_\_\_\_\_

(wells, pumps, etc.)

and proposed to be completed by DECEMBER 2007 \_\_\_\_\_

(Date)

8. The presently authorized use of water is for IRRIGATION \_\_\_\_\_ purposes.

It is proposed that the use be changed to MUNICIPAL \_\_\_\_\_ purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific): THE CITY WILL \_\_\_\_\_

REQUIRE ADDITIONAL MUNICIPAL WATER RIGHTS TO SUPPLY FUTURE DEMAND. \_\_\_\_\_

THE CITY DESIRES TO CHANGE THE USE OF WATER TO MUNICIPAL FOR THIS PURPOSE. \_\_\_\_\_

10. Furnish information to show:

- a. That the proposed change(s) will not impair existing water rights, and
- b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with additional comments below:

(A) THE PROPOSED CHANGES WILL NOT IMPAIR EXISTING WATER RIGHTS - THERE  
ARE NO KNOWN WELLS IN CLOSE PROXIMITY TO PROPOSED POINT OF DIVERSION.

(B) THE EXISTING WELL HAS A DEPTH OF 209FT; THE PROPOSED WELL WILL BE OF  
SIMILAR DEPTH, SCREENED IN THE HIGH QUALITY WATER BEARING ZONE.

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

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. . . (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor. . .

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007.

City of Dodge City  
(Applicant)

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

\_\_\_\_\_  
(Applicant(s) Social Security Identification Number)

48-6008416  
(and/or Applicant(s) Taxpayer I D No )

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

State of Kansas )  
County of Ford ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

**FEE SCHEDULE** effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

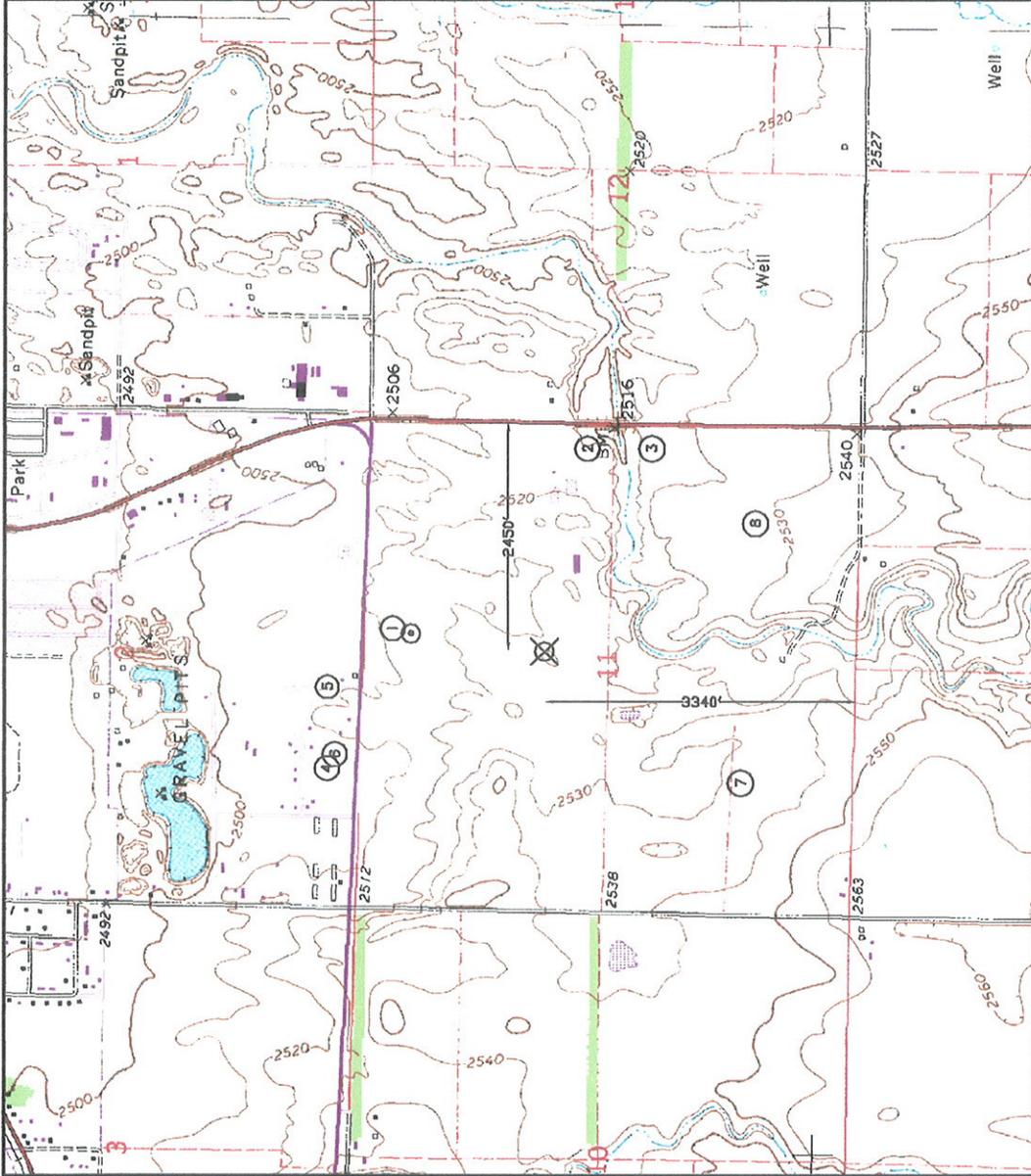
**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 30108**

- LEGEND**  
 ○ EXISTING POINT OF DIVERSION  
 ⊗ REQUESTED POINT OF DIVERSION

SCALE: 1" = 2,000 FT.

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



- ① TYPE: IRRIGATION  
OWNER: CITY OF DODGE CITY  
P.O. BOX 880  
DODGE CITY, KS 67801
- ② TYPE: DOMESTIC  
OWNER: DELORIS VANCE FAMILY TRUST  
(BROCE FARMS)  
205 E. MAIN  
NORMAN, OK 73069
- ③ TYPE: DOMESTIC  
OWNER: PHIL GJERSTAD  
1808 BURR PARKWAY  
DODGE CITY, KS 67801
- ④ TYPE: DOMESTIC  
OWNER: UNKNOWN
- ⑤ TYPE: DOMESTIC  
OWNER: WISEMAN JR.
- ⑥ TYPE: DOMESTIC  
OWNER: HARMS  
11264 110 SPRING RD.  
DODGE CITY, KS 67801
- ⑦ TYPE: IRRIGATION  
OWNER: PHIL GJERSTAD  
1808 BURR PARKWAY  
DODGE CITY, KS 67801
- ⑧ TYPE: IRRIGATION  
OWNER: PHIL GJERSTAD  
1808 BURR PARKWAY  
DODGE CITY, KS 67801

CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 30108

LEGEND

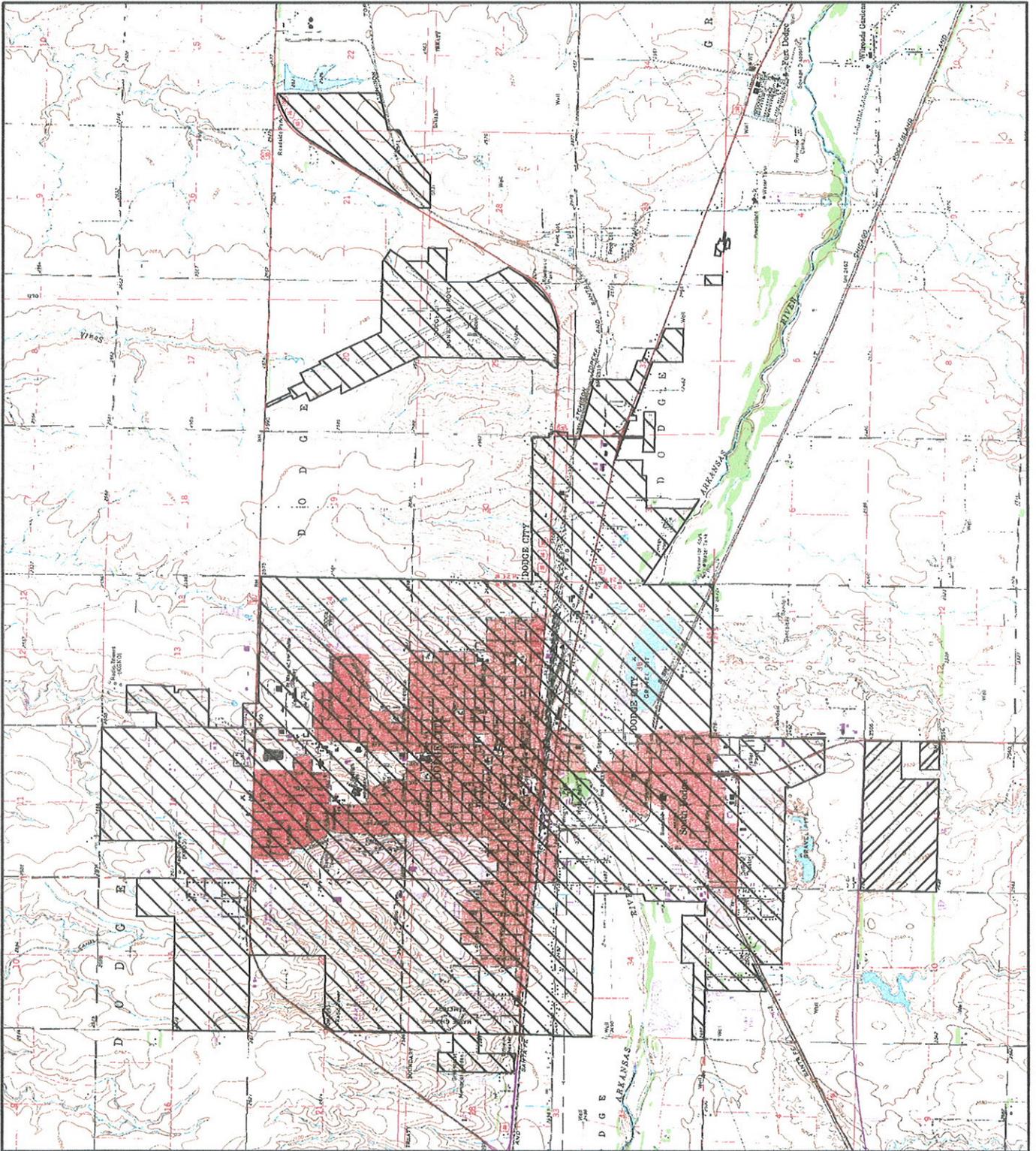
REQUESTED  
PLACE OF USE

APPROVED  
PLACE OF USE

SCALE: 1" = 5,000 FT.

T 26S  
T 27S

R 24W  
R 25W



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

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

under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. \_\_\_\_\_  
 Appropriation Right under Application No. 25293 (AKA WELL #19)

2. Name and address of applicant: CITY OF DODGE CITY  
806 SECOND AVE. Phone Number: 620 ( ) 225- 8106  
DODGE CITY, KS 67801

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS  
806 SECOND AVE. Phone Number: 620 ( ) 225- 8106  
DODGE CITY, KS 67801

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____
--

File No. \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY

ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
13	26S	24W																	
26	26S	25W																	

Owner of Land — NAME: \_\_\_\_\_

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

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

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

5. The presently authorized point(s) of diversion (is) (are) ONE TEST WELL \_\_\_\_\_  
(Give number)

\_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)  
One in the NE quarter of the NE quarter of the NE quarter of Section 12,  
Township 27S, Range 25W, in FORD County, Kansas, 4,902 feet North 100 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (are) ONE \_\_\_\_\_  
(Give number)

WELL, PUMP, & MOTOR \_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)  
One in the NW quarter of the NE quarter of the NE quarter of Section 12,  
Township 27S, Range 25W, in FORD County, Kansas, 5072 feet North 675 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE WELL, PUMP, & MOTOR \_\_\_\_\_

\_\_\_\_\_ (wells, pumps, etc.)

and proposed to be completed by DECEMBER 2007 \_\_\_\_\_  
(Date)

8. The presently authorized use of water is for MUNICIPAL \_\_\_\_\_ purposes.  
It is proposed that the use be changed to (NO CHANGE) \_\_\_\_\_ purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

A TEST WELL WAS PREVIOUSLY DRILLED AND WATER RIGHTS OBTAINED.  
THE CITY DESIRES TO DRILL & DEVELOP A PERMANENT WELL AND MOVE  
THE POINT OF DIVERSION TO THE NEW LOCATION.

10. Furnish information to show:  
a. That the proposed change(s) will not impair existing water rights, and  
b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right  
relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with  
additional comments below:

(A) ONLY ACTIVE KNOWN WELL IN CLOSE PROXIMITY IS IRRIGATION WELL OWNED BY  
THE CITY OF DODGE CITY. THE PROPOSED CHANGES WILL NOT IMPAIR THIS EXISTING RIGHT.

(B) THE PROPOSED WELL WILL BE CONSTRUCTED SIMILARLY TO OTHER WELLS IN THE AREA.

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. . . . (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor. . .

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007.

City of Dodge City  
(Applicant)

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

\_\_\_\_\_  
(Applicant(s) Social Security Identification Number)

48-6008416  
(and/or Applicant(s) Taxpayer I D No )

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

State of Kansas }  
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

**FEE SCHEDULE** effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 25293**

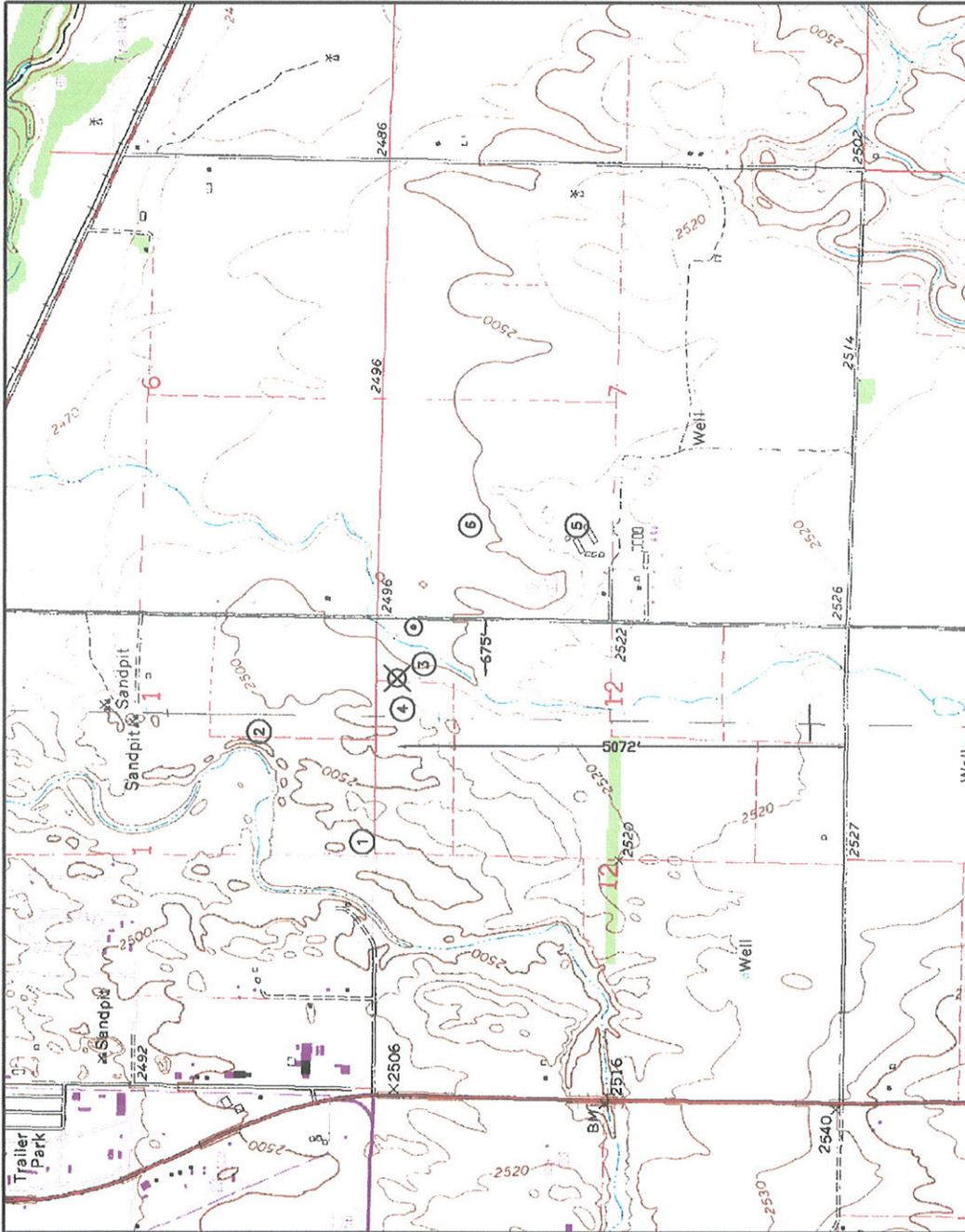
**LEGEND**

- ⊙ EXISTING POINT OF DIVERSION
- ⊗ REQUESTED POINT OF DIVERSION

SCALE: 1" = 2,000 FT.

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



① TYPE: DOMESTIC  
OWNER: LAURA CARLSON  
11207 112 RD.  
DODGE CITY, KS 67801

② TYPE: IRRIGATION  
OWNER: EARL DEAN SHELOR  
04605 HWY 50  
INGALLS, KS 67853

③ TYPE: IRRIGATION  
OWNER: CITY OF DODGE CITY  
P.O. BOX 880  
DODGE CITY, KS 67801

④ TYPE: PLUGGED (DOMESTIC)  
OWNER: CITY OF DODGE CITY  
P.O. BOX 880  
DODGE CITY, KS 67801

⑤ TYPE: MONITORING  
OWNER: PHIL GJERSTAD  
1808 BURR PARKWAY  
DODGE CITY, KS 67801

⑥ TYPE: FEEDLOT/LIVESTOCK/WINDMILL  
OWNER: LOREN DOLL, INC.  
214 E. FRONTVIEW, SUITE B  
DODGE CITY, KS 67801

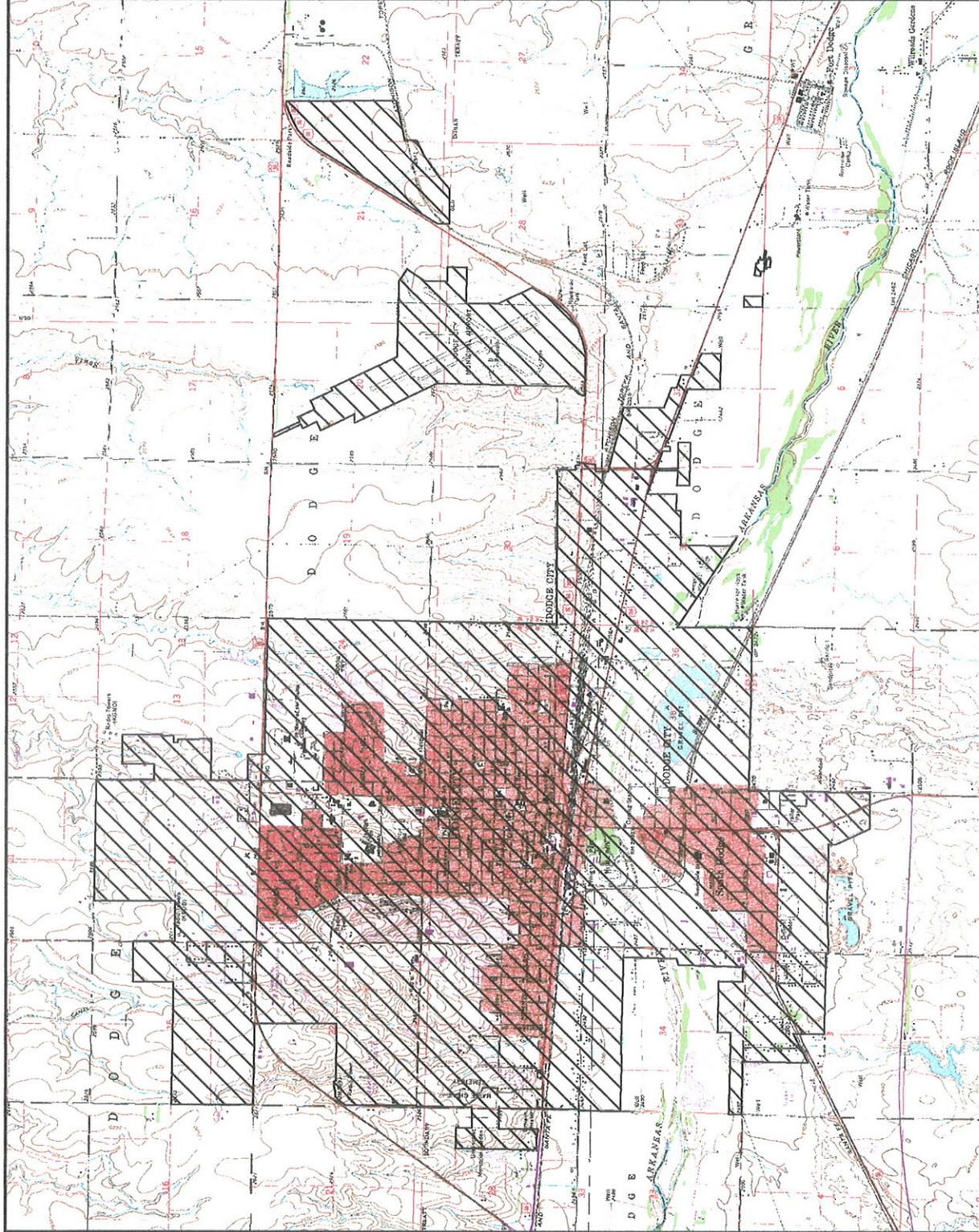
CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 25293

LEGEND  
[Hatched Box] AUTHORIZED  
PLACE OF USE  
(CITY BOUNDARY)

SCALE: 1" = 5,000 FT.

T 26S  
T 27S

R 25W  
R 24W



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

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

under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. \_\_\_\_\_  
 Appropriation Right under Application No. 20235 (AKA WELL #12)

2. Name and address of applicant: CITY OF DODGE CITY  
806 SECOND AVE. Phone Number: (620) 225-8106  
DODGE CITY, KS 67801

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS  
806 SECOND AVE. Phone Number: (620) 225-8106  
DODGE CITY, KS 67801

For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY  
 ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
13	26S	24W																	
26	26S	25W																	

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

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

4. It is proposed that the place of use be changed to: **NO CHANGE**

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

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

5. The presently authorized point(s) of diversion (is) (are) ONE \_\_\_\_\_  
(Give number)

WELL, PUMP, & MOTOR \_\_\_\_\_ located as follows:  
(wells, pumps, or other works for diversion of water)

One in the NW quarter of the NW quarter of the SW quarter of Section 2,  
Township 27S, Range 25W, in FORD County, Kansas, 2020 feet North 5200 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (are) ONE \_\_\_\_\_  
(Give number)

WELL, PUMP, & MOTOR \_\_\_\_\_ located as follows:  
(wells, pumps, or other works for diversion of water)

One in the NE quarter of the NE quarter of the SE quarter of Section 3,  
Township 27S, Range 25W, in FORD County, Kansas, 2673 feet North 125 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE \_\_\_\_\_

WELL, PUMP, & MOTOR \_\_\_\_\_  
(wells, pumps, etc.)

and proposed to be completed by DECEMBER 2007 \_\_\_\_\_  
(Date)

8. The presently authorized use of water is for MUNICIPAL \_\_\_\_\_ purposes.  
It is proposed that the use be changed to (NO CHANGE) \_\_\_\_\_ purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

THE SCREEN OF WELL #12 HAS FAILED AND NEEDS TO BE REPLACED.  
THE CITY IS PURCHASING AN ADJACENT TRACT AND DESIRES TO RELOCATE THE POINT  
OF DIVERSION FOR WELL #12 TO THIS TRACT.

10. Furnish information to show:

- a. That the proposed change(s) will not impair existing water rights, and
- b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with additional comments below:

(A) THE PROPOSED CHANGE WILL NOT IMPACT EXISTING WATER RIGHTS - NO KNOWN  
WELLS IN CLOSE PROXIMITY TO PROPOSED POINT OF DIVERSION, WITH EXCEPTION  
OF CITY OF DODGE CITY WELL BEING REPLACED.

(B) EXISTING WELL DEPTH IS 160FT, SCREENED FROM 95-155FT. - NEW WELL WILL BE SIMILARLY  
CONSTRUCTED.  
**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007

City of Dodge City  
(Applicant)

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

\_\_\_\_\_  
(Applicant(s) Social Security Identification Number)

48-6008416  
(and/or Applicant(s) Taxpayer I D No )

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

State of Kansas }  
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

**FEE SCHEDULE** effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 20235**

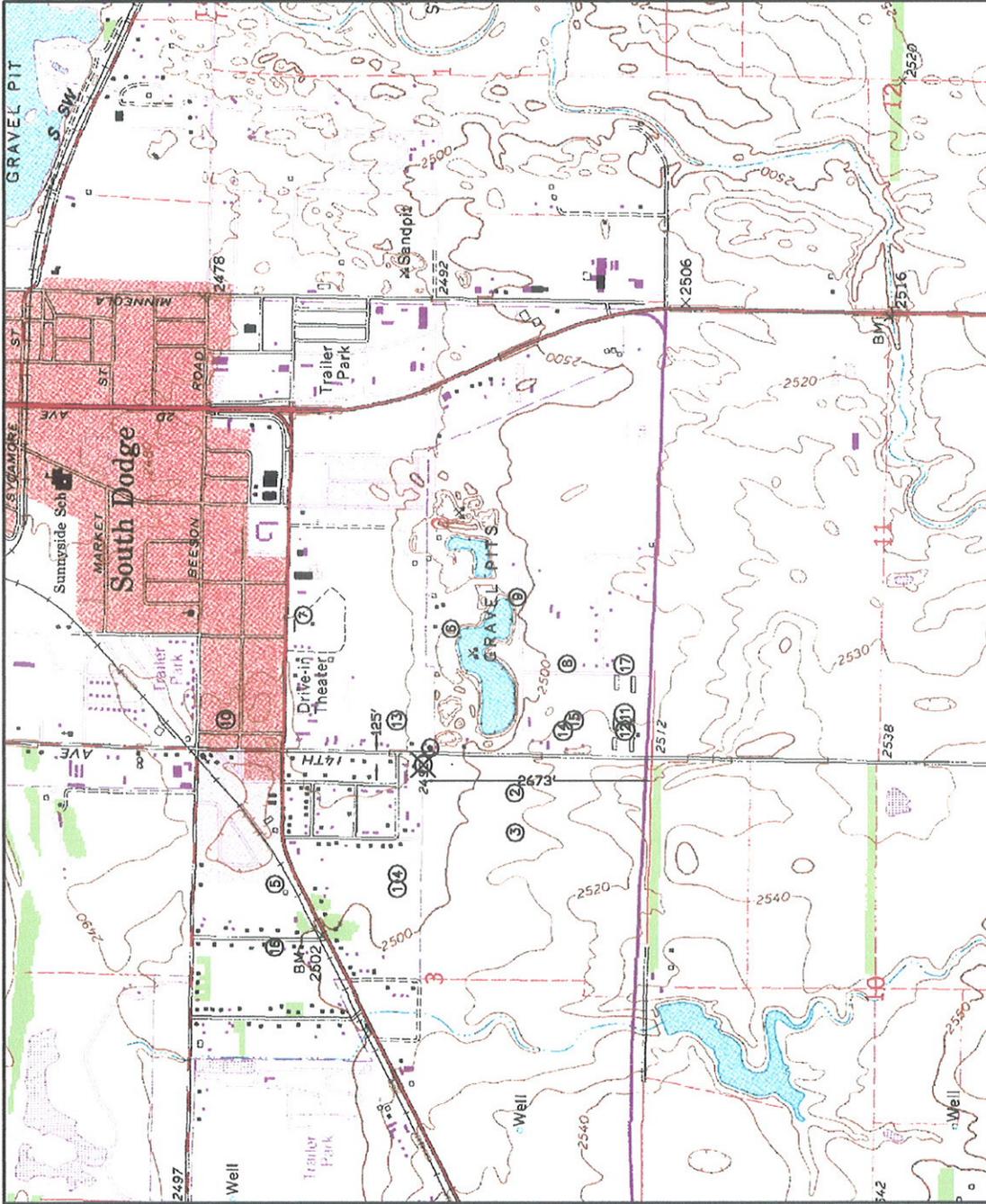
**LEGEND**

- ⊙ EXISTING POINT OF DIVERSION
- ⊗ REQUESTED POINT OF DIVERSION

SCALE: 1" = 2,000 FT.

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



- ① TYPE: DOMESTIC  
OWNER: UNKNOWN
- ② TYPE: DOMESTIC  
OWNER: THOMAS ROST  
900 SW 31ST STREET, #118  
TOPEKA, KS 66611
- ③ TYPE: DOMESTIC  
OWNER: THOMAS ROST  
900 SW 31ST STREET, #118  
TOPEKA, KS 66611
- ④ TYPE: DOMESTIC  
OWNER: UNKNOWN
- ⑤ TYPE: LAWN & GARDEN  
OWNER: UNKNOWN
- ⑥ TYPE: PUBLIC WATER SUPPLY  
OWNER: CITY OF DODGE CITY  
808 SECOND AVE.  
DODGE CITY, KS 67801
- ⑦ TYPE: PLUGGED (DOMESTIC)  
OWNER: DAY  
11455 HWY 283  
DODGE CITY, KS 67801
- ⑧ TYPE: DOMESTIC  
OWNER: UNKNOWN
- ⑨ TYPE: DOMESTIC  
OWNER: LILLIAN BROWN  
1111 CHAMPIONS VIEW DR.  
DODGE CITY, KS 67801
- ⑩ TYPE: PLUGGED (DOMESTIC)  
OWNER: HARRY'S MACHINE  
407 W. McARTOR RD.  
DODGE CITY, KS 67801
- ⑪ TYPE: PLUGGED (DOMESTIC)  
OWNER: COLLINGWOOD GRAIN, INC.  
11300 109 RD.  
DODGE CITY, KS 67801
- ⑫ TYPE: DOMESTIC  
OWNER: DS & D  
11455 HWY 283  
DODGE CITY, KS 67801
- ⑬ TYPE: PLUGGED (DOMESTIC)  
OWNER: RANDY BREDFELDT  
P.O. BOX 368  
DODGE CITY, KS 67801
- ⑭ TYPE: DOMESTIC  
OWNER: RANDY BREDFELDT  
P.O. BOX 368  
DODGE CITY, KS 67801
- ⑮ TYPE: PLUGGED (DOMESTIC)  
OWNER: RANDY BREDFELDT  
P.O. BOX 368  
DODGE CITY, KS 67801
- ⑯ TYPE: DOMESTIC  
OWNER: CHARLES WYCOFF  
512 MAY DRIVE  
DODGE CITY, KS 67801
- ⑰ TYPE: DOMESTIC  
OWNER: MIDWEST SALVAGE (CECIL MAUPIN JR.)  
P.O. BOX 480  
DODGE CITY, KS 67801

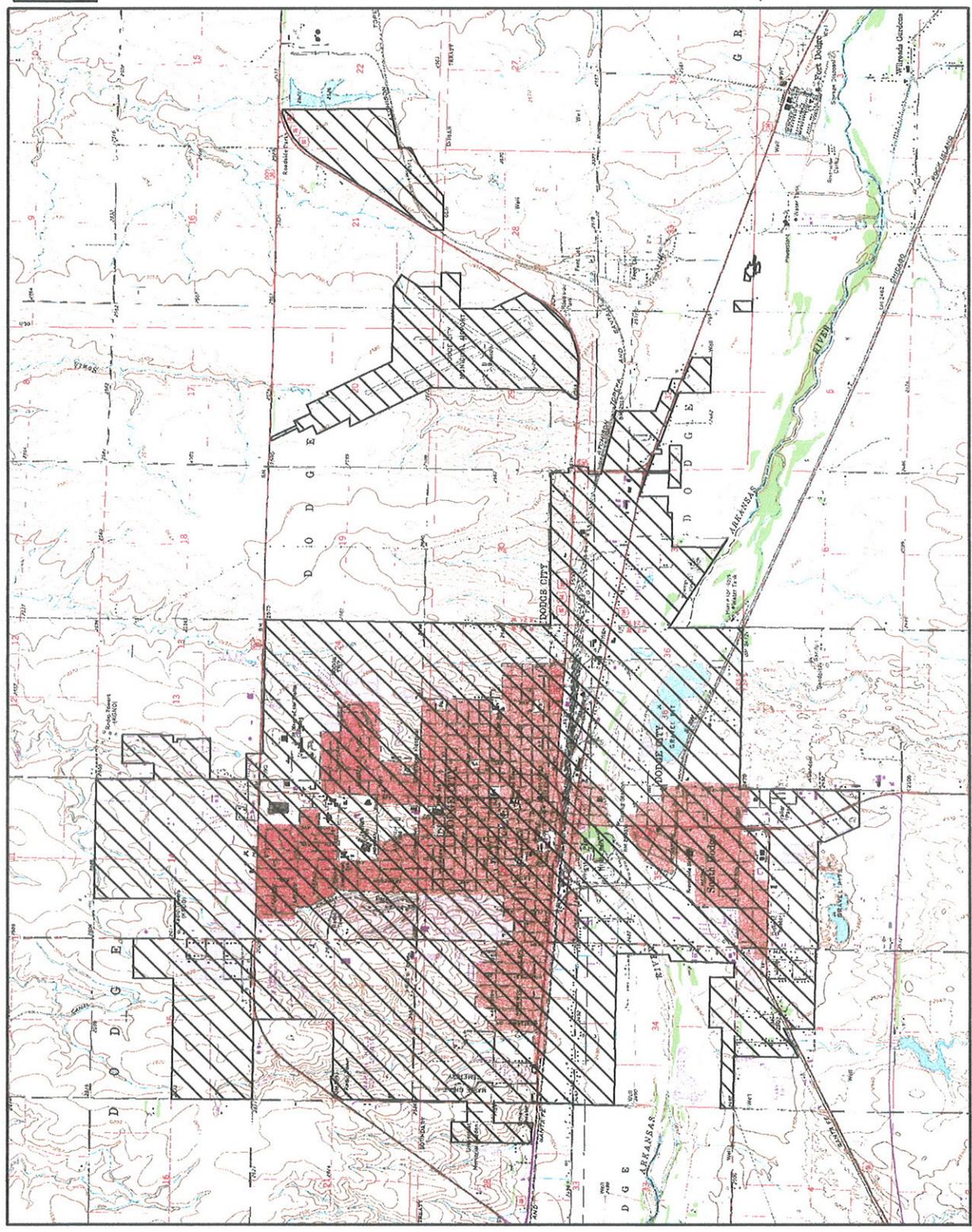
CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 20235

LEGEND  
[Hatched Box] AUTHORIZED  
PLACE OF USE  
(CITY BOUNDARY)

SCALE: 1" = 5,000 FT.

T 26S  
T 27S

R 24W  
R 25W



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

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

under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. \_\_\_\_\_  
 Appropriation Right under Application No. 34040 (AKA WELL #16)

2. Name and address of applicant: CITY OF DODGE CITY  
806 SECOND AVE. Phone Number: 620 225-8106  
DODGE CITY, KS 67801

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS  
806 SECOND AVE. Phone Number: 620 225-8106  
DODGE CITY, KS 67801

For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY  
 ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
13	26S	24W																	
26	26S	25W																	

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

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

4. It is proposed that the place of use be changed to: **NO CHANGE**

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

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

5. The presently authorized point(s) of diversion (is) (are) ONE  
(Give number)

WELL, PUMP, & MOTOR (wells, pumps, or other works for diversion of water) located as follows:

One in the SW quarter of the SW quarter of the SW quarter of Section 20,  
Township 26S, Range 24W, in FORD County, Kansas, 116 feet North 5030 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (are) ONE  
(Give number)

WELL, PUMP, & MOTOR (wells, pumps, or other works for diversion of water) located as follows:

One in the SW quarter of the NW quarter of the NE quarter of Section 29,  
Township 26S, Range 24W, in FORD County, Kansas, 4475 feet North 2435 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE WELL, PUMP, & MOTOR

(wells, pumps, etc.)  
and proposed to be completed by DECEMBER 2007  
(Date)

8. The presently authorized use of water is for MUNICIPAL purposes.  
It is proposed that the use be changed to (NO CHANGE) purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

WELL #16 HAS FAILED. THE PUMP WAS LOST IN THE WELL & HAD TO BE REMOVED.  
THE CITY DESIRES TO RELOCATE THE POINT OF DIVERSION TO A MORE ACCESSIBLE  
LOCATION SINCE THE WELL NEEDS TO BE REPLACED.

10. Furnish information to show:

- a. That the proposed change(s) will not impair existing water rights, and
- b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with additional comments below:

(A) THE PROPOSED CHANGE WILL NOT IMPAIR EXISTING WATER RIGHTS - NO KNOWN WELLS  
IN CLOSE PROXIMITY TO PROPOSED POINT OF DIVERSION.

(B) EXISTING WELL DEPTH IS 250 FT, SCREENED FROM 202-250FT -  
NEW WELL WILL BE SIMILARLY CONSTRUCTED.

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

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007.

City of Dodge City  
(Applicant)

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

\_\_\_\_\_  
(Applicant(s) Social Security Identification Number)

48-6008416  
(and/or Applicant(s) Taxpayer ID No )

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

State of Kansas }  
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

**FEE SCHEDULE** effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

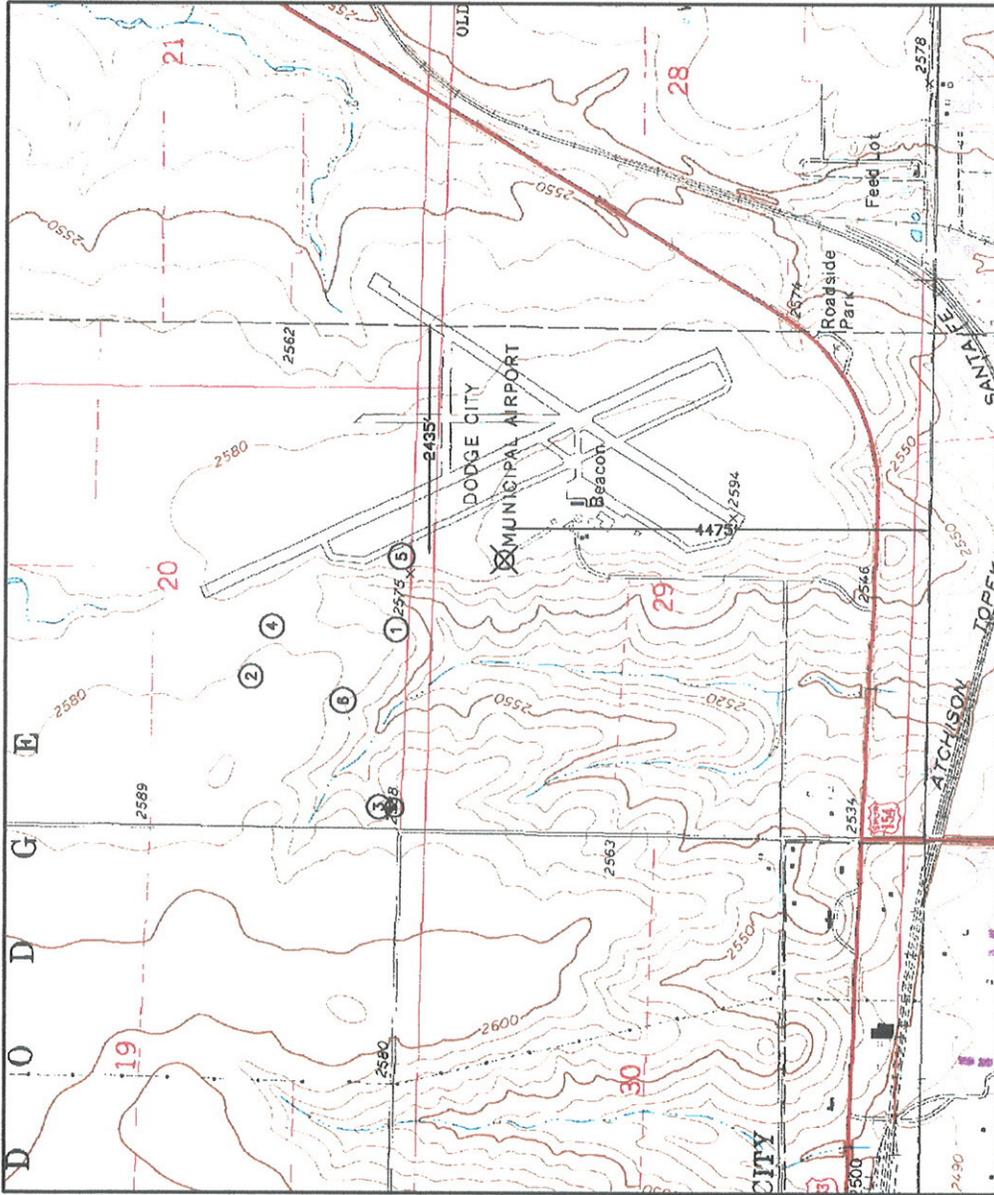
**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 34040**

- LEGEND**
- ⊙ EXISTING POINT OF DIVERSION
  - ⊗ REQUESTED POINT OF DIVERSION

**SCALE: 1" = 2,000 FT.**

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



- ① TYPE: MONITORING  
OWNER: FORD CO. LANDFILL  
JETMORE STAR ROUTE  
DODGE CITY, KS 67801
- ② TYPE: OTHER  
OWNER: FORD CO. LANDFILL  
C/O BOARD OF COUNTY COMMISSIONERS  
FORD COUNTY COURT HOUSE  
DODGE CITY, KS 67801
- ③ TYPE: PUBLIC WATER SUPPLY (TH 1-85)  
OWNER: CITY OF DODGE CITY  
701 1ST STREET  
DODGE CITY, KS 67801
- ④ TYPE: MONITORING (2 WELLS)  
OWNER: FORD CO. LANDFILL  
JETMORE STAR ROUTE  
DODGE CITY, KS 67801
- ⑤ TYPE: MONITORING  
OWNER: FORD CO. LANDFILL  
JETMORE STAR ROUTE  
DODGE CITY, KS 67801
- ⑥ TYPE: MONITORING (12 WELLS)  
OWNER: FORD CO. LANDFILL  
JETMORE STAR ROUTE  
DODGE CITY, KS 67801

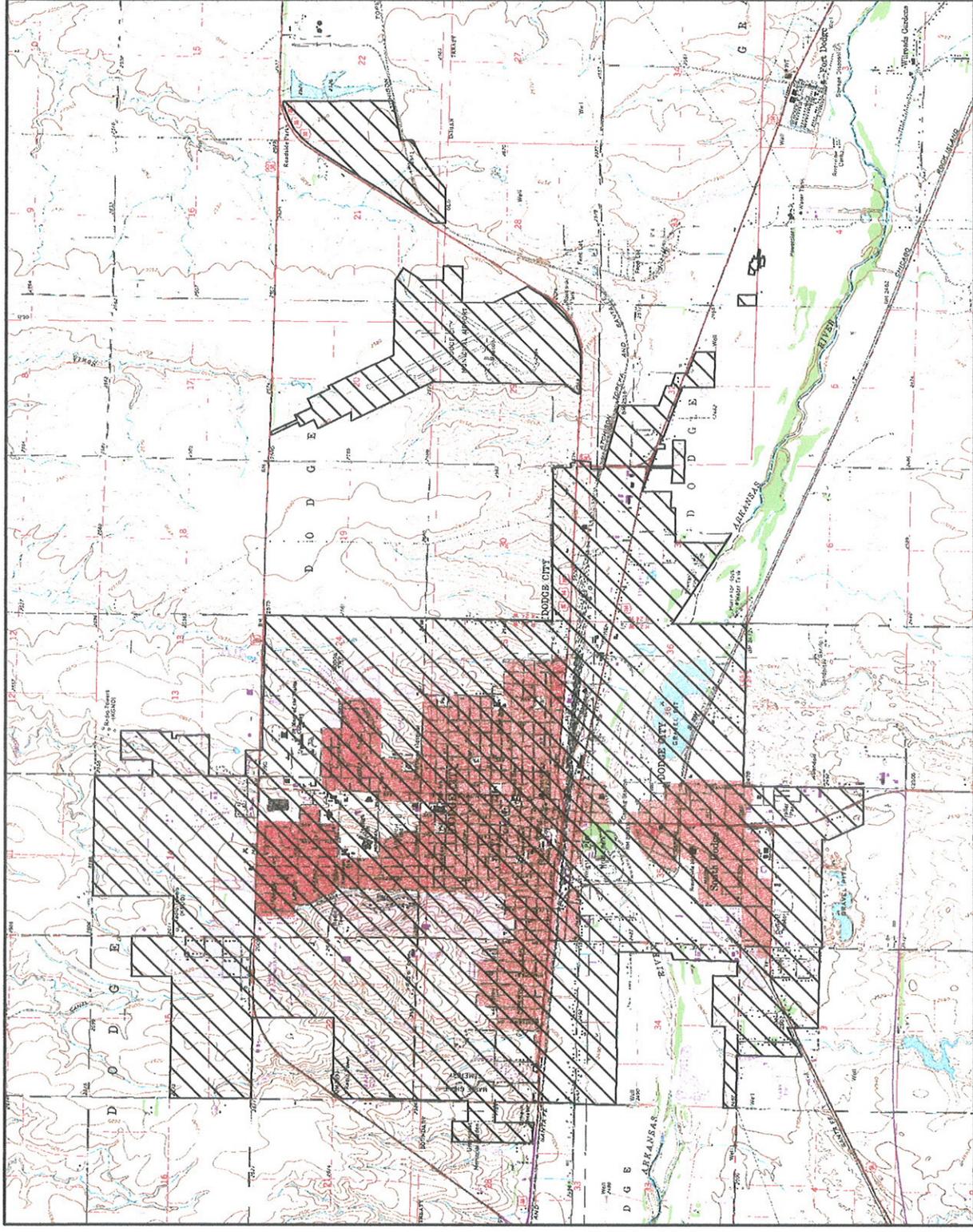
CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. 34040

**LEGEND**  
[Hatched Box] AUTHORIZED  
PLACE OF USE  
(CITY BOUNDARY)

SCALE: 1" = 5,000 FT.

T 26S  
T 27S

R 24W



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

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

under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. F02 (AKA WELLS #1 & 15)  
 Appropriation Right under Application No. \_\_\_\_\_

2. Name and address of applicant: CITY OF DODGE CITY

806 SECOND AVE., DODGE CITY, KS 67801 Phone Number: (620) 225-8106

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS

806 SECOND AVE. Phone Number: (620) 225-8106

DODGE CITY, KS 67801

For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY

ADDRESS: 806 SECOND AVE., 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	
13	26S	24W			SEE ATTACHED MAP FOR AUTHORIZED PLACE OF USE.														
26	26S	25W																	

Owner of Land — NAME: \_\_\_\_\_

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

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

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

4. It is proposed that the place of use be changed to: NO CHANGE

Owner of Land — NAME: \_\_\_\_\_

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

5. The presently authorized point(s) of diversion ~~(is)~~ (are) TWO \_\_\_\_\_  
(Give number)

WELLS, PUMPS, & MOTORS \_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)

#1 One in the SE quarter of the SE quarter of the SW quarter of Section 26,  
Township 26S, Range 25W, in FORD County, Kansas, ---- feet North ---- feet West of  
the Southeast corner of section, and

#15 One in the SW quarter of the NW quarter of the NE quarter of Section 35,  
Township 26S, Range 25W, in FORD County, Kansas, 4575 feet North 2425 feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (are) ONE \_\_\_\_\_  
(Give number)

WELL, PUMP, & MOTOR \_\_\_\_\_ located as follows:

(wells, pumps, or other works for diversion of water)

One in the SE quarter of the NW quarter of the NE quarter of Section 35,  
Township 26S, Range 25W, in FORD County, Kansas, 4329 feet North 1494 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE WELL, PUMP, & MOTOR \_\_\_\_\_

(wells, pumps, etc.)

and proposed to be completed by DECEMBER 2007 \_\_\_\_\_

(Date)

8. The presently authorized use of water is for MUNICIPAL \_\_\_\_\_ purposes.

It is proposed that the use be changed to (NO CHANGE) \_\_\_\_\_ purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

WELLS #1 AND 15 HAVE A HISTORY OF NITRATE CONTAMINATION.

IT IS MORE FEASIBLE TO CONSOLIDATE THESE WELLS TO A SINGLE POINT OF

DIVERSION INSTEAD OF A PUMP & TREAT SYSTEM.

10. Furnish information to show:

- a. That the proposed change(s) will not impair existing water rights, and
- b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with additional comments below:

(A) THE PROPOSED CHANGES WILL NOT IMPAIR EXISTING WATER RIGHTS - NO KNOWN  
WATER WELLS IN CLOSE PROXIMITY TO PROPOSED POINT OF DIVERSION.

(B) EXISTING WELLS ARE 152 AND 140FT IN DEPTH WITH APPROXIMATELY  
BOTTOM 40 FT SCREENED - NEW WELL WILL BE SIMILARLY CONSTRUCTED.

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

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. . . . (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007.

<u>City of Dodge City</u> (Applicant)	_____	_____	(Spouse)
_____	(Applicant(s) Social Security Identification Number)	<u>48-6008416</u>	(and/or Applicant(s) Taxpayer I D No )
_____	(Applicant)	_____	(Spouse)
_____	(Applicant)	_____	(Spouse)
_____	(Applicant)	_____	(Spouse)

State of Kansas }  
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

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**FEE SCHEDULE** effective July 1, 2002

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- (4) Application to change the use made of the water . . . . . 300

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. F02**

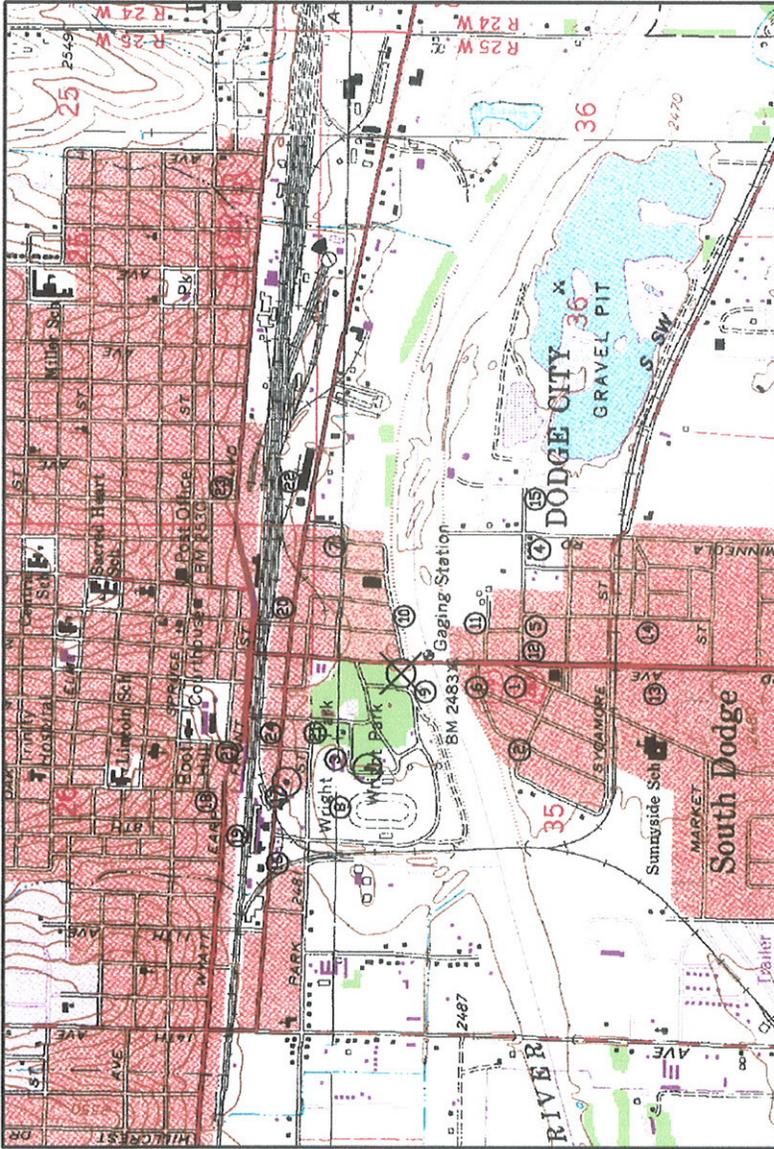
**LEGEND**

- ⊙ EXISTING POINT OF DIVERSION
- ⊗ REQUESTED POINT OF DIVERSION

**SCALE: 1" = 2,000 FT.**

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



- |   |  |  |  |  |
|---|--|--|--|--|
| <p>① TYPE: MONITORING (19)<br/>OWNER: FAS STOP<br/>301 S. SECOND ST.<br/>DODGE CITY, KS 67801</p> <p>② TYPE: LAWN &amp; GARDEN<br/>OWNER: MRS. ADA ELDER<br/>315 SMITH<br/>DODGE CITY, KS 67801</p> <p>③ TYPE: AIR CONDITIONING<br/>OWNER: UNKNOWN</p> <p>④ TYPE: MONITORING (2)<br/>OWNER: NANCY ROSTETTER<br/>704 CRIO<br/>MINNEOLA, KS 67865</p> <p>⑤ TYPE: MONITORING (4)<br/>PLUGGED (MONITORING) (13)<br/>PLUGGED (R/SVE/SV) (10)<br/>PLUGGED (I/AS) (5)<br/>OWNER: SOUTH DODGE 66<br/>302 S. SECOND ST.<br/>DODGE CITY, KS 67801</p> <p>⑥ TYPE: PLUGGED (LAWN &amp; GARDEN)<br/>OWNER: THUAN M. TRAN<br/>10748 MARSHALL RD.<br/>DODGE CITY, KS 67801</p> <p>⑦ TYPE: PLUGGED (DOMESTIC)<br/>OWNER: JANET JONES</p> <p>⑧ TYPE: DOMESTIC<br/>OWNER: ALAN TRENT<br/>1805 E. TRAIL<br/>DODGE CITY, KS 67801</p> | <p>⑨ TYPE: I/AS (3)<br/>R/SVE/SV (1)<br/>OWNER: FAS STOP (U PUMP IT, KS)<br/>P.O. BOX 2427<br/>GARDEN CITY, KS 67845</p> <p>⑩ TYPE: I/AS (8)<br/>R/SVE/SV (8)<br/>OWNER: SOUTH DODGE 66<br/>302 S. SECOND ST.<br/>DODGE CITY, KS 67801</p> <p>⑪ TYPE: MONITORING (2)<br/>OWNER: U PUMP IT, KS, INC.<br/>P.O. BOX 2427<br/>GARDEN CITY, KS 67845</p> <p>⑫ TYPE: PLUGGED (MONITORING) (12)<br/>PLUGGED (R/SVE/SV) (5)<br/>PLUGGED (I/AS) (4)<br/>OWNER: FAS STOP<br/>301 S. SECOND ST.<br/>DODGE CITY, KS 67801</p> <p>⑬ TYPE: MONITORING (9)<br/>PLUGGED (MONITORING) (7)<br/>OTHER (7)<br/>OWNER: FINA OIL &amp; CHEMICAL CO.<br/>P.O. BOX 2159<br/>DALLAS, TX 75221</p> <p>⑭ TYPE: MONITORING (2)<br/>PLUGGED (MONITORING) (3)<br/>OWNER: CENTEL CORP.<br/>(MID-KANSAS ELECTRIC)<br/>301 W. 13TH<br/>HAYS, KS 67801</p> | <p>⑮ TYPE: MONITORING (4)<br/>PLUGGED (MONITORING) (2)<br/>OWNER: FINA OIL &amp; CHEMICAL CO.<br/>P.O. BOX 2159<br/>DALLAS, TX 75221</p> <p>⑯ TYPE: MONITORING (2)<br/>OWNER: ATOFINO<br/>15710 JFK BLVD.<br/>HOUSTON, TX 77267</p> <p>⑰ TYPE: MONITORING (5)<br/>OWNER: ROSTETTER</p> <p>⑱ TYPE: MONITORING (19)<br/>PLUGGED (MONITORING) (15)<br/>OTHER (13)<br/>OWNER: DODGE CITY COOP<br/>P.O. BOX 610<br/>DODGE CITY, KS 67801</p> <p>⑲ TYPE: MONITORING (11)<br/>PLUGGED (MONITORING) (3)<br/>OTHER (11)<br/>OWNER: DODGE CITY COOP<br/>P.O. BOX 610<br/>DODGE CITY, KS 67801</p> <p>⑳ TYPE: MONITORING (4)<br/>OWNER: CENTEL CORP.<br/>(MID-KANSAS ELECTRIC)<br/>301 W. 13TH<br/>HAYS, KS 67801</p> | <p>⑳ TYPE: MONITORING (2)<br/>OWNER: WILBERT</p> <p>㉑ TYPE: MONITORING (3)<br/>OWNER: COASTAL MART, INC.<br/>9 GREENWOOD PLAZA<br/>HOUSTON, TX 77046</p> <p>㉒ TYPE: MONITORING (5)<br/>PLUGGED (MONITORING) (1)<br/>OWNER: EL PASO CORP.<br/>COLORADO SPRINGS, CO 80903</p> <p>㉓ TYPE: PLUGGED (MONITORING) (3)<br/>OWNER: FORMER COASTAL MART #2536<br/>2 N. NEVADA<br/>COLORADO SPRINGS, CO 80903</p> <p>㉔ TYPE: PLUGGED (MONITORING) (1)<br/>OWNER: COASTAL MART, INC.<br/>9 GREENWOOD PLAZA<br/>HOUSTON, TX 77046</p> <p>㉕ TYPE: MONITORING (1)<br/>PLUGGED (MONITORING) (1)<br/>OWNER: UNKNOWN</p> <p>㉖ TYPE: PLUGGED (MONITORING) (1)<br/>OWNER: DODGE CITY COOP<br/>P.O. BOX 610<br/>DODGE CITY, KS 67801</p> <p>㉗ TYPE: MONITORING<br/>OWNER: COASTAL MART 2536<br/>2 N. NEVADA<br/>COLORADO SPRINGS, CO 80903</p> | <p>㉘ TYPE: MONITORING (4)<br/>OWNER: EPP</p> <p>㉙ TYPE: MONITORING<br/>OWNER: UNKNOWN</p> <p>㉚ TYPE: R/SVE/SV<br/>OWNER: MUSKET CORPORATION<br/>P.O. BOX 26210<br/>OKLAHOMA CITY, OK 73126</p> <p>㉛ TYPE: MONITORING (7)<br/>PLUGGED (MONITORING) (1)<br/>R/SVE/SV (3)<br/>OWNER: ATOFINO<br/>15710 JFK BLVD.<br/>HOUSTON, TX 77267</p> <p>㉜ TYPE: MONITORING (3)<br/>OWNER: TOTAL PETROCHEMICALS, INC.<br/>P.O. BOX 67441<br/>HOUSTON, TX 77267-4411</p> <p>㉝ TYPE: THERMAL EXCHANGE<br/>OWNER: CASAL, LLC<br/>812 MAIN ST.<br/>PRATT, KS 67124</p> |
|---|--|--|--|--|

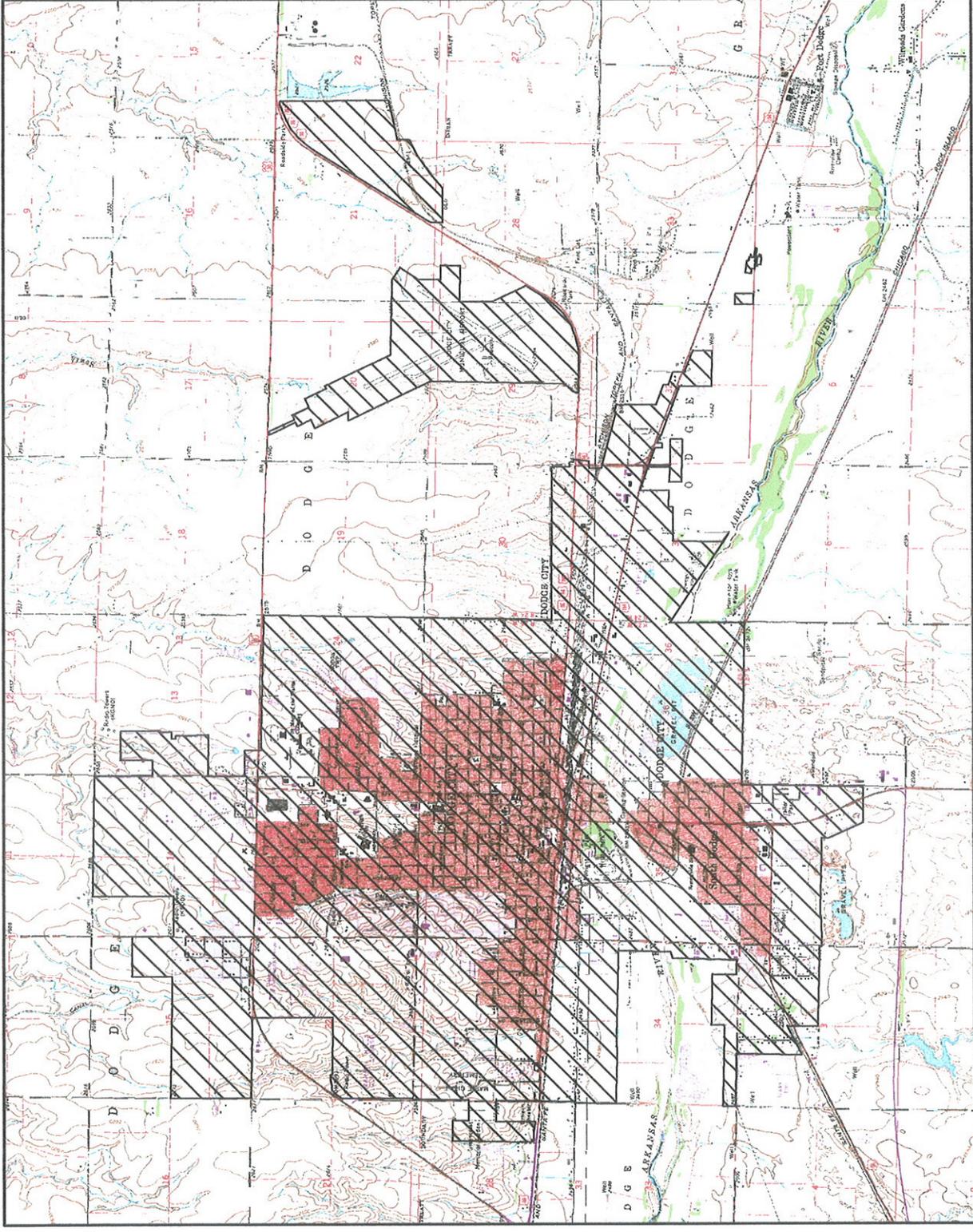
CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. F02

**LEGEND**  
[Hatched Box] AUTHORIZED  
PLACE OF USE  
(CITY BOUNDARY)

SCALE: 1" = 5,000 FT.

T 26S  
T 27S

R 25W  
R 24W



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

**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 back side of application form.)*

The application must be supplemented by 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. The following information must be shown on the map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Describe the current condition and future plans of any points of diversion which are no longer to be used. These locations should be shown by plotting the position accurately on the map and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. 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. Please be certain that the information shown on the map agrees with the information shown in the application.

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture:

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

- Place of Use  
 Point of Diversion  
 Use Made of the Water

(Check one or more) under the water right which is the subject of this application in accordance with the particulars hereinafter described

- (Check one only)  Vested Right under File No. F069 (AKA WELL #15)  
 Appropriation Right under Application No. \_\_\_\_\_

2. Name and address of applicant: CITY OF DODGE CITY  
806 SECOND AVE. Phone Number: 620 225 8106  
DODGE CITY, KS 67801

Name and address of water use correspondent: JOE FINLEY, DIRECTOR OF PUBLIC WORKS  
806 SECOND AVE. Phone Number: (620) 225 8106  
DODGE CITY, KS 67801

For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land — NAME: CITY OF DODGE CITY

ADDRESS: 806 SECOND AVE., DODGE CITY, KS 67801

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼													
13	26S	24W																	
26	26S	25W																	

SEE ATTACHED MAP FOR AUTHORIZED PLACE OF USE.

Owner of Land — NAME: \_\_\_\_\_

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

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

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

4. It is proposed that the place of use be changed to: NO CHANGE

Owner of Land — NAME: \_\_\_\_\_

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

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

5. The presently authorized point(s) of diversion (is) (~~are~~) ONE  
(Give number)

WELL, PUMP, & MOTOR located as follows:  
(wells, pumps, or other works for diversion of water)

#15 One in the SW quarter of the NW quarter of the NE quarter of Section 35,  
Township 26S, Range 25W, in FORD County, Kansas, 4575 feet North 2425 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

6. The proposed location of the point(s) of diversion (is) (~~are~~) ONE  
(Give number)

WELL, PUMP, & MOTOR located as follows:  
(wells, pumps, or other works for diversion of water)

One in the SE quarter of the NW quarter of the NE quarter of Section 35,  
Township 26S, Range 25W, in FORD County, Kansas, 4329 feet North 1494 feet West of  
the Southeast corner of section, and

One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of  
the Southeast corner of section.

7. The works for diversion of water at the proposed location will consist of ONE WELL, PUMP, & MOTOR

and proposed to be completed by DECEMBER 2007  
(wells, pumps, etc.) (Date)

8. The presently authorized use of water is for MUNICIPAL purposes.  
It is proposed that the use be changed to (NO CHANGE) purposes.

9. The change(s) proposed herein are desired for the following reasons (please be specific):

WELL #15 HAS A HISTORY OF NITRATE CONTAMINATION. IT IS MORE FEASIBLE TO  
RELOCATE THE POINT OF DIVERSION INSTEAD OF A PUMP & TREAT SYSTEM.

10. Furnish information to show:

- a. That the proposed change(s) will not impair existing water rights, and
- b. That the proposed change(s) relates to the same local source of supply as that to which the presently authorized water right relates. Attach statements, plats, geology reports, well logs, test hole logs, and other information as necessary with additional comments below:

(A) THE PROPOSED CHANGES WILL NOT IMPAIR EXISTING WATER RIGHTS - NO KNOWN WATER  
WELLS IN CLOSE PROXIMITY TO PROPOSED POINT OF DIVERSION.

(B) EXISTING WELL DEPTH 140FT, SCREENED FROM 100-140FT - NEW WELL  
WILL BE SIMILARLY CONSTRUCTED.

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

Section 82a-728 of the Kansas Water Appropriation Act, provides

(a) Except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated [the Water Appropriation Act] and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. . . (Emphasis added)

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor. . .

A class C misdemeanor is punishable by a fine, only after notification by the Chief Engineer, not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

I declare that I am a landowner as identified herein, or that I represent a landowner as identified herein and am authorized to make this application in his or her behalf, and declare further that the statements contained herein are true, correct, and complete.

Dated at Dodge City, Kansas, this 2 day of July, 2007.

City of Dodge City  
(Applicant)

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

\_\_\_\_\_  
(Applicant(s) Social Security Identification Number)

48-6008416  
(and/or Applicant(s) Taxpayer I D No )

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

\_\_\_\_\_  
(Applicant)

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

State of Kansas )  
County of Ford ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

NOTE: The application must be signed by each person and his or her spouse, if married, whose name appears as an applicant and all other owners of land covered by the water right. 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.

**FEE SCHEDULE** effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of \$300. Any application which requests three types of changes shall be accompanied by a fee of \$500.

Make check payable to Kansas Department of Agriculture.

**CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. F069**

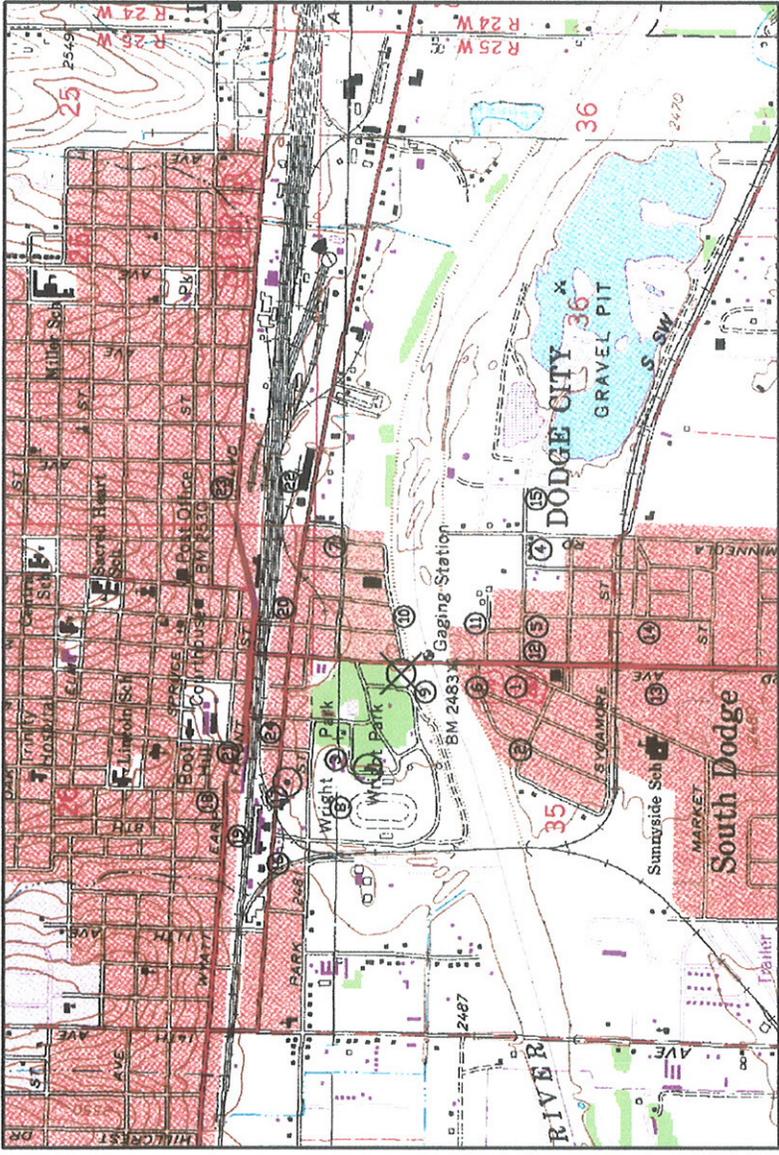
**LEGEND**

- ⊙ EXISTING POINT OF DIVERSION
- ⊗ REQUESTED POINT OF DIVERSION

**SCALE: 1" = 2,000 FT.**

All wells within 1/2 mile of the requested point of diversion have been plotted.

(Signature)



- ① TYPE: MONITORING (19)  
OWNER: FAS STOP  
301 S. SECOND ST.  
DODGE CITY, KS 67801
- ② TYPE: LAW & GARDEN  
OWNER: MRS. ADA ELDER  
315 SMITH  
DODGE CITY, KS 67801  
OWNER: UNKNOWN
- ③ TYPE: AIR CONDITIONING  
OWNER: UNKNOWN
- ④ TYPE: MONITORING (2)  
OWNER: NANCY ROSTETTER  
704 CRIO  
MINNEOLA, KS 67865
- ⑤ TYPE: MONITORING (4)  
PLUGGED (MONITORING) (13)  
PLUGGED (R/SVE/SV) (10)  
PLUGGED (L/AS) (6)  
OWNER: SOUTH DODGE 66  
302 S. SECOND ST.  
DODGE CITY, KS 67801  
OWNER: THUAN M. TRAN  
10746 MARSHALL RD.  
DODGE CITY, KS 67801
- ⑥ TYPE: PLUGGED (LAWN & GARDEN)  
OWNER: ALAN TRENT  
1805 E. TRAIL  
DODGE CITY, KS 67801
- ⑦ TYPE: PLUGGED (DOMESTIC)  
OWNER: JANET JONES
- ⑧ TYPE: DOMESTIC  
OWNER: ALAN TRENT  
1805 E. TRAIL  
DODGE CITY, KS 67801
- ⑨ TYPE: MONITORING (19)  
R/SVE/SV (1)  
OWNER: FAS STOP (U PUMP IT, KS)  
P.O. BOX 2427  
GARDEN CITY, KS 67845
- ⑩ TYPE: I/AS (8)  
R/SVE/SV (8)  
OWNER: SOUTH DODGE 66  
302 S. SECOND ST.  
DODGE CITY, KS 67801
- ⑪ TYPE: MONITORING (2)  
OWNER: U PUMP IT KS, INC.  
P.O. BOX 2427  
GARDEN CITY, KS 67845
- ⑫ TYPE: MONITORING (12)  
PLUGGED (R/SVE/SV) (5)  
PLUGGED (L/AS) (4)  
OWNER: FAS STOP  
301 S. SECOND ST.  
DODGE CITY, KS 67801
- ⑬ TYPE: MONITORING (9)  
PLUGGED (MONITORING) (7)  
OTHER (7)  
OWNER: FINA OIL & CHEMICAL CO.  
P.O. BOX 2159  
DALLAS, TX 75221
- ⑭ TYPE: MONITORING (2)  
R/SVE/SV (8)  
OWNER: SOUTH DODGE 66  
302 S. SECOND ST.  
DODGE CITY, KS 67801
- ⑮ TYPE: MONITORING (19)  
PLUGGED (MONITORING) (15)  
OTHER (13)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ⑯ TYPE: MONITORING (11)  
PLUGGED (MONITORING) (3)  
OTHER (11)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ⑰ TYPE: MONITORING (4)  
PLUGGED (MONITORING) (4)  
OWNER: CENTEL CORP.  
(MID-KANSAS ELECTRIC)  
301 W. 13TH  
HAYS, KS 67801
- ⑱ TYPE: MONITORING (19)  
PLUGGED (MONITORING) (15)  
OTHER (13)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ⑲ TYPE: MONITORING (1)  
PLUGGED (MONITORING) (1)  
OWNER: UNKNOWN
- ⑳ TYPE: PLUGGED (MONITORING) (1)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ㉑ TYPE: MONITORING  
OWNER: COASTAL MART 2536  
2 N. NEVADA  
COLORADO SPRINGS, CO 80903
- ㉒ TYPE: MONITORING (4)  
PLUGGED (MONITORING) (1)  
OWNER: FINA OIL & CHEMICAL CO.  
P.O. BOX 2159  
DALLAS, TX 75221
- ㉓ TYPE: MONITORING (2)  
OWNER: ATOFINA  
15710 JFK BLVD.  
HOUSTON, TX 77267
- ㉔ TYPE: MONITORING (5)  
PLUGGED (MONITORING) (1)  
OWNER: EL PASO CORP.  
2 N. NEVADA  
COLORADO SPRINGS, CO 80903
- ㉕ TYPE: PLUGGED (MONITORING) (3)  
OWNER: FORMER COASTAL MART #2536  
2 N. NEVADA  
COLORADO SPRINGS, CO 80903
- ㉖ TYPE: PLUGGED (MONITORING) (1)  
OWNER: COASTAL MART, INC.  
9 GREENWOOD PLAZA  
HOUSTON, TX 77046
- ㉗ TYPE: MONITORING (1)  
PLUGGED (MONITORING) (1)  
OWNER: UNKNOWN
- ㉘ TYPE: MONITORING (1)  
PLUGGED (MONITORING) (1)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ㉙ TYPE: MONITORING (1)  
PLUGGED (MONITORING) (1)  
OWNER: UNKNOWN
- ㉚ TYPE: PLUGGED (MONITORING) (1)  
OWNER: DODGE CITY COOP  
P.O. BOX 510  
DODGE CITY, KS 67801
- ㉛ TYPE: MONITORING (4)  
PLUGGED (MONITORING) (1)  
OWNER: EPP
- ㉜ TYPE: R/SVE/SV  
OWNER: MUSKET CORPORATION  
P.O. BOX 26210  
OKLAHOMA CITY, OK 73126
- ㉝ TYPE: MONITORING (7)  
PLUGGED (MONITORING) (1)  
R/SVE/SV (3)  
OWNER: ATOFINA  
15710 JFK BLVD.  
HOUSTON, TX 77267
- ㉞ TYPE: MONITORING (3)  
OWNER: TOTAL PETROCHEMICALS, INC.  
P.O. BOX 674411  
HOUSTON, TX 77267-4411
- ㉟ TYPE: THERMAL EXCHANGE  
OWNER: CABAL, LLC  
812 MAIN ST.  
PRATT, KS 67124

CITY OF  
DODGE CITY, KANSAS  
WATER RIGHT NO. F069

LEGEND  
[Hatched Box] AUTHORIZED  
PLACE OF USE  
(CITY BOUNDARY)

SCALE: 1" = 5,000 FT.

T 265  
T 275

R 24W  
R 25W

