

M-36

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 48725
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

UNACCEPTABLE FOR PRIORITY
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JUL 23 2013 1:05 PM
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To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): City of Wichita
Address: 455 N. Main
City: Wichita State KS Zip Code 67202
Telephone Number: (316) 269-4760

2. The source of water is: [ ] surface water in (stream)
OR [x] groundwater in Little Arkansas River, ASR Project (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 500 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1,500 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

- 4. The water is intended to be appropriated for (Check use intended):
(a) [ ] Artificial Recharge (b) [ ] Irrigation (c) [ ] Recreational (d) [ ] Water Power
(e) [ ] Industrial (f) [x] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

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For Office Use Only:
F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source G/S County SG By PRL Date 7-24-13
Code REG REF Fee \$ 340 TR # Receipt Date 7-27-13 Check # 583891

14003569

7-25-13
FD

pdv # 39385

File No. 48725

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SW quarter of the SW quarter of the NW quarter of Section 7, more particularly described as being near a point 2850 feet North and 5200 feet West of the Southeast corner of said section, in Township 25 South, Range 1 West, Sedgwick County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

*See deed* Executed on \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Applicant's Signature

7. The proposed project for diversion of water will consist of one well and pump  
(number of wells, pumps or dams, etc.)

and (was completed (by) 06/16/1959  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 01/01/14  
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

This well is covered by #1006. The requested water right is for the recovery of available  
recharge credits stored as part of the City of Wichita's ASR project.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>1959</u>	_____	_____	_____
Total depth of well	<u>184</u>	_____	_____	_____
Depth to water bearing formation	<u>15</u>	_____	_____	_____
Depth to static water level	<u>30</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>150</u>	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of agent  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Wichita, Kansas, this 6th day of June, 2013.  
(month) (year)

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

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Debra Ary  
(Agent or Officer Signature)

48-6000653  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

Debra Ary  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_

(office/title)  
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Send To Printer

Back To MSR Maps

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 27 km NE of Wichita, Kansas, United States 01 Jul 1989

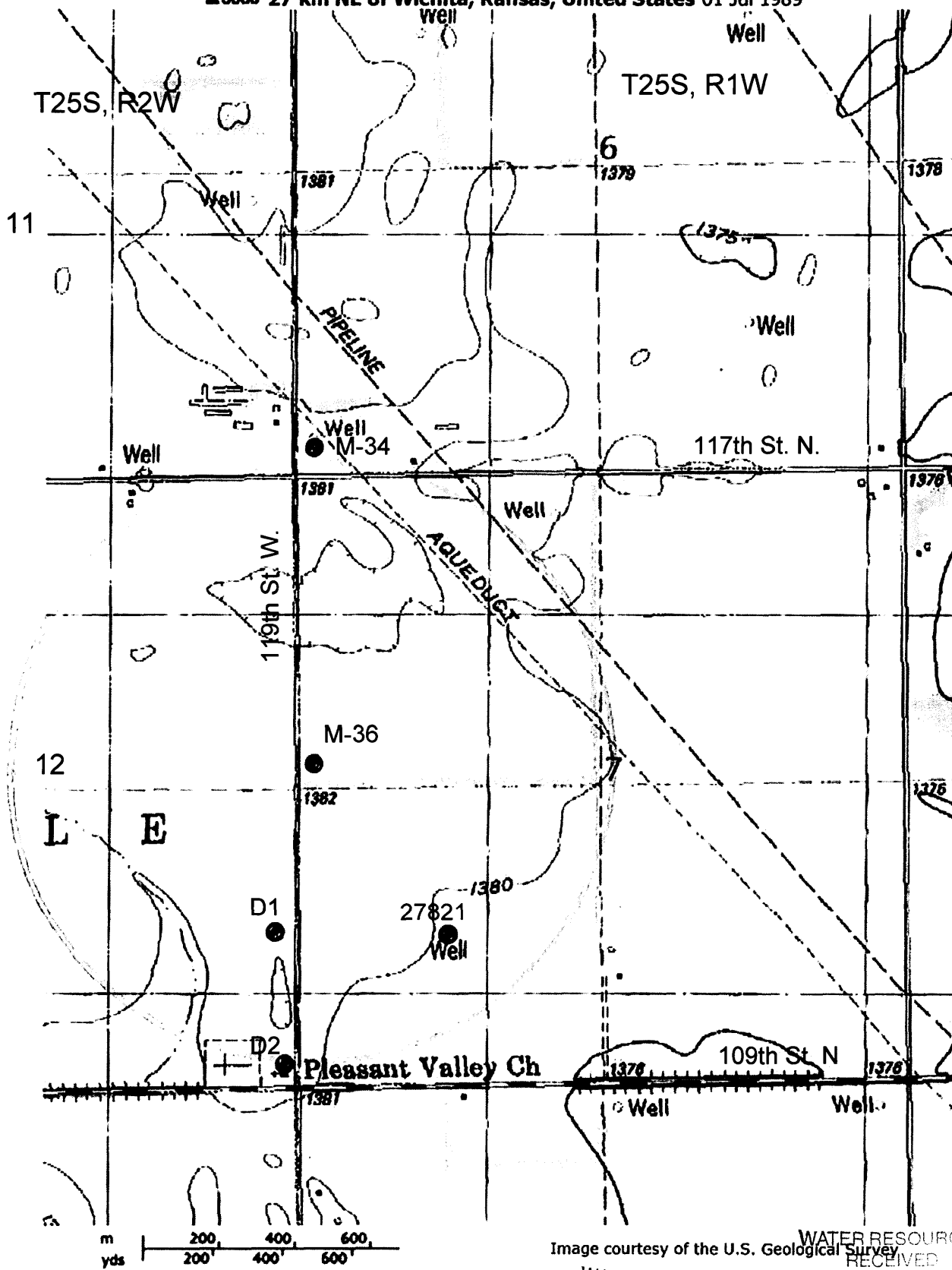


Image courtesy of the U.S. Geological Survey

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M-36 Nearby Wells

D1- Nichols, Darren S. & Derrial D.  
11050 N Carma, Sedgwick, KS 67135-9802

D2- Pleasant Valley Church  
12002 W 109<sup>th</sup> St. N. Sedgwick, KS 67135-9617

27821- Gruenbacher, Dennis & Suzanne; REV TRS  
24600 W Hedgecreek Cir., Andale KS 67001-4021

M-34- City of Wichita,  
455 N. Main, Wichita, KS 67202

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Place of Use  
July 18, 2006

Within the City of Wichita and immediate vicinity; within the City of Andover and immediate vicinity, within the City of Bel Aire and immediate vicinity, within the City of Benton and immediate vicinity, within the City of Derby and immediate vicinity; within the City of Kechi and immediate vicinity; within the City of Park City and immediate vicinity; within the City of Rose Hill and immediate vicinity; within the City of Valley Center and immediate vicinity; within the City of Bentley; within the boundaries of Rural Water District No. 1, Sedgwick County; within the boundaries of Rural Water District No. 2, Sedgwick County; within the boundaries of Rural Water District No. 3, Sedgwick County; and within the boundaries of Rural Water District No. 8, Butler County; within a tract of land in Sedgwick and Butler Counties, Kansas, beginning at the Southeast Corner of Section 25, Township 28 South, Range 2 East, then West a distance of 22 miles to the Southwest Corner of Section 28, Township 28 South, Range 2 West, then North a distance of 16 miles to the Northwest Corner of Section 9, Township 26 South, Range 2 West, then East a distance of 22 miles to the Northeast corner of Section 12, Township 26 South, Range 2 East, then South a distance of 16 miles to the point of beginning.

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Lottie Popkins and Homer W. Popkins, her husband, 1953

of the County of Sedwick, State of Kansas, hereinafter called the Parties of the first part, and

THE CITY OF WICHITA, a municipal corporation, located in Sedwick County in the State of Kansas, hereinafter called the Party of the second part;

M-36

WITNESSETH: That the Parties of the first part, in consideration of Two Thousand and no/100 - - - Dollars, the receipt of which is hereby acknowledged, do by these presents give, grant, bargain, sell and convey unto said Party of the second part, its successors and assigns:

1. All of the water bearing sands and water rights now, or at any time, and at all times hereafter in or under said tracts hereinafter described.
2. The right to use in the proper enjoyment of such water and water as much of the surface of said tracts of real estate as may be necessary or desirable on the part of the Party of the second part to carry out the terms of this grant.
3. The right in perpetuity to drill for, produce, and transport sub-surface water therefrom.
4. The right to go upon the surface of said lands above described to explore and drill for, procure and extract any and all sub-surface water, either for experimental purposes or for a permanent supply, and to remove and transport the same for such use and uses in the City of Wichita and its environs, as the Party of the second part may from time to time elect to make of it, including all of the sub-surface water:
  - (a) Which may at any time and at all times during the continuance hereof be stationary in and under said land or any part thereof, and
  - (b) Which may flow or percolate thereto from other lands, including the right of ingress and egress by the officers, agents and employees of the Party of the second part, and by any other party authorized by it to enter upon said premises to carry out the purposes of this grant.
5. The right to lay and maintain such pipe lines and power lines, and construct and maintain such tanks and pump houses as may be deemed necessary or desirable by the Party of the second part for the economic production, handling and transportation of such water.
6. The right to construct, operate and maintain measuring wells for the purpose of ascertaining the changes, if any, in the quantity and quality of sub-surface water on the below described premises.
7. The right to, at any and all times, remove from said land any and all tanks, machinery, fixtures and improvements placed thereon by the grantee, including the right to drill and remove pipe and casing.
8. The tracts of real estate in, under and to which the foregoing rights and interests are granted are described as follows, to-wit:

Five acres (5) in square form in the southwest corner of the west half (W-1/2) of the northwest quarter (NW-1/4) Section seven (7), Township Twenty-five South (25S), Range One West (1W), Sedwick County, Kansas.

IT IS UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES that this indenture does not carry with it any oil and gas in place or the right to explore for or extract the same.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances hereunto belonging or in anywise appertaining forever.

Said grantors for themselves and their heirs, executors, or administrators do hereby covenant, promise and agree to and with said Party of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and inalienable estate of inheritance, in fee simple, of and in and singular the above granted and described premises with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments, and incumbrances of what nature any kind soever;

and that they will warrant and forever defend the same unto said Party of the second part, its successors or assigns, against said Parties of the first part, their heirs, and all and every person or persons whatsoever, claiming or to claim the same.

IN WITNESS WHEREOF, the said Parties of the first part have hereunto set their hands the day and year first above written.

WATER RESOURCES OFFICES RECEIVED [Signature]

JUL 23 2013



**Rockel, Richard A.**

---

**From:** Ary, Debra <DAry@wichita.gov>  
**Sent:** Tuesday, July 23, 2013 4:42 PM  
**To:** Rockel, Richard A.  
**Subject:** RE: Proof of Access Statement  
**Attachments:** MWell 1.pdf; MWell 3.pdf; MWell 5\_MWell6.pdf; MWell 7.pdf; MWell 8\_MWell 9\_MWell 10.pdf; MWell 12\_MWell 14\_MWell 17\_MWell 18.pdf; MWell 15.pdf; MWell 16.pdf; MWell 20\_MWell21.pdf; MWell 24.pdf; MWell 25.pdf; MWell 27\_MWell 28.pdf; MWell 29\_MWell 30.pdf; MWell 31\_MWell 32.pdf; MWell 33.pdf; MWell 34.pdf; MWell 35.pdf; MWell 36.pdf; MWell 37\_MWell 38.pdf; MWell 39\_MWell 40.pdf; MWell 41\_MWell 42\_MWell 43\_MWell 44.pdf; MWell 48\_MWell 49\_MWell 50.pdf; MWell 51\_MWell 52.pdf; MWell 53\_MWell 54\_MWell 55.pdf; Warranty Deed Well 54.pdf

Mr. Rockel,

Please find attached the deeds for the well easements associated with the ASR Recharge Water Right Applications. Please let me know if you need additional documentation.

Kindest regards,

Deb

---

**From:** Rockel, Richard A. [<mailto:Richard.Rockel@KDA.KS.GOV>]  
**Sent:** Tuesday, July 23, 2013 11:05 AM  
**To:** Ary, Debra  
**Subject:** RE: Proof of Access Statement

Yes you can send electronic copies of the easements.

Richard Rockel

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**From:** Ary, Debra [<mailto:DAry@wichita.gov>]  
**Sent:** Tuesday, July 23, 2013 11:04 AM  
**To:** Rockel, Richard A.  
**Subject:** RE: Proof of Access Statement

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Can I send a copy of the easements electronically? These are actually pretty easy to access for me.

---

**From:** Rockel, Richard A. [<mailto:Richard.Rockel@KDA.KS.GOV>]  
**Sent:** Tuesday, July 23, 2013 11:00 AM  
**To:** Ary, Debra  
**Subject:** RE: Proof of Access Statement

Correct, we will either need 30 copies of the form OR an easement for each well, we do not need both.

Richard Rockel

---

**From:** Ary, Debra [<mailto:DAry@wichita.gov>]  
**Sent:** Tuesday, July 23, 2013 10:41 AM  
**To:** Rockel, Richard A.  
**Subject:** RE: Proof of Access Statement

Thank you Richard,

Just to be clear, I can sign this page 30 times, or provide copies of the individual easements for each tract?

Thank you again,

Deb

---

**From:** Rockel, Richard A. [<mailto:Richard.Rockel@KDA.KS.GOV>]  
**Sent:** Tuesday, July 23, 2013 10:35 AM  
**To:** Ary, Debra  
**Subject:** Proof of Access Statement

Deb,

Per our telephone discussion, attached is our proof of access form which will need to be completed for each of the applications (30) submitted by the City of Wichita before they can be accepted for processing.

Effective July 1, 2009, K.S.A. 82a-709 requires all applicants for new appropriation rights for the beneficial use of water in the State of Kansas to provide evidence of legal access to or control of the point of diversion from the landowner or the landowner's authorized representative. Applicants may provide a copy of a recorded deed, lease, easement or other document with the application. Or, in lieu of providing this documentary evidence, you may sign the attached form, which constitutes a sworn statement.

Let me know if you have any questions,

Richard Rockel, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
(785) 296-6084  
[Richard.Rockel@KDA.KS.GOV](mailto:Richard.Rockel@KDA.KS.GOV)  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)



**Department of Public Works & Utilities**

June 25, 2013

Division of Water Resources  
 David Barfield, P.E.  
 Chief Engineer  
 Kansas Department of Agriculture  
 109 SW 9<sup>th</sup> St.  
 Topeka, KS 66612

Dear Mr. Barfield,

RE: Permit Applications for Equus Beds ASR Project

Dear Mr. Barfield,

The City of Wichita has completed construction of Phase II of the Equus Beds Aquifer Storage and Recovery (ASR) project. Phase II has the capacity to capture and recharge up to 30 million gallons per day of surface water from the Little Arkansas River. The water from the river will be treated to meet KDHE water quality standards prior to being injected into recharge wells. When the Phase II project was permitted, the City applied for recharge water rights for both new recharge and recover wells as well as municipal supply wells that were being with recharge capabilities. The enclosed applications are requesting recharge water withdrawal rights for the remaining municipal wells.

The Chief Engineer approved the City's ASR project as part of the Findings and Orders issued on August 5, 2005. Those Findings and Orders established the accounting method for tracking recharge credits. At that time 38 Index Cells were established. Attachment No. 1 is a map that shows the locations of the municipal wells that the City is requesting recharge water rights when credits are available within their respective Index Cells.

Each application includes a map depicting the locations of other groundwater diversions located within one-half mile of each municipal well. Those diversions include a number of domestic

**Engineering Division**

City Hall • Seventh Floor • 455 North Main • Wichita, Kansas 67202-1606

**T** 316.268.4501 **F** 316.268.4114

[www.wichitagov.org](http://www.wichitagov.org)

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wells located within a few hundred feet of the existing M-wells. The proposed use of recharge water rights will be only when recharge credits are available, which means that the water being withdrawn would not be there except for the recharge activities. The applications request a maximum rate of withdrawal of 1,500 gpm to support back flushing activities when the well is potentially redrilled with recharge capabilities in the future and will not be the rate used under normal pumping conditions. Therefore, because the maximum rate of diversion will occur only for brief periods and the additional water used by these wells is for water that is not currently available, these applications will not impair other nearby water users when the wells are operated under the conditions established for ASR wells.

Enclosed is a check for \$10,200 to cover the application fees. We appreciate your consideration in reviewing these applications. The City is willing to provide any additional information you might find helpful. If you have any questions, please do not hesitate to contact either myself at 316-268-4235, [mjacobs@wichita.gov](mailto:mjacobs@wichita.gov), or Debra Ary at 316-268-4614, [dary@wichita.gov](mailto:dary@wichita.gov).

Sincerely,



Michael G. Jacobs, P.E.  
Interim Manager, Water Planning and Production

Withdrawal at nonrecharge wells 2013-06-25.docx

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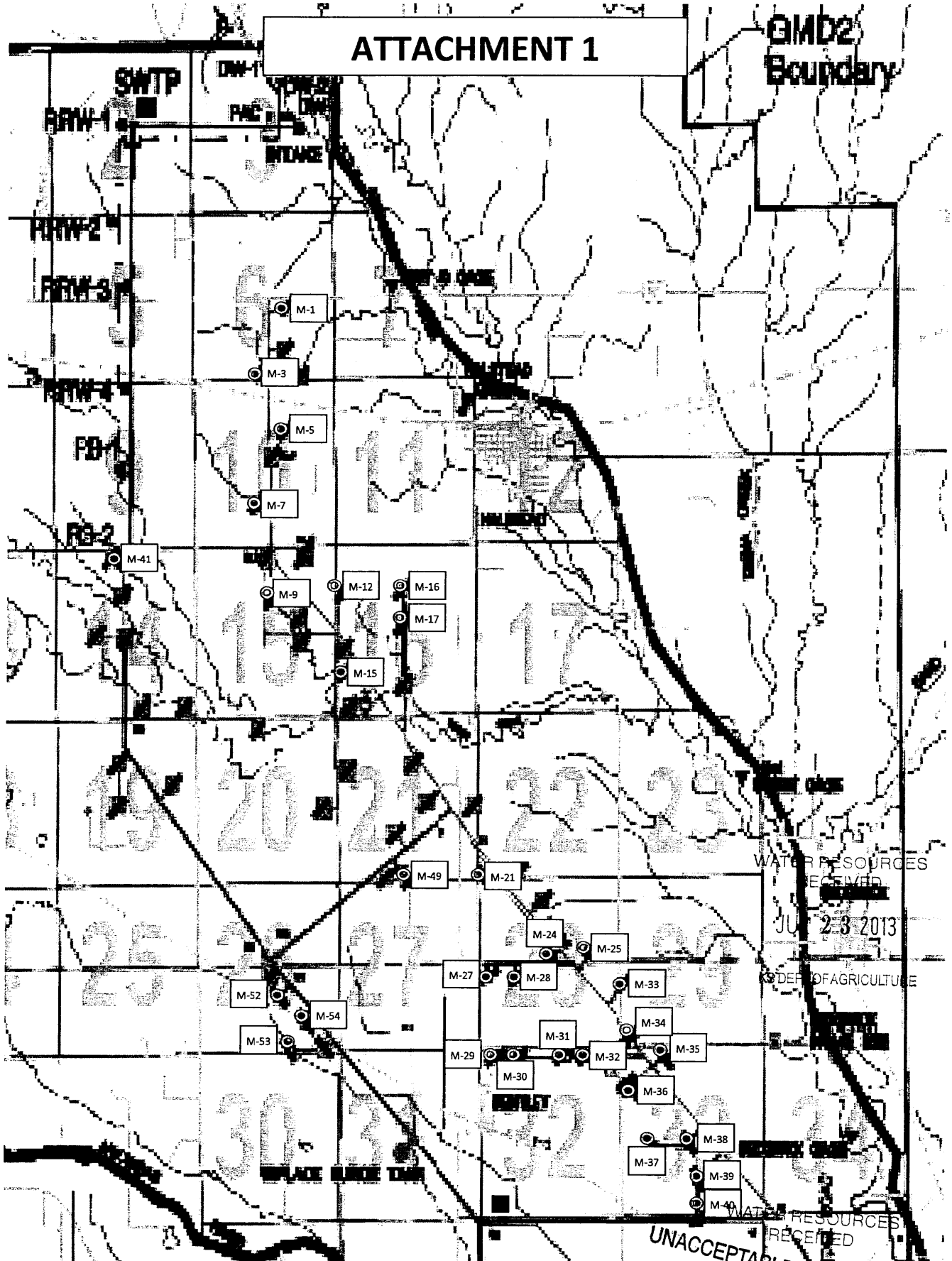
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# ATTACHMENT 1

GMD2  
Boundary



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**Kansas**  
Department of Agriculture  
*Division of Water Resources*

109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

phone: (785) 296-3717  
fax: (785) 296-1176  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

July 25, 2013

CITY OF WICHITA  
PUBIC WORKS & UTILITIES  
455 N MAIN  
WICHITA KS 67202

RE: Application  
File No. 48,725

Dear Sir or Madam:

Your application for permit to appropriate water in 7-25S-1W, in Sedgwick County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

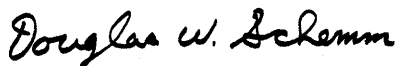
**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act 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.**

**(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 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.**

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Douglas W. Schemm  
New Application Unit Supervisor  
Water Appropriation Program

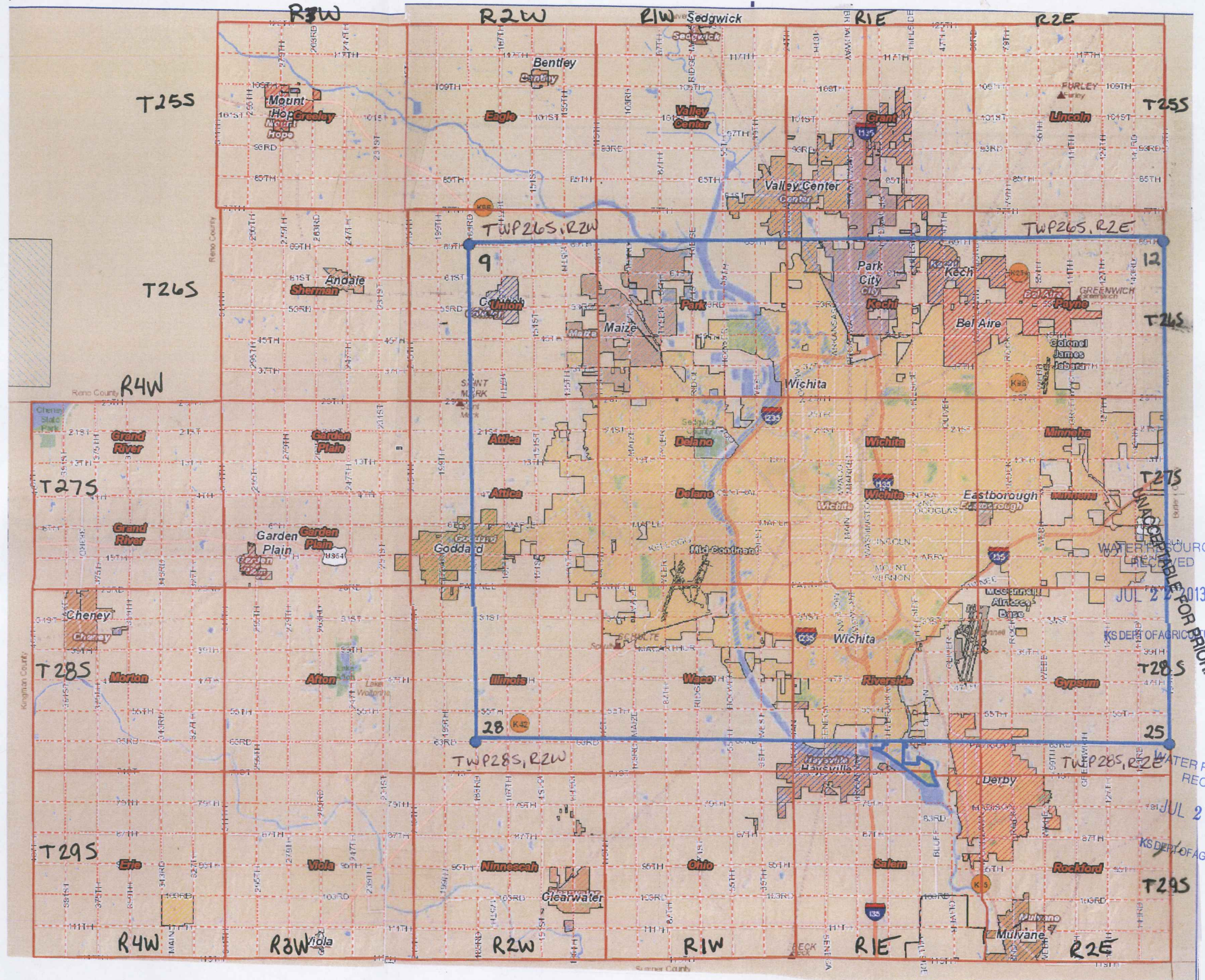
DWS  
pc: Stafford Field Office  
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