

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

Document Signature _____

1. File Number: 15907	2. Status Change Date: 10/12/2017	3. Change Num: C1	4. Field Office: 02	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 12-MAY-2017
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8a. Applicant(s) Person ID <u>3571</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> <p style="text-align: center;">CITY OF CUNNINGHAM PO BOX 188 CUNNINGHAM KS 67035</p>	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ <hr/> 8d. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID <u>3571</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> <p style="text-align: center;">CITY OF CUNNINGHAM PO BOX 188 CUNNINGHAM KS 67035</p>	8e. WUC Person ID <u>3571</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> <p style="text-align: center;">No change</p> <p style="text-align: center;">CITY OF CUNNINGHAM PO BOX 188 CUNNINGHAM KS 67035</p>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/17 N & P Date to Comply: 12/31/17

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **10/02/17** By: **RAK**
 Date Entered: **10/16/2017** By: **UM**

File No. **15907** 11. County: **KM** Basin: **SF NINNESCAH RIVER** Stream: Formation Code: **(180)** Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
ENT											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
ENT			NW¼ SW¼ SE¼	32	27S	10W		784	2475	GEO CTR LOT 8, BLOCK 20 ORIGINAL TOWN OF CUNNINGHAM	545 gpm	47.747 mgy	305 gpm	29.747 mgy	KM 004
MOD			18198 NW¼ SW¼ SE¼	32	27S	10W	1	842	2607	<u>BATT 1 OF 3 WELLS</u> LOT 8 BLK 20 ORIG TOWN OF CUNNINGHAM - WELL #2 WEST WELL					KM 004
MOD			48588 NW¼ SW¼ SE¼	32	27S	10W	2	838	2497	<u>BATT 1 OF 3 WELLS</u> LOT 8 BLK 20 ORIG TOWN OF CUNNINGHAM - WELL #1 EAST WELL					KM 004
ENT			86379 NW¼ SW¼ SE¼	32	27S	10W		671	2320	<u>BATT 1 OF 3 WELLS</u> LOT 8 BLK 20 ORIG TOWN OF CUNNINGHAM - SOUTH WELL					KM 004

Battery ID # 2045

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. **KEEP** Limitation: **47.747MGY @545GPM COM/W KM004**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: October 3, 2017

FROM: Richelle A. Krueger

RE: Vested Right
File No. KM 004
Water Right
File No. 15,907

Aaron Murphy, Mayor, on behalf of the City of Cunningham, Kansas, filed applications for approval to change the authorized points of diversion for File Nos. KM 004 and 15,907, both located in the South Fork Ninnescah River basin.

The referenced water rights do not appear abandoned.

The referenced file numbers are authorized a limited total of 47.747 million gallons per calendar year and a total of 545 gallons per minute from the same two wells for municipal use in the City of Cunningham, Kansas and vicinity. The wells are authorized blanket quantities and assigned diversion rates per well. A letter dated May 4, 2017 from Ned Marks of Terrane Resources Co. indicates the authorized wells have been in existence for over 80 years and are impacted by nitrates. The City proposes to drill a new well and create a battery of three wells with the other two wells. The proposed geographic center of the battery will be located 784 feet North and 2,475 feet West of the Southeast corner of Section 32, Township 27 South, Range 10 West, Kingman County, Kansas, distance moves of less than 300 feet

Although the proposed battery of wells will meet the definition of a battery of wells as defined in K.A.R. 5-1-1, it appears that a waiver of K.A.R. 5-2-3 *Battery of Wells* will be required. Based on WIMAS, the proposed geocenter is in an area where a new application filed to appropriate water at the geocenter of the proposed battery of wells would not meet safe yield, allowable appropriation, or similar type of regulation for a well filed at that location. A waiver appears reasonable. Paragraph No. 18 of the application indicates that the City needs the additional flexibility of a battery and the addition of a third well for redundancy and public health and safety if one of the wells should go down. The two original wells are over 80 years old and it appears to be in the public interest to grant a waiver.


No non-domestic wells were indicated in WRIS within one-half mile of the proposed geocenter and no domestic wells within 1,000 feet of the proposed geocenter were shown on the map. A public notice was printed in the local paper once a week for three consecutive weeks to notify interested parties of this application. A period of fifteen (15) days was allowed for comments after the final publication of this notice. No responses have been received as of today's date

The same local source of supply will not change, which Paragraph No. 17 of the application indicates is (180) undifferentiated Kansan/Nebraskan.

In an e-mail dated September 28, 2017, Jeff Lanterman, Water Commissioner of the Stockton Field Office, indicated that he has no objection to the approval of the referenced applications.

A water flow meter, water level measurement tube and check valve will be required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer grants a waiver of K.A.R. 5-2-3, it is recommended the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 15,907**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Aaron Murphy, Mayor, on behalf of the City of Cunningham, Kansas, P.O. Box 188, Cunningham, Kansas, 67035, received in this office on May 12, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one(1) battery of three(3) wells with a geographic center located in Lot 8, Block 20, Original Town of Cunningham, in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 784 feet North and 2,475 feet West of the Southeast corner of said section, in Township 27 South, Range 10 West, Kingman County, Kansas, at a diversion rate not in excess of 545 gallons per minute (1.22 c.f.s.) and in a quantity not to exceed 47.747 million gallons (146.53 acre-feet) of water per calendar year,

located substantially as shown on the map accompanying the application to change the point of diversion.

The following additional limitation on the authorized diversion rate and quantity as set forth in the Certificate of Appropriation, Water Right, File No. 15,907 issued June 5, 2001 remains in effect:

This appropriation right is further limited to a diversion rate and a quantity of water which when combined with the water right set forth in the order of the Chief Engineer, dated October 6, 1954 (identified as Vested Right, File No. KM 004), will provide a maximum diversion rate not in excess of 545 gallons per minute (1.22 c.f.s.) and a total quantity not to exceed 47.747 million gallons (146.53 acre-feet) of water per calendar year for municipal use at the location described herein.

The point of diversion described herein as a battery of three (3) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 15,907, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 5, 2001.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

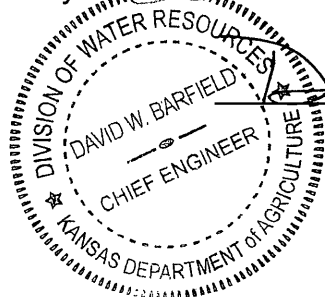
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 12th day of October, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12th day of October, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 17th day of October, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 15,907, dated October 12, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF CUNNINGHAM
PO BOX 188
CUNNINGHAM KS 67035

With photocopies to:

Stafford Field Office

TERRANE RESOURCES CO
ATTN NED MARKS PG
PO BOX 173
STAFFORD KS 67578

Danielle Wilson
Division of Water Resources



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 17, 2017

CITY OF CUNNINGHAM
ATTN MAYOR AARON MURPHY
PO BOX 188
CUNNINGHAM KS 67035

FILE COPY

RE: Vested Right, File No. KM 004
Water Right, File No. 15,907

Dear Mayor Murphy:

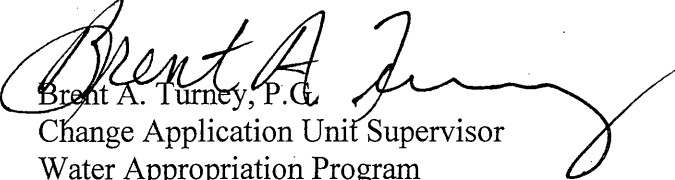
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since the orders for the referenced file numbers modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Terrance Resources Co., Attn Ned Marks, P.G.

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **KM 004 and 15,907**

FO: **2**

GMD: **NO**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
Mun	0512/17	50	Statewide	Battery of Wells	Conversion to Battery
Rule Number	Date Granted	Date Denied	Justification:	The City needs the additional flexibility of a battery and the addition of a third well for redundancy and public health and safety if one of the wells should go down. The two original wells are over 80 years old and it appears to be in the public interest to grant a waiver.	
K.A.R. 5-2-3	10/12/2017				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **10/02/17** By **RAK**

Date Entered **10/16/2017** By **LLM**



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

WAIVER OF REGULATION

K.A.R. 5-2-3

Battery of Wells

Date: 10/12/17

Re: Vested Right, File No. KM 004 and Water Right, File No. 15,907

1. That K.A.R. 5-2-3 *Battery of wells* states in part that if the time to construct the diversion works has expired, an application for change to add one or more wells to the authorized well to create a battery of wells shall not be approved unless a new application to appropriate water filed at the geocenter of the proposed battery of wells would meet the safe yield, allowable appropriation, or similar type of regulation, for a well filed at that location, and that the proposed battery of wells must meet the definition of a battery of wells in K.A.R. 5-1-1. That the time to construct the diversion works for Vested Right, File No. KM 004 and Water Right, File No. 15,907 has expired.
2. That the referenced file numbers are both authorized the same two wells and the same municipal place of use. The wells are authorized blanket quantities and assigned diversion rates per well. The City proposes to drill a new well and create a battery of three wells with the other two wells. The proposed geographic center of the battery will be located 784 feet North and 2,475 feet West of the Southeast corner of Section 32, Township 27 South, Range 10 West, Kingman County, Kansas, distance moves of less than 300 feet.
3. Although the proposed battery of wells will meet the definition of a battery of wells as defined in K.A.R. 5-1-1, it appears that a waiver of K.A.R. 5-2-3 *Battery of Wells* will be required. Based on WIMAS, the proposed geocenter is in an area where a new application filed to appropriate water at the geocenter of the proposed battery of wells would not meet safe yield, allowable appropriation, or similar type of regulation for a well filed at that location.
4. A waiver of K.A.R. 5-2-3 appears reasonable. Paragraph No. 18 of the application indicates that the City needs the additional flexibility of a battery and the addition of a third well for redundancy and public health and safety if one of the wells should go down. The two original wells are over 80 years old and it appears to be in the public interest to grant a waiver.
5. That the referenced applications for File Nos. KM 004 and 15,907 should be approved with a waiver of K.A.R. 5-2-3.
6. That the waiver of K.A.R. 5-2-3 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

WATER RESOURCES
RECEIVED

MAY 12 2017

10:44

KS DEPT OF AGRICULTURE

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

Place of Use

(Check one or more) Point of Diversion

Use Made of Water

File No. 15907

2. Name of applicant: City of Cunningham

Address: PO Box 188

City, State and Zip: Cunningham, KS 67035

Phone Number: (620)298-3077 E-mail address: clerk@67035

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

Name of water use correspondent: City of Cunningham

Address: PO Box 188

City, State and Zip: Cunningham, KS 67035

Phone Number: (620) 298-3077 E-mail address: clerk@67035

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change will make a battery of three (3) wells, created from the two (2) currently authorized wells and the addition of one (1) well. The creation of a battery and addition of a third well will ensure redundancy and will aid in blending efforts for the system. The currently authorized wells meet the definition of a battery and have been operated as such. There is no proposed increase to rate or quantity.
The change(s) will be completed by as soon as feasible after approval of change application.

(Date)

For Office Use Only:					
F.O. <u>2</u>	<u>GMD</u>	Meets K.A.R. 5-5-1 <u>(YES / NO)</u>	Use <u>MUN</u>	Source <u>GS</u>	County <u>KM</u>
Code <u>CGT</u>		Fee \$ <u>200</u>	TR # _____	Receipt Date <u>5/12/17</u>	By <u>MW</u> Date <u>5/12/17</u>
				Check # <u>57946</u>	

APPLICATION COMPLETE

9/27/17
Reviewer RAK

4. The presently authorized place of use is:

Owner of Land — NAME: City of Cunningham

ADDRESS: PO Box 188, Cunningham KS 67035

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	
32	27S	10W	CITY OF CUNNINGHAM & VICINITY																

List any other water rights that cover this place of use. KM 004

Owner of Land — NAME: ---

ADDRESS: ---

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

List any other water rights that cover this place of use. ---

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

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

Owner of Land — NAME: No Change

ADDRESS: ---

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

List any other water rights that cover this place of use. ---

Owner of Land — NAME: ---

ADDRESS: ---

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

WATER RESOURCES RECEIVED

List any other water rights that cover this place of use. ---

MAY 12 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS DEPT OF AGRICULTURE

SCANNED

- 6. The presently authorized point(s) of diversion are two (2) wells with diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion is a battery of three (3) wells with diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 842 feet North 2607 feet West of Southeast corner of section.
 Authorized Rate 250 GPM (Limited) Authorized Quantity 47.747 MGY (Limited)
 (DWR use only: Computer ID No. 1 GPS 834 feet North 2590 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) West Well of Battery
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point KM 004

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 838 feet North 2497 feet West of Southeast corner of section.
 Authorized Rate 295 GPM (Limited) Authorized Quantity 47.747 MGY (Limited)
 (DWR use only: Computer ID No. 2 GPS 845 feet North 2480 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) East Well of Battery
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point KM 004

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) Proposed New South Well of Battery
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 671 feet North 2320 feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point KM 004

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Not applicable

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 12 2017

12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to No Change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No proposed change to the place of use or use made of water.
-
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All wells will be placed in the same local source of supply which is undifferentiated Kansan Nebraskan age materials. Test hole logs are attached. Since the rate and quantity are not being increased and the current system has been in place for decades impairment will not occur.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Request a waiver of K.A.R 5-2-3 Battery of Wells. Current wells meet the definition of a battery and have always been operated as such. Need the additional flexibility of a battery of wells and the addition of a third well for redundancy and public health and safety if one well should go down. In asking for a third well to the battery, rate and quantity shall not be increased. Additionally, third well will be needed to assist with mixing due to increasing nitrates in the upper aquifer that the current wells are placed in. Well will be completed in the same local source of supply and aquifer. Current wells are approximately 80 years old.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 15907

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No redrill, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested) Geocenter of Battery of 3 Wells

One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter
of Section 32, Township 27 South, Range 10 W,
in Kingman County, Kansas, 784 feet North 2475 feet West of Southeast corner of section.

Proposed Rate 545 GPM (Limited) Proposed Quantity 47.747 MGY (Limited) Proposed well depth (feet) —.

This point is: Additional Well Geo Center List other water rights that will use this point KM 004.

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No redrill, point better described with GPS as follows:

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.

This point is: Additional Well Geo Center List other water rights that will use this point _____.

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No redrill, point better described with GPS as follows:

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.

This point is: Additional Well Geo Center List other water rights that will use this point _____.

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No redrill, point better described with GPS as follows:

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.

This point is: Additional Well Geo Center List other water rights that will use this point _____.

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Lunningham, Kansas, this 8th day of May, 20 17.

[Signature]

(Owner)
Aaron Murphy Mayor

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Kingman } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of May, 20 17.

Kathleen Albers

Notary Public

My Commission Expires 3-9-18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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Terrane Resources Co.

P.O. Box 173 Stafford, KS 67578 620-234-5200

KANSAS GROUND WATER: STRAIGHT UP FROM THE ROCKS!

04 May, 2017

Mr. Brent Turney, P.G.
Division of Water Resources
Kansas Dept. of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

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MAY 12 2017

KS DEPT OF AGRICULTURE

Re: Files KM 04 and #15,907

Dear Mr. Turney,

This letter is written on behalf of the City of Cunningham, KS to provide information pertaining to the processing of the proposed changes to the above files. The data attached is provided to help in the determination to allow the change to battery permits and the installation of a third well.

We met with Jeff Lanterman and Tyler Saryerwinnie at the DWR Stafford Field Office. This meeting resulted in the enclosed change applications.

The proposed changes are requested for public health and safety reasons and to add redundancy to the system. The City is currently operating on two wells which were installed in late 1935 and early 1936. Both wells have been impacted by nitrates and the east well has exceeded the drinking water standard of 10 mg/l nitrate as nitrogen(NO₃-N). Fortunately, they were able to blend with the west well and remain in compliance with regards to water quality. The proposed additional well will allow them to blend if the west well fails or has to be taken out of service.

The City has taken great care to manage the fertilizer they apply to the football field and have subsequently reduce the nitrate contamination to the wells. It is expected they will continue to manage the nutrients and monitor the water quality. The approval of the proposed changes will allow the city to manage their wellfield to minimize future water quality issues and be able to handle potential well/pump failures.

The current wells are of sufficient age and need to be evaluated and possibly updated. However due to the current demands on the system it is not feasible to take one of the wells out of service for an extended period of time. With the

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additional well the City will have two low nitrate wells they can depend on to blend with the high nitrate well should it exceed the drinking water standard in the future. At this time we do not plan to replace the existing wells. However, the City does plan to upgrade them as needed to hopefully get another 80 years of service out of them.

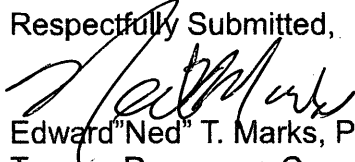
Attached you will find two WWC-5's, the first is for MW 1-12 which is near the East well and the other is for TW 5-16 which is approximately 15 feet east of the proposed new well site. The existing City wells are approximately 60 feet deep and withdraw from the very upper portion of the aquifer. The proposed new well will withdraw low nitrate water from the bottom of the same aquifer unit.

Based on the data we have obtained and collected the water levels in the area are essentially unchanged. The water level in the East well was 26.6 feet below land surface(bls) Dec., 1935. Water levels from MW 1-12, which is approximately, 30 feet SSW of the East Well, were 21.62' (11/26/12), 21.22' (04/06/16) and 21.16' (08/29/16) all below land surface.

The City is aware they will not receive any additional rate or quantity over what they are already approved for.

The geographic center of the the well field will shift to the south and east. This will move the geo-center away from any nearby domestic wells. Since we are moving away from any nearby wells and with the multitude of landowners involved the City is requesting guidance as to how DWR would like for them to proceed with landowner notifications. Additionally, The City will look at nearby landowners and try to identify any domestic wells within 660 feet of the proposed geo-center.

Brent, as always should you, or any of your staff have any questions, do not hesitate to contact us. We would also ask that we be copied on any correspondence regarding these matters.

Respectfully Submitted,

Edward "Ned" T. Marks, PG
Terrane Resources Co.
P.O. Box 173
Stafford, KS 67578-0173
620-546-3616 cell
terresco@yahoo.com

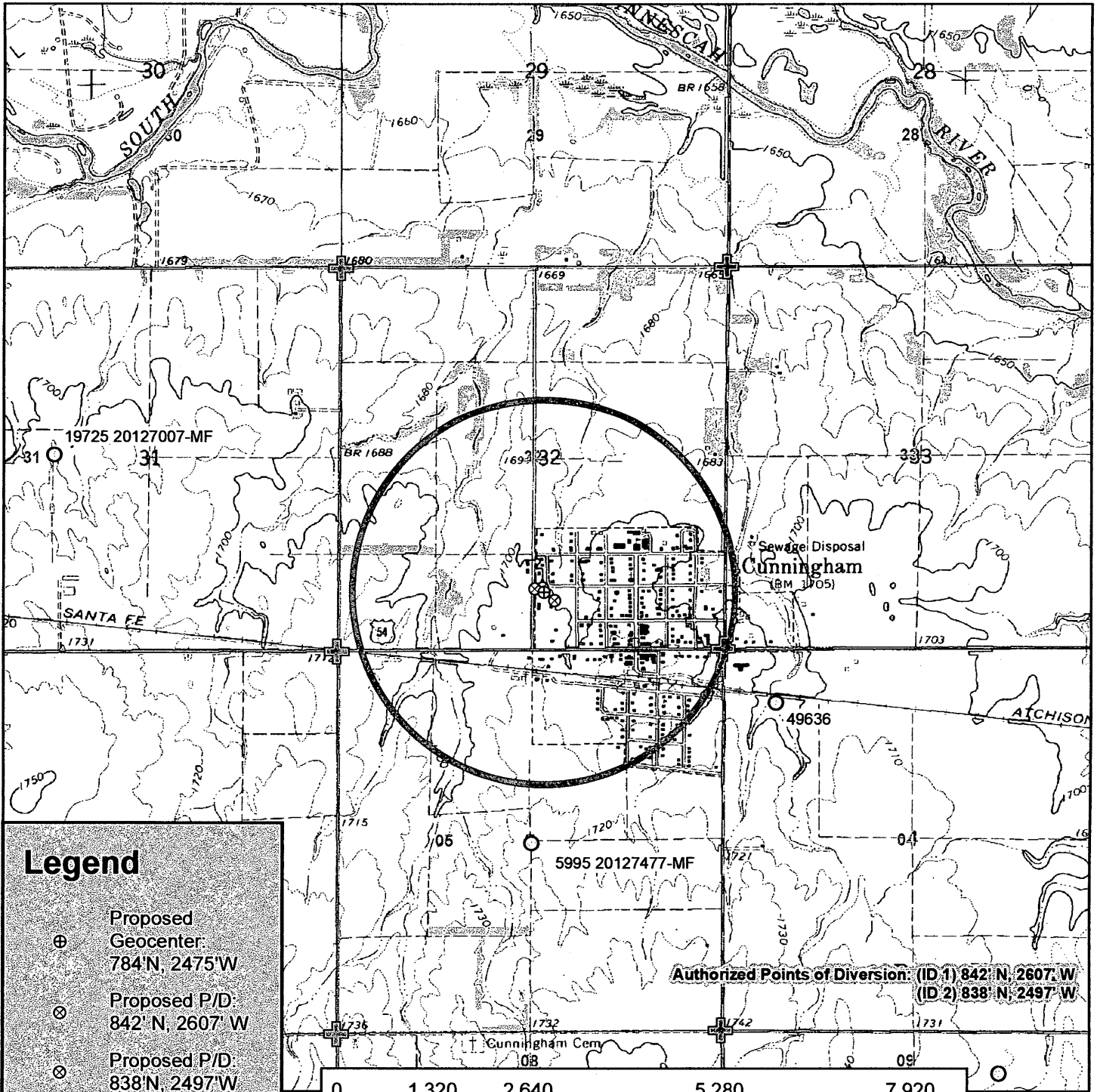
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Legend

- ⊕ Proposed Geocenter: 784' N, 2475' W
- ⊗ Proposed P/D: 842' N, 2607' W
- ⊗ Proposed P/D: 838' N, 2497' W
- ⊗ Proposed P/D: 671' N, 2320' W
- Water Appropriations
- ⊕ Section Corner
- ▬ Section Line
- ☆ Domestic Well
- ⬜ 1/2 Mile Buffer



Authorized Points of Diversion: (ID 1) 842' N, 2607' W
 (ID 2) 838' N, 2497' W

Water Right, File No. 15907

Change in Point of Diversion, Application Map
 32-27S-10W // Kingman County



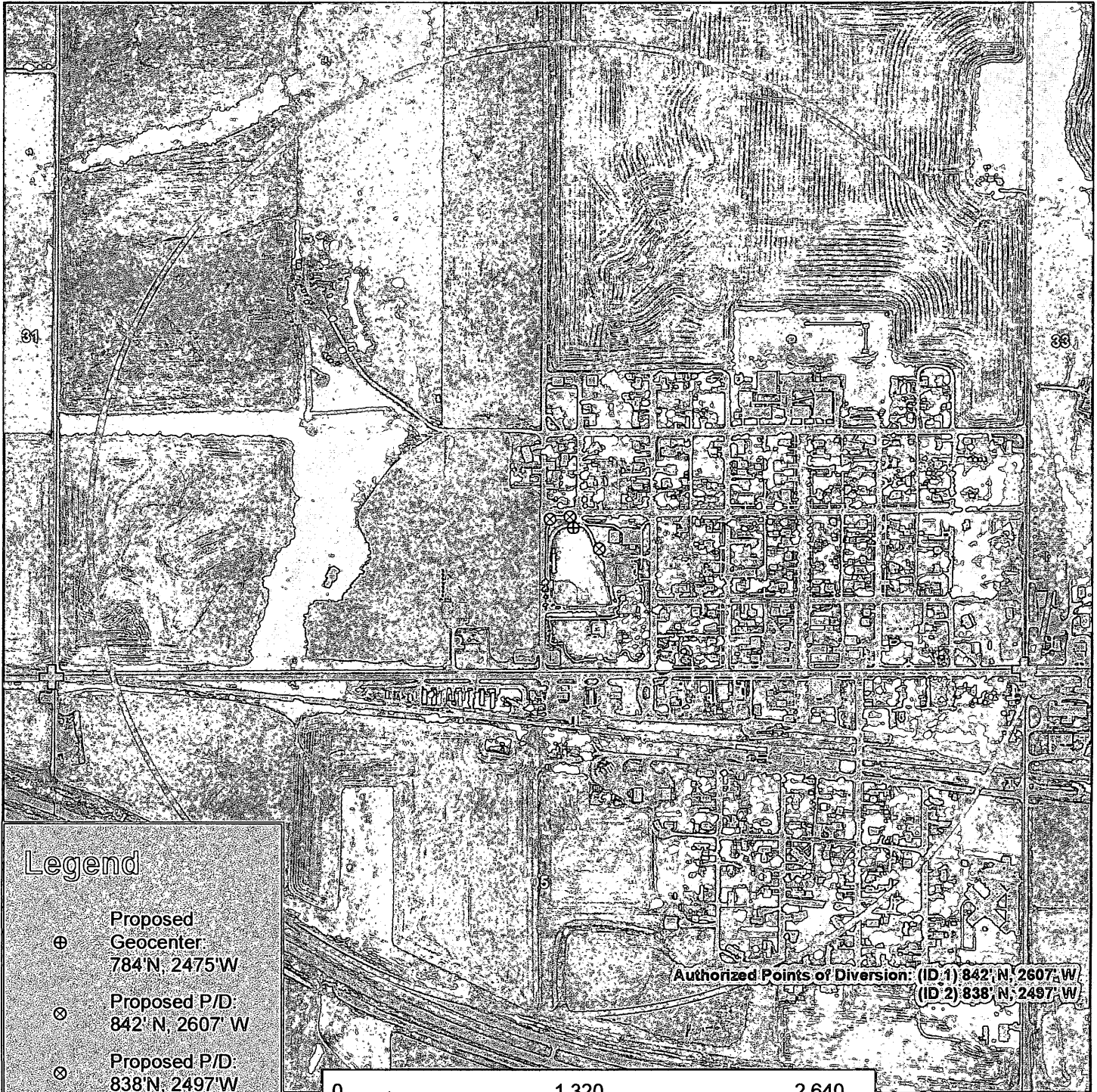
Due to the large number of wells within 1/2 mile of the proposed geocenter, the applicant requests that a public notice be published in the area newspaper to notify nearby well owners.

MAY 12 2017
 KS DEPT OF AGRICULTURE

Signature

4/26/2017 TJS-SFFO 1:24,000 scale

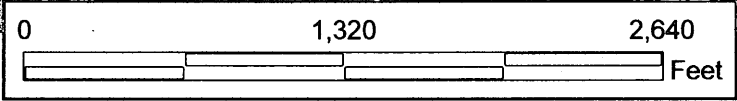
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Authorized Points of Diversion: (ID:1) 842' N, 2607' W
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Legend

- ⊕ Proposed Geocenter
784' N, 2475' W
- ⊗ Proposed P/D
842' N, 2607' W
- ⊗ Proposed P/D
838' N, 2497' W
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671' N, 2320' W
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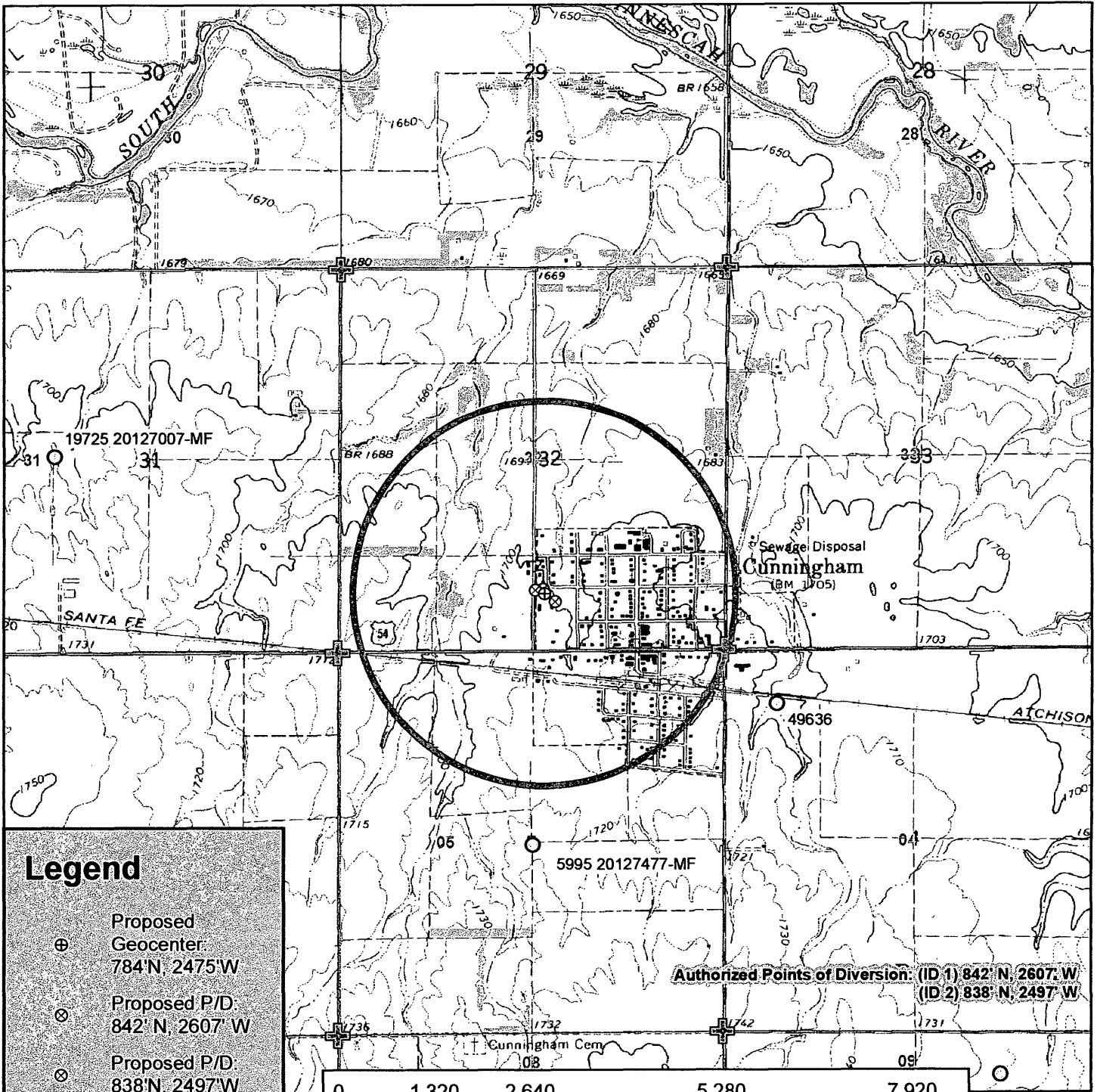


Water Right, File No. 15907
Change in Point of Diversion, Aerial Map
32-27S-10W // Kingman County

WATER RESOURCES
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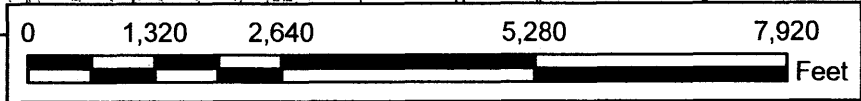
MAY 12 2017

KS DEPT OF AGRICULTURE



Legend

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- Water Appropriations
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- ▭ 1/2 Mile Buffer



Authorized Points of Diversion: (ID 1) 842' N, 2607' W
(ID 2) 838' N, 2497' W

Water Right, File No. KM 004
 Change in Point of Diversion, Application Map
 32-27S-10W // Kingman County

Due to the large number of wells within 1/2 mile of the proposed geocenter, the applicant requests that a public notice be published in the area newspaper to notify nearby well owners.



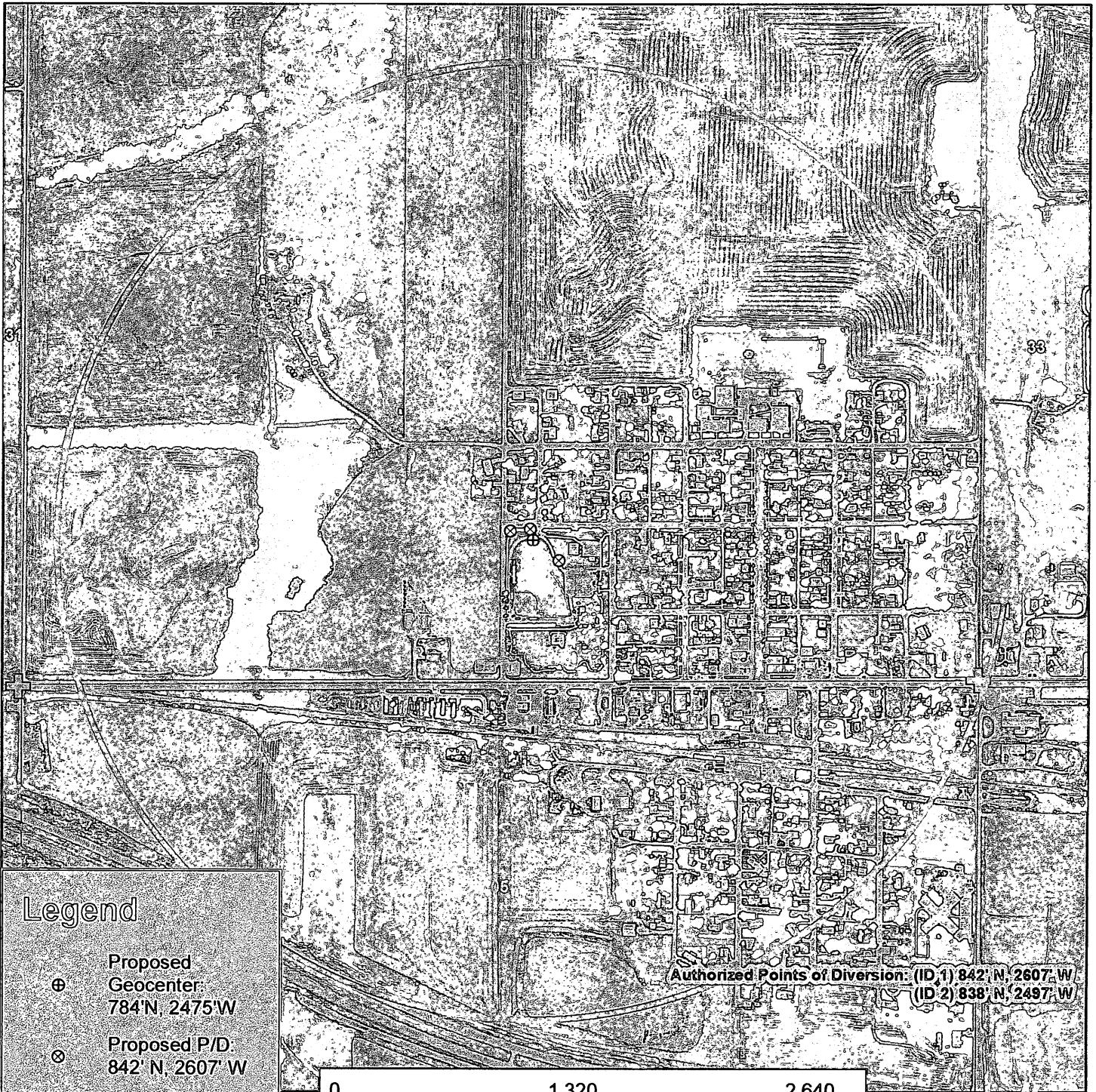
MAY 12 2017

Signature

4/26/2017 TJS SFFO
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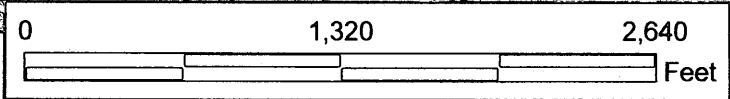
KS DEPT OF AGRICULTURE
 1:24,000 scale

WATER RESOURCES RECEIVED



Legend

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Authorized Points of Diversion: (ID 1) 842' N, 2607' W
(ID 2) 838' N, 2497' W

Water Right, File No. KM 004
Change in Point of Diversion, Aerial Map
32-27S-10W // Kingman County



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KS DEPT OF AGRICULTURE

305 11882 OB-1-12
WATER WELL RECORD Form WWC-5 Division of Water Resources App. No. []

1 LOCATION OF WATER WELL: Fraction $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section Number 32 Township No. T 27 S Range Number R 10 E W
 County: Kingman
 Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here
 Approximately 0.5 miles north of Cunningham.

2 WATER WELL OWNER: City of Cunningham
 RR#, Street Address, Box #: P.O. Box 188
 City, State, ZIP Code : Cunningham, KS 67053

Global Positioning System (GPS) information:
 Latitude: 37.647483 (in decimal degrees)
 Longitude: -98.437356 (in decimal degrees)
 Elevation: Unknown
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method:
 GPS unit (Make/Model: WAAS)
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

3 LOCATE WELL WITH AN "X" IN SECTION BOX:

N			
W	-NW-	-NE-	E
	-SW-	-SE-	
S			

-----1 mile-----

4 DEPTH OF COMPLETED WELL 105 ft.
 Depth(s) Groundwater Encountered (1) _____ ft. (2) _____ ft. (3) _____ ft.
 WELL'S STATIC WATER LEVEL 21.60 ft. below land surface measured on mo/day/yr 11/26/12
 Pump test data: Well water was not checked ft. after _____ hours pumping _____ gpm
 EST. YIELD _____ gpm. Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter 6 in. to 107 ft., and _____ in. to _____ ft.
 WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No
 If yes, mo/day/yr sample was submitted _____
 Water well disinfected? Yes No

5 TYPE OF CASING USED: Steel PVC Other
 CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter 2 in. to 83 ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft.
 Casing height above land surface 24 in., Weight 70 lbs./ft., Wall thickness or gauge No. 154
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify) _____
 Brass Galvanized Steel None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From 83 ft. to 103 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 78 ft. to 103 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other
 Grout Intervals: From 3 ft. to 78 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well
 Direction from well East Distance from well 15'

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	Topsoil	33	38	Clay, brown, sandy
4	8	Clay, white, caliche, sand streaks	38	52	Sand, fine to coarse, white clay streaks
8	9	Sand, gravel, fine to coarse	52	57	Sand, gravel, fine to medium
9	11	Clay, gray	57	58	Clay, gray
11	15	Sand, gravel, fine to coarse	58	72	Sand, fine to coarse
15	19	Clay, brown, sandy	72	74	Clay, gray
19	21	Clay, yellow, gray	74	92	Sand, fine to coarse, gray clay streaks
21	25	Sand, fine to coarse, white clay streaks	92	97	Clay, brown, very sandy, sand streaks
25	27	Cemented sand	97	104	Sand, fine to coarse
27	33	Clay, brown, yellow, gray	104	107	Shale, red

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 11/26/12 and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/year) 12/10/12 under the business name of Clarke Well & Equipment, Inc. by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$3.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

KSA 82a-1212

Check: White Copy Blue Copy

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606 14014 TW-5-16
WATER WELL RECORD Form WWC-5 Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Kingman		Fraction 1/4 NW 1/4 SW 1/4 SE 1/4	Section Number 32	Township No. T 27 S	Range Number R 10 E <input checked="" type="checkbox"/> W																																																												
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> From 1st St (Old Hwy 54) & Stadium St on west edge of Cunningham, north to 3rd St., east ~150' on south side		Global Positioning System (GPS) information: Latitude: 37.647156 (in decimal degrees) Longitude: -98.4367 (in decimal degrees) Elevation: Unknown Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input checked="" type="checkbox"/> GPS unit (Make/Model: WAAS) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input checked="" type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m																																																															
2 WATER WELL OWNER: City of Cunningham RR#, Street Address, Box #: P.O. Box 188 City, State, ZIP Code : Cunningham, KS 67053																																																																	
3 LOCATE WELL WITH AN "X" IN SECTION BOX: N W <table border="1" style="display: inline-table; text-align: center; width: 80px; height: 80px;"> <tr><td>-NW-</td><td>-NE-</td></tr> <tr><td>-SW-</td><td>-SE-</td></tr> <tr><td></td><td style="text-align: center;">x</td></tr> </table> S ----- 1 mile -----		-NW-	-NE-	-SW-	-SE-		x	4 DEPTH OF COMPLETED WELL 104 ft. Depth(s) Groundwater Encountered (1) _____ ft. (2) _____ ft. (3) _____ ft. WELL'S STATIC WATER LEVEL 22.66 ft. below land surface measured on mo/day/yr 08/22/16 Pump test data: Well water was not checked ft. after _____ hours pumping _____ gpm EST. YIELD _____ gpm. Well water was _____ ft. after _____ hours pumping _____ gpm Bore Hole Diameter 10 in. to 105 ft., and _____ in. to _____ ft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input checked="" type="checkbox"/> Other (Specify below) <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well <input type="checkbox"/> Test Well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted _____ Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																									
-NW-	-NE-																																																																
-SW-	-SE-																																																																
	x																																																																
5 TYPE OF CASING USED: <input type="checkbox"/> Steel <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Other _____ CASING JOINTS: <input type="checkbox"/> Glued <input type="checkbox"/> Clamped <input type="checkbox"/> Welded <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Other (Specify) S.S. Screws Casing diameter 5 in. to 82 ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft. Casing height above land surface 24 in., Weight 2.36 lbs./ft., Wall thickness or gauge No. 214 TYPE OF SCREEN OR PERFORATION MATERIAL: <input type="checkbox"/> Steel <input type="checkbox"/> Stainless Steel <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Brass <input type="checkbox"/> Galvanized Steel <input type="checkbox"/> None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: <input type="checkbox"/> Continuous slot <input checked="" type="checkbox"/> Mill slot <input type="checkbox"/> Gauze wrapped <input type="checkbox"/> Torch cut <input type="checkbox"/> Drilled holes <input type="checkbox"/> None (open hole) <input type="checkbox"/> Louvered shutter <input type="checkbox"/> Key punched <input type="checkbox"/> Wire wrapped <input type="checkbox"/> Saw cut <input type="checkbox"/> Other (specify) _____ SCREEN-PERFORATED INTERVALS: From 82 ft. to 102 ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft. GRAVEL PACK INTERVALS: From 75 ft. to 105 ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft.																																																																	
6 GROUT MATERIAL: <input type="checkbox"/> Neat cement <input type="checkbox"/> Cement grout <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Other _____ Grout intervals: From 0 ft. to 75 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft. What is the nearest source of possible contamination: <input type="checkbox"/> Septic tank <input type="checkbox"/> Lateral lines <input type="checkbox"/> Pit privy <input type="checkbox"/> Livestock pens <input type="checkbox"/> Insecticide storage <input checked="" type="checkbox"/> Other (specify below) <input type="checkbox"/> Sewer lines <input type="checkbox"/> Cesspool <input type="checkbox"/> Sewage lagoon <input type="checkbox"/> Fuel storage <input type="checkbox"/> Abandoned water well <input type="checkbox"/> Watertight sewer lines <input type="checkbox"/> Seepage pit <input type="checkbox"/> Feedyard <input type="checkbox"/> Fertilizer storage <input type="checkbox"/> Oil well/gas well Direction from well East Distance from well 15' OB-4-12																																																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>FROM</th> <th>TO</th> <th>LITHOLOGIC LOG</th> <th>FROM</th> <th>TO</th> <th>LITHO. LOG (cont.) or PLUGGING INTERVALS</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>4</td> <td>Topsoil</td> <td>58</td> <td>102</td> <td>Sand, fine to coarse, some medium gravel, thin brown clay streaks</td> </tr> <tr> <td>4</td> <td>7</td> <td>Clay, brown, gray, caliche</td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td>10</td> <td>Clay, tan</td> <td>102</td> <td>105</td> <td>Shale, red</td> </tr> <tr> <td>10</td> <td>14</td> <td>Sand, gravel, fine to coarse</td> <td></td> <td></td> <td></td> </tr> <tr> <td>14</td> <td>21</td> <td>Clay, brown, white, caliche</td> <td></td> <td></td> <td></td> </tr> <tr> <td>21</td> <td>27</td> <td>Sand, gravel, fine to medium</td> <td></td> <td></td> <td></td> </tr> <tr> <td>27</td> <td>37</td> <td>Clay, brown, cemented sand streaks, fine sand mix</td> <td></td> <td></td> <td></td> </tr> <tr> <td>37</td> <td>56</td> <td>Sand, gravel, fine to medium</td> <td></td> <td></td> <td></td> </tr> <tr> <td>56</td> <td>58</td> <td>Clay, brown, gray</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS	0	4	Topsoil	58	102	Sand, fine to coarse, some medium gravel, thin brown clay streaks	4	7	Clay, brown, gray, caliche				7	10	Clay, tan	102	105	Shale, red	10	14	Sand, gravel, fine to coarse				14	21	Clay, brown, white, caliche				21	27	Sand, gravel, fine to medium				27	37	Clay, brown, cemented sand streaks, fine sand mix				37	56	Sand, gravel, fine to medium				56	58	Clay, brown, gray			
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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was <input checked="" type="checkbox"/> constructed, <input type="checkbox"/> reconstructed, or <input type="checkbox"/> plugged under my jurisdiction and was completed on (mo/day/year) 08/22/16 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/year) 08/25/16 under the business name of Clarke Well & Equipment, Inc. by (signature) <i>[Signature]</i>																																																																	
INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at http://www.kdheks.gov/waterwell/index.html .																																																																	

KSA 82a-1212

WATER RESOURCES RECEIVED

MAY 12 2017

KS DEPT OF AGRICULTURE

SCANNED

Krueger, Richelle

From: Lanterman, Jeff
Sent: Thursday, September 28, 2017 3:38 PM
To: Krueger, Richelle
Cc: Conant, Cameron; Saryerwinnie, Tyler
Subject: RE: Request for Recommendation Chang in PD File No. KM004 and15907 City of Kingman

Richelle;

I am aware of these changes and worked through the issues on the potential waiver request with Ned here at the office. Tyler filled the applications out for him.

We worked out well locations and everything with Ned here in the office.

I agree with these change applications and believe they should be approved with the appropriate waivers. This will fix a brewing issue with aging wells and no backups for a municipality. Potential disaster.

If you have any questions give me a call.

Thanks.

Jeff

From: Krueger, Richelle
Sent: Thursday, September 14, 2017 5:14 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Request for Recommendation Chang in PD File No. KM004 and15907 City of Kingman

Hi Jeff,

Attached is a draft memo for the City of Kingman changes in pd, the comment period expires September 27th, but thought I would go ahead and get the memo drafted. No comments so far...

Do you recommend approval of the referenced pd changes if we do not receive any comments before the 27th?

Thanks,
Richelle



CITY OF CUNNINGHAM

P.O. Box 188 (620) 298-3077 119 N. Main
Cunningham, KS 67035

September 5, 2017

Richelle A. Krueger
Environmental Specialist
Water Appropriation Program
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

SEP 07 2017

RE: Vested Right, File No. KM 004 and Water Right, File No. 15,907

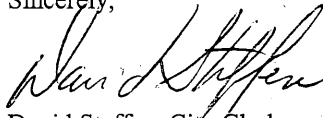
KS DEPT OF AGRICULTURE

Dear Ms. Krueger,

In response to your letter dated July 25, 2017, I have enclosed 1) a signed copy of the map showing domestic well locations within 1,000 feet of the geographic center of the proposed well battery. After checking the properties within the circle marked on the map, we find that there are no domestic wells within that area.

Also enclosed is a proof of publication for the public notice published for three consecutive weeks in The Cunningham Courier.

Sincerely,

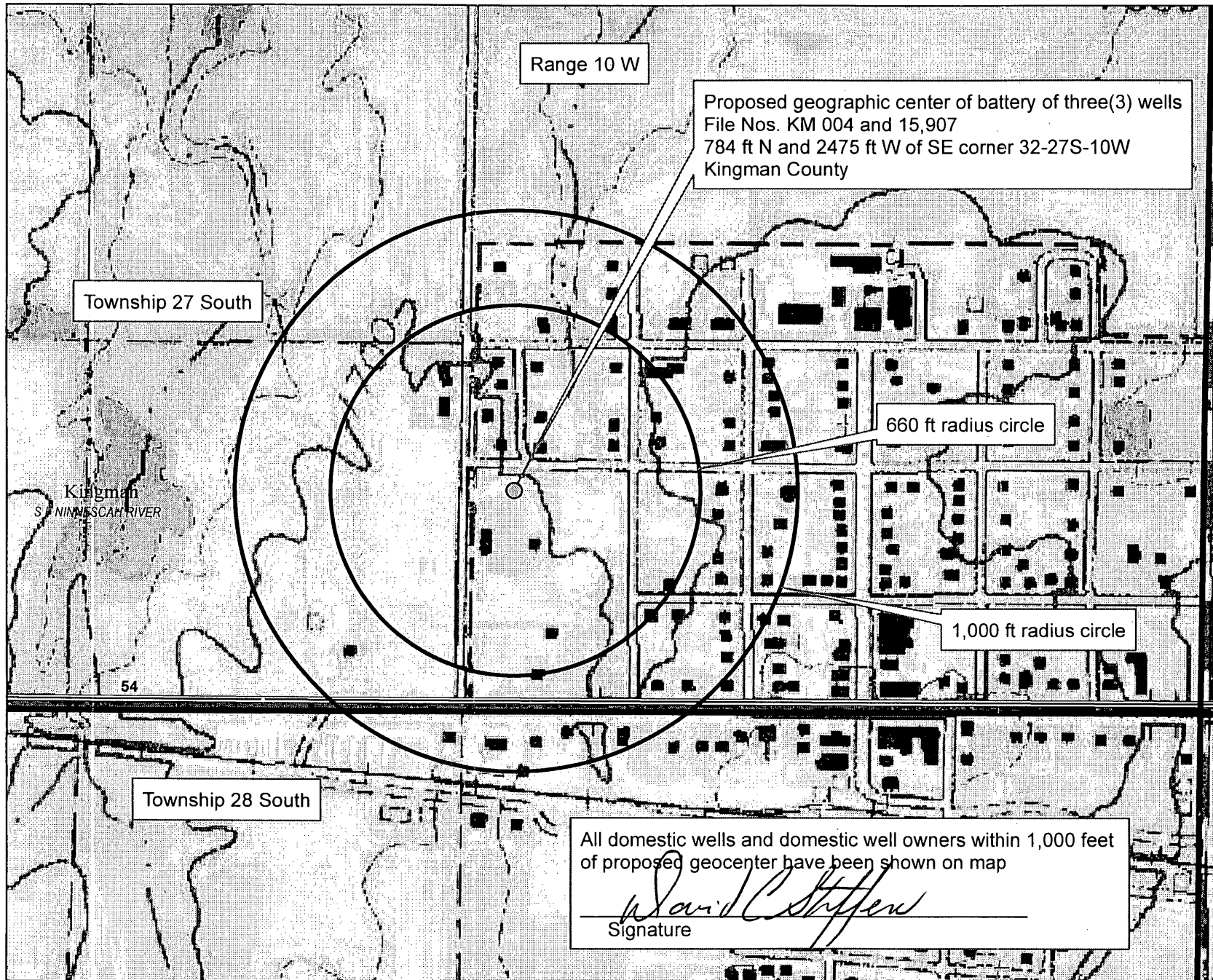


David Steffen, City Clerk

DCS
Enclosures

Cc: Ned Marks, Terrane Resources

Domestic Wells Within 1,000 Feet, Change in PD File Nos. KM 004 and 15,907



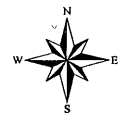
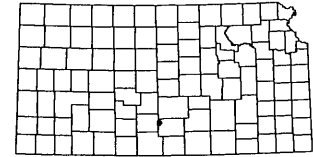
WATER RESOURCES
RECEIVED

SEP 07 2017

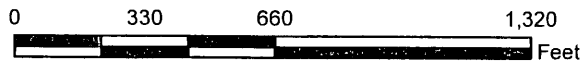
KS DEPT OF AGRICULTURE

SCANNED

Index Map



1:6,000



This map was created by WIMAS on 7/25/2017 7:39:02 AM

Proof of Publication

State of Kansas, Kingman County, ss:

David Steffen, of lawful age, being duly sworn, says on his oath that he is the publisher of

THE CUNNINGHAM COURIER

a weekly newspaper published at 209 E. First St., Cunningham, Kingman County, Kansas, of general paid circulation on a daily, weekly, yearly basis in Kingman County, Kansas, and not a trade, religious nor fraternal publication; that said newspaper has been published at least fifty (50) times a year and has been so published for at least five years prior to the first publication of the attached notice; and that said newspaper has been entered as periodicals matter in the United States Post Office, Cunningham, Kansas.

Publication of the notice, of which a true copy is hereto attached, was published in 3 consecutive issues of said newspaper, the first publication being in the issue of

August 3, 2017

and the last publication being in the issue of

August 17, 2017

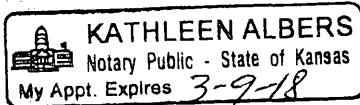
David Steffen

PUBLISHER

Subscribed and sworn to before me this 21

day of August 2017

(SEAL)



Kathleen Albers

NOTARY PUBLIC

My Commission Expires 3-9-18

Public Notice

(Published in The Cunningham Courier, Thursday, August 3, 2017) 3t

The City of Cunningham, Kansas, has filed with the Division of Water Resources, Kansas Department of Agriculture, two (2) applications to change the point of diversion pursuant to Vested Right, File No. KM 004 and Water Right, File No: 15,907. The City proposes to create a battery of three (3) wells from two existing wells and a third well. The applicant proposes to change the points of diversion for File Nos. KM 004 and 15,907 **from:** two(2) wells - one (1) well located near the North side of Lot 8, Block 20, Original Town of Cunningham (identified by the City as Well No. 2-West Well), in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 32, more particularly described as being near a point 842 feet North and 2,607 feet West of the Southeast corner of said section; and one (1) well located near the North side of Lot 8, Block 20, Original Town of Cunningham (identified by the City as Well No. 1-East Well), in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 32, more particularly described as being near a point 838 feet North and 2,497 feet West of the Southeast corner of said section, both in Township 27 South, Range 10 West, Kingman County, Kansas **to:** one(1) battery of three(3) wells with a geographic center located in Lot 8, Block 20, Original Town of Cunningham, in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 32, more particularly described as being near a point 784 feet North and 2,475 feet West of the Southeast corner of said section, in Township 27 South, Range 10 West, Kingman County, Kansas.

Any interested party is invited to submit to this office on or before September 22, 2017 written comments as to whether Applications to Change the Point of Diversion for File Nos. KM 004 and 15,907 should be approved or not approved. Persons submitting comments should specifically indicate their interest in the applications in a clear and concise manner.

The change applications for File Nos. KM 004 and 15,907 are on file and available for public inspection in the office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502.

WATER RESOURCES
RECEIVED

SEP 07 2017

KS DEPT OF AGRICULTURE

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 25, 2017

CITY OF CUNNINGHAM
ATTN MAYOR AARON MURPHY
PO BOX 188
CUNNINGHAM KS 67035

FILE COPY

RE: Vested Right, File No. KM 004 and Water Right, File No. 15,907

Dear Mayor Murphy,

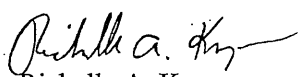
Reference is made to the applications for approval of the Chief Engineer to change the point of diversion under the referenced file numbers which were received in the office of the Chief Engineer on May 12, 2017. Upon review of the applications, it was determined that additional information will be required to further process the applications.

We will need the locations of any domestic wells within 1,000 feet of the geographic center of the proposed well battery to be plotted on the enclosed map. We will also need the domestic well owner's names and mailing addresses provided so that we may notify them. Please sign and date the map where indicated. If there are no domestic wells within 1,000 feet of the proposed well, please indicate that on the map. Please return the completed map with the plotted domestic well locations and mailing addresses to my attention at the address listed at the top of this page.

Also enclosed is a copy of the notification of your applications to change the point of diversion under the above referenced file numbers. This notice should be published in a local paper of record once a week for three (3) consecutive weeks at your expense. Copies of the published notification are to be submitted to this office within two (2) weeks of final publication. If the date given in paragraph 2 of the notice does not allow 15 days for public comments following the final publication, this office should be contacted for permission to revise the date to allow adequate time for comments.

Please return the above requested information as soon as possible so that I may continue with processing your applications. If you have any questions, feel free to contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

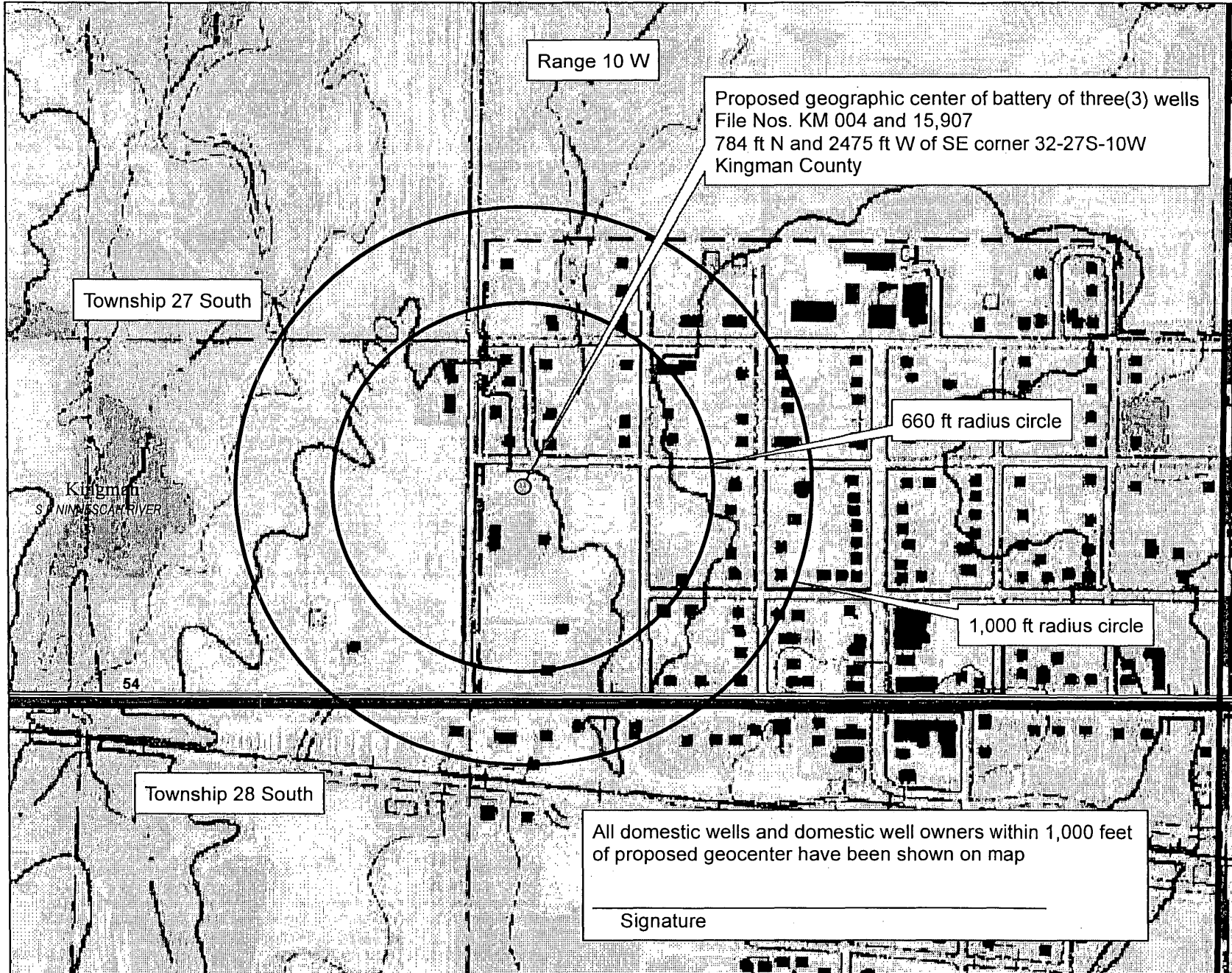

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures

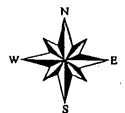
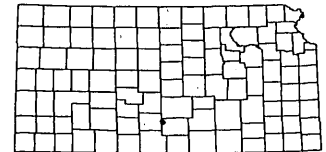
pc: Stafford Field Office
Terrane Resources, Co. Attn: Ned Marks, P.G.

SCANNED

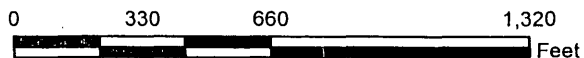
Domestic Wells Within 1,000 Feet, Change in PD File Nos. KM 004 and 15,907



Index Map



1:6,000



This map was created by WIMAS on 7/25/2017 7:39:02 AM

PUBLIC NOTICE

(To be published in newspaper once a week for three (3) consecutive weeks)

The City of Cunningham, Kansas, has filed with the Division of Water Resources, Kansas Department of Agriculture, two (2) applications to change the point of diversion pursuant to Vested Right, File No. KM 004 and Water Right, File No. 15,907. The City proposes to create a battery of three (3) wells from two existing wells and a third well. The applicant proposes to change the points of diversion for File Nos. KM 004 and 15,907 **from:** two(2) wells - one (1) well located near the North side of Lot 8, Block 20, Original Town of Cunningham (identified by the City as Well No. 2-West Well), in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 842 feet North and 2,607 feet West of the Southeast corner of said section; and one (1) well located near the North side of Lot 8, Block 20, Original Town of Cunningham (identified by the City as Well No. 1-East Well), in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 838 feet North and 2,497 feet West of the Southeast corner of said section, both in Township 27 South, Range 10 West, Kingman County, Kansas **to:** one(1) battery of three(3) wells with a geographic center located in Lot 8, Block 20, Original Town of Cunningham, in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 784 feet North and 2,475 feet West of the Southeast corner of said section, in Township 27 South, Range 10 West, Kingman County, Kansas.

Any interested party is invited to submit to this office on or before September 22, 2017 written comments as to whether Applications to Change the Point of Diversion for File Nos. KM 004 and 15,907 should be approved or not approved. Persons submitting comments should specifically indicate their interest in the applications in a clear and concise manner.

The change applications for File Nos. KM 004 and 15,907 are on file and available for public inspection in the office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502.

Krueger, Richelle

From: Krueger, Richelle
Sent: Friday, July 7, 2017 10:12 AM
To: Conant, Cameron; Lanterman, Jeff
Cc: Turney, Brent
Subject: RE: Changes in PD File Nos. KM4 and 15907 City of Cunningham

Hi Cameron, thanks for the info, I will just go with everything as it is on the application. I am never sure on those feet distances which ones we are supposed to use and well battery feet distances get confusing for me in a hurry!
Thanks again, have a great weekend!

Richelle

From: Conant, Cameron
Sent: Friday, July 7, 2017 10:02 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>; Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Changes in PD File Nos. KM4 and 15907 City of Cunningham

Richelle, I was not involved with this but I spoke with Tyler about them. Brent and Jeff worked together on this, so we assume this is good to go.

The last bullet, the authorized footages came from a 2001 FIR for File No. 15907, so those footages are GPS'd and Leobased already. The authorized values used in the change, are the original GPS'd and modified footages from the FIR. This is correct. If you need more detail, call Tyler about the NAD 83 question. It can't be explained in an email, but it sounds like we used an appropriate method to determine footages for the proposed well and geo-center.

I'd say you chat with Brent when he is back and you probably can get it all hashed out with him.

Cameron

From: Krueger, Richelle
Sent: Thursday, July 6, 2017 12:32 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Changes in PD File Nos. KM4 and 15907 City of Cunningham

Hi Jeff and Cameron,

I have begun reviewing the City of Cunningham files and had some questions, I haven't reviewed this with Brent yet but thought I would get started and get your thoughts on these applications when you get a chance...

- Did you all run a safe yield for this or is it possible that a new app could be approved at this location, I noticed it was in South Central Kansas Designated Unit Area SNI 25?
- If needed, do you think a waiver of K.A.R. 5-2-3 Battery of Wells is justified and do we need to also apply K.A.R. 5-5-16 Additional Wells?
- Do you think we should make them do a public notice and make them locate all domestics within 660 or 1000 feet or give them the option to identify all domestic wells within one-half mile?

- I am not sure, but it looks like the proposed geocenter was calculated with approved feet distances of the existing two wells and NAD 83 feet distances for the new well, please see attached. Would you rather we use gps feet distances of the existing wells and the NAD 27 feet distances or leave everything as is?

I would sure appreciate your thoughts on this and any info you have!

Thanks,
Richelle



20 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

May 12, 2017

CITY OF CUNNINGHAM
PO BOX 188
CUNNINGHAM, KS 67035

RE: File No 15907

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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 me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD