

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

1. File Number: <b>7980</b>	2. Status Change Date: <b>2/20/2018</b>	3. Change Num: <b>1</b>	4. Field Office: <b>02</b>	5. GMD: <b>02</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>1/11/18</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>WESTAR ENERGY G EVANS ENGY CTR-TOPGO-LL J MORRISON PO BOX 889 TOPEKA KS 66601</b>		Person ID <b>53983</b> Add Seq# <b>5</b>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>ICM INC 310 N FIRST ST COLWICH KS 67030</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>KANSAS GAS &amp; ELECTRIC GORDON EVANS ENERGY CTR PO BOX 889 TOPEKA KS 66601</b>		Person ID <b>24484</b> Add Seq# <b>2</b>	8d. WUC New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/13/18</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>1/31/18</b> By: <b>RAK</b> Date Entered: <b>2/28/2018</b> By: <b>UM</b>				

File No. **7980**      11. County: **SG**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files	
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy		
MOD	4626			NC NE	✓✓	15	26	2W	2	<u>4019</u>	<u>1490</u>	WELL #2	635(1.41)	385.50/125.630	635(1.41)	385.50/125.630	NO
MOD	6262			SESENE	✓✓	15	26	2W	4	<u>2966</u>	<u>233</u>	WELL #4	670(1.49)	299.55/97.610	670(1.49)	299.55/97.610	NO
MOD	7905			SWSWSW	✓✓	14	26	2W	4	<u>8</u>	<u>5178</u>	WELL #14	600(1.34)	600.80/195.770	600(1.34)	600.80/195.770	NO
MOD	13157			NENESE	✓✓	15	26	2W	9	<u>1914</u>	<u>198</u>	WELL # 12	665(1.48)	617.92(201.350)	665(1.48)	617.92(201.350)	NO
MOD	17235			CN NE¼	✓✓	15	26	2W	1	<u>5086</u>	<u>1516</u>	WELL#1	550(1.23)	116.30(37.910)	550 (1.23)	116.30(37.910)	NO
MOD	24531			NWNENE	✓✓	15	26	2W	5	<u>4587</u>	<u>880</u>	WELL#5 DEMINERALIZER WELL	200(0.45)	132.33(43.120)	200(0.45)	132.33(43.120)	NO

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 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		
CHK	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					
CHK	30086			15	26	2W	2																8B	NO	NO
ENT	4174			15	26	2W	1																8C	NO	31650

Base Acres:      Year:      Minimum Reasonable Quantity:      *Changing Ft distances not qtr qtr qtr*  
 Comments: **PUSE 30086 COMMENT GORDON EVANS STEAM ELECTRIC STATION IN E2 PUSE 4174 COMMENT "ETHANOL PLANT" S2S2NW4 & N2N2 SW4.**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	27045	NC N2 SE	✓✓	15	26	2W	8	<u>1874</u>	<u>1406</u>	WELL #11		610(1.36)	638.94/208.200	610(1.36)	638.94/208.200	NO
✓	28585	SWSESW	✓✓	23	26	2W	4	<u>64</u>	<u>3808</u>	WELL #18		545(1.21)	682.70/222.460	545(1.21)	682.70/222.460	NO
ENT	<u>80610</u>	NC N2 N2	✓✓	15	26	2W		<u>4514</u>	<u>2715</u>	NEW ICM WELL		750(1.67)	984.31/320.740	750(1.67)	984.31/320.740	NO
MOD	34662	SWSWNE	✓✓	15	26	2W	6	<u>2912</u>	<u>2626</u>	WELL #9 <u>STANDBY WELL</u>		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	NO
MOD	34873	NWNWSW	✓✓	23	26	2W	2	<u>2480</u>	<u>5276</u>	WELL#16		700(1.56)	787.08(256.470)	700(1.56)	787.08(256.470)	NO
MOD	36274	SWNWNE	✓✓	22	26	2W	1	<u>3868</u>	<u>2735</u>	WELL#20		685(1.53)	865.86(282.140)	685(1.53)	865.86(282.140)	NO

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 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	
CHK	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					

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments: **PUSE 30086 COMMENT GORDON EVANS STEAM ELECTRIC STATION IN E2 PUSE 4174 COMMENT "ETHANOL PLANT" S2S2NW4 & N2N2 SW4**

12. Points of Diversion											Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files	
MOD	36862				NWNWSE	✓✓	15	26	2W	7	1845	2608	WELL #10	665(1.48)	792.94/258.380	665(1.48)	792.94/258.380	NO
MOD	37700				SWSWSW	✓✓	23	26	2W	3	357	5239	@swwsw WELL #17	670(1.49)	1010.28/329.200	670(1.49)	1010.28/329.200	NO
MOD	38880				SENE NE	✓✓	15	26	2W	3	4048	256	WELL #3	560(1.25)	181.20/59.060	560(1.25)	181.20/59.060	NO
MOD	51285				SWSWNE	✓✓	22	26	2W	2	2564	2708	WELL #21	665(1.48)	857.82(279.520)	665(1.48)	857.82(279.520)	NO
MOD	53274				SWNWNW	✓✓	26	26	2W	1	3904	5140	WELL#19	540(1.20)	640.54(208.720)	540(1.20)	640.54(208.720)	NO

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 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						
CHK	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						

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments: **PUSE 30086 COMMENT GORDON EVANS STEAM ELECTRIC STATION IN E2 PUSE 4174 COMMENT "ETHANOL PLANT"S2S2NW4 & N2N2 SW4**

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

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** February 26, 2018  
**RE:** Water Right  
File No. 7,980

Jared Morrison, on behalf Westar Energy, owner of the referenced file number, filed an application for approval to change the authorized place of use and point of diversion.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.

The referenced water right is authorized for industrial use for Gordon Evans Steam Electric Station located in the East Half (E½) of Section 15, Township 26 South, Range 2 West, Sedgwick County, Kansas, in Arkansas River Basin. There are sixteen (16) wells with assigned diversion rates and quantities limited to a total of 6,554.6 acre-feet and 6,500 gallons per minute when the wells are operated simultaneously. Westar proposes to add ICM Ethanol Plant (Water Right, File No. 31,650) as an authorized place of use and to move the authorized rate and quantity of their Well No. 9, drilling a new well for ICM at a point located 4,514 feet North and 2,714 feet West of the Southeast corner of the aforementioned Section 15. Well No. 9 will be retained as a standby well. It appears there is one irrigation well not under common ownership and five industrial wells under common ownership located within one-half mile of the proposed new well. The applicant identified two domestic wells within one-half mile of the proposed well.

The owner of the nearby irrigation well authorized by Water Right, File No. 31,868 and a nearby domestic well owner submitted letters dated February 2, 2018 indicating no objection to the proposed changes; the other nearby domestic well owners were notified of the proposed changes by a letter dated February 5, 2018, no responses have been received as of today's date.

It appears that same local source of supply will not change, previously determined to be Equus Beds (190).

In a letter dated February 13, 2018, Tim Boese, Manager of Equus Beds Groundwater Management District No. 2, indicated that the application was recommended for denial since the proposed standby Well No. 9 is not within 300 feet of a primary well as required by K.A.R. 5-22-1(gg)(4). In Paragraph No. 18 of the application the water right owners request a waiver of the regulation and indicate it is not feasible for them to drill a standby well within 300 feet of a primary well and the standby well will serve all of the primary wells. In a letter dated February 22, 2018, Tim Boese indicated that the Board of Directors recommended approval of the application with a waiver of the standby well regulation K.A.R. 5-22-1(gg)(4) and approval of the application.

A condition will be placed on the approval document limiting the standby well to use exclusively at such time one or more of the primary wells are inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this right to be exceeded.

In an e-mail dated February 26, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office indicated that he recommends approval of the referenced application.

Water flow meters are required. A water level measurement tube is required for the new well, and check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

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 waives K.A.R. 5-22-1(gg)(4), it has been recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

WESTAR ENERGY  
G EVANS ENGY CTR ATTN JARED MORRISON  
PO BOX 889  
TOPEKA KS 66601

**FILE COPY**

RE: Water Right, File No. 7,980

Dear Mr. Morrison:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

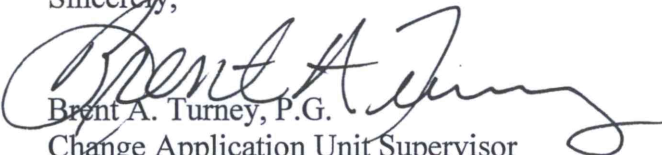
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. Please return the required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

Please note that the well described in the approval document as the standby well shall be used exclusively at such time one or more of the wells described in the approval document as the primary wells are inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Since the order for the referenced file number modifies the original document referred to above it 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**  
Groundwater Management District No. 2  
ICM Inc.



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
AND  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 7,980**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jared Morrison, on behalf of Westar Energy, 818 South Kansas Avenue, Topeka, Kansas, 66612, received in this office on January 11, 2018, for approval of a change in the location of the place of use and 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 place of use shall be:

Gordon Evans Steam Electric Station located in the East Half (E $\frac{1}{2}$ ) of Section 15, and an ethanol plant site located in the South Half of the South Half of the Northwest Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ ) and in the North Half of the North Half of the Southwest Quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 15, all in Township 26 South, Range 2 West, Sedgwick County, Kansas,

and the authorized locations of the points of diversion shall be:

one (1) well (Well No. 14) located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 14, more particularly described as being near a point 8 feet North and 5,178 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.) and in a quantity not to exceed 195,770,000 gallons (600.80 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 5 - Demineralizer Well) located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 4,587 feet North and 880 feet West of the Southeast corner of said section, at a diversion rate not in excess of 200 gallons per minute (0.45 c.f.s.) and in a quantity not to exceed 43,120,000 gallons (132.33 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 3) located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 4,048 feet North and 256 feet West of the Southeast corner of said section, at a diversion rate not in excess of 560 gallons per minute (1.25 c.f.s.) and in a quantity not to exceed 59,060,000 gallons (181.20 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 1) located near the center of the North side of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 5,086 feet North and 1,516 feet West of the Southeast corner of said section, at a diversion rate not in excess of 550 gallons per minute (1.23 c.f.s.) and in a quantity not to exceed 37,910,000 gallons (116.30 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 2) located near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 4,019 feet North and 1,490 feet West of the Southeast corner of said section, at a diversion rate not in excess of 635 gallons per minute (1.41 c.f.s.) and in a quantity not to exceed 125,630,000 gallons (385.50 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No.9) located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 2,912 feet North and 2,626 feet West of the Southeast corner of said section, to be used as a standby well;

one (1) well (Well No. 4) located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 2,966 feet North and 233 feet West of the Southeast corner of said section, at a diversion rate not in excess of 670 gallons per minute (1.49 c.f.s.) and in a quantity not to exceed 97,610,000 gallons (299.55 acre-feet) per calendar year, to be used as a primary well;

one (1) well (New ICM Well) located near the center of the North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$ ) of Section 15, more particularly described as being near a point 4,514 feet North and 2,715 feet West of the Southeast corner of said section, at a diversion rate not in excess of 750 gallons per minute (1.67 c.f.s.) and in a quantity not to exceed 320,740,000 gallons (984.31 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 12) located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 1,914 feet North and 198 feet West of the Southeast corner of said section, at a diversion rate not in excess of 665 gallons per minute (1.48 c.f.s.) and in a quantity not to exceed 201,350,000 gallons (617.92 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 11) located near the center of the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 1,874 feet North and 1,406 feet West of the Southeast corner of said section, at a diversion rate not in excess of 610 gallons per minute (1.36 c.f.s.) and in a quantity not to exceed 208,200,000 gallons (638.94 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 10) located in the Northwest Quarter of the Northwest Quarter Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 1,845 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 665 gallons per minute (1.48 c.f.s.) and in a quantity not to exceed 258,380,000 gallons (792.94 acre-feet) per calendar year, to be used as a primary well;



one (1) well (Well No. 20) located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 3,868 feet North and 2,735 feet West of the Southeast corner of said section, at a diversion rate not in excess of 685 gallons per minute (1.53 c.f.s.) and in a quantity not to exceed 282,140,000 gallons (865.86 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 21) located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 2,564 feet North and 2,708 feet West of the Southeast corner of said section, at a diversion rate not in excess of 665 gallons per minute (1.48 c.f.s.) and in a quantity not to exceed 279,520,000 gallons (857.82 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 16) located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 2,480 feet North and 5,276 feet West of the Southeast corner of said section, at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) and in a quantity not to exceed 256,470,000 gallons (787.08 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 17) located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 357 feet North and 5,239 feet West of the Southeast corner of said section, at a diversion rate not in excess of 670 gallons per minute (1.49 c.f.s.) and in a quantity not to exceed 329,200,000 gallons (1,010.28 acre-feet) per calendar year, to be used as a primary well;

one (1) well (Well No. 18) located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 64 feet North and 3,808 feet West of the Southeast corner of said section, at a diversion rate not in excess of 545 gallons per minute (1.21 c.f.s.) and in a quantity not to exceed 222,460,000 gallons (682.70 acre-feet) per calendar year, to be used as a primary well; and

one (1) well (Well No. 19) located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 26, more particularly described as being near a point 3,904 feet North and 5,140 feet West of the Southeast corner of said section, at a diversion rate not in excess of 540 gallons per minute (1.20 c.f.s.) and in a quantity not to exceed 208,720,000 gallons (640.54 acre-feet) per calendar year, to be used as a primary well;

all in Township 26 South, Range 2 West, Sedgwick County, Kansas,

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

The following additional limitations on the authorized quantity and diversion rate as set forth in the Certificate of Appropriation, Water Right, File No. 7,980 issued January 25, 1989 remain in effect:

This appropriation right is limited to a total quantity not to exceed 2,135,820,000 gallons (6,554.6 acre-feet) per calendar year for industrial use at the location described herein.

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 6,500 gallons per minute (14.48 c.f.s.) for industrial use at the location described herein.

The well described herein as the standby well shall be used exclusively at such time one or more of the primary wells are inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

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.

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.

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 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. 7,980, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 25, 1989.

**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.

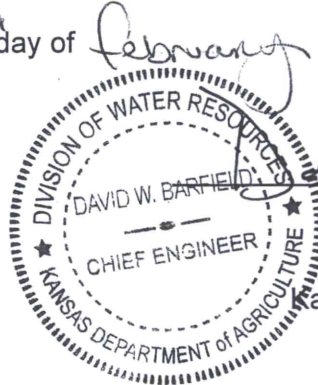
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal 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 26<sup>th</sup> day of February, 2018, 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 26<sup>th</sup> day of February, 2018, 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 15<sup>th</sup> day of March 2018, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Point of Diversion, File No. 7,980, dated February 26<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

WESTAR ENERGY  
G EVANS ENGY CTR ATTN JARED MORRISON  
PO BOX 889  
TOPEKA KS 66601

With a true and correct copy to:

ICM INC  
310 N FIRST ST  
COLWICH KS 67030

With photocopies to:

Stafford Field Office  
Groundwater Management District No. 2

Ambrose L. Herring  
Division of Water Resources

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

File Number: 7980

FO: 2

GMD: 2

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IND	01/11/18	18	GMD2	DEFINITIONS	Definitions
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 2 recommends a waiver of K.A.R. 5-22-1(gg)(4) and approval of the application.	
K.A.R. 5-22-1(gg)(4)	2/20/18				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 02/26/18 By RAK

Date Entered 2/28/18 By UM



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION**  
**K.A.R. 5-22-1(gg)(4)**  
**Standby well**

Date: 2/26/2018

Re: Water Right, File No. 7,980

1. That K.A.R. 5-22-1(gg)(4) states in part that a standby well shall be located within 300 feet of the primary well.
2. The referenced file number is currently authorized sixteen (16) wells with limited assigned diversion rates and quantities for industrial use at a steam generating plant. The water right owner proposes to move the authorized quantity and diversion rate from one of the sixteen wells (Well No. 9) to a new well to be used for industrial use at an ethanol plant. The water right owner also proposes to retain the presently active authorized well (Well No. 9) as a standby well. No changes in rate or quantity are proposed for the other presently authorized wells.
3. That the proposed new point of diversion meets well spacing requirements of K.A.R. 5-22-2 *Well spacing requirements*. However, the conversion of the presently authorized well to a standby well does not meet the requirements of K.A.R. 5-22-1(gg)(4), since the proposed standby well is located more than 300 feet from the primary well.
4. That the water right owner has requested a waiver of K.A.R. 5-22-1(gg)(4) in Paragraph No. 18 of the application. The applicant indicates that it is not feasible to locate the standby well within 300 feet of a primary well and the standby well will serve all the primary wells.
5. That the Equus Beds Groundwater Management District No. 2 Board of Directors has recommended a waiver of K.A.R. 5-22-1(gg)(4).
6. That the wells are all under common ownership. The standby well would only be used when water is temporarily unavailable from one or more of the primary wells because of mechanical failure, maintenance or power failure, or other temporary purposes pursuant to K.A.R. 5-22-1(gg), so impairment should not be an issue.
7. That the application to change the point of diversion pursuant to Water Right, File No. 7,980 should be approved with a waiver of K.A.R. 5-22-1(gg)(4).
8. That a waiver of K.A.R. 5-22-1(gg)(4) will neither prejudicially nor unreasonably affect the public interest and will not impair an existing water right.

Comments:

A handwritten signature in blue 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.

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

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

WATER RESOURCES  
 RECEIVED

JAN 11 2018  
 11:56  
 KS DEPT OF AGRICULTURE

File No. 7980

2. Name of applicant: Westar Energy, Attn: Jared Morrison

Address: 818 S. Kansas Ave.

City, State and Topeka, KS 66612

Phone Number: (785)575-8273 E-mail address: Jared.Morrison@WestarEnergy.com

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

Name of water use correspondent: Westar Energy

Address: 818 S. Kansas Ave.

City, State and Zip: Topeka, KS 66612

Phone Number: (785)575-8273 E-mail address: Jared.Morrison@WestarEnergy.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change the place of use from the Gordon Evans Steam Electric Station to the Gordon Evans Steam Electric Station and the ICM Inc. Ethanol Plant. Additionally, change the point of diversion of Well No. 9 to a new well to serve ICM and convert existing Well No. 9 to a standby a well.

The change(s) (was) (will be) completed by ASAP (Date)

For Office Use Only:							
F.O.	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>FWD</u>
Code	<u>C2</u>	Fee \$	<u>900</u>	TR #		Source	<u>G</u>
						County	<u>SE</u>
						By	<u>AW</u>
						Date	<u>1/11/18</u>
						Receipt Date	<u>1/10/18</u>
						Check #	<u>275099</u>

NOT COMPLETE  
 2 20 18  
 RAK

Assisted by: T. Boese, GMD2

SCANNED

1/20/18 LLM

4. The presently authorized place of use is:

Owner of Land — NAME: Westar Energy

ADDRESS: 818 S. Kansas Ave., Topeka, KS 66612

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		
15	26S	2W	Gordon	Evans	Steam	Electric	Station	located	in the	East	Half of	Section	15-26S	2W,	SG Co.					

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

Owner of Land — NAME: \_\_\_\_\_

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

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

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

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

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

Owner of Land — NAME: Westar Energy

ADDRESS: 818 S. Kansas Ave., Topeka, KS 66612

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		
15	26S	2W	Gordon	Evans	Steam	Electric	Station	located	In the	East	Half of	Section	15-26S	2W,	SG Co.					

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

Owner of Land — NAME: ICM Inc.

ADDRESS: 310 N. First Street, Colwich, KS 67030

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		
15	26S	2W	Ethanol	Plant	Site	located	in the	S/2-S/2	NW/4	and in	the	N/2-N/2	SW/4	of	Section	15-26S	2W,	SG Co.		

List any other water rights that cover this place of use. Water Right No. 31650

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



6. The presently authorized point(s) of diversion (is) (are) 16 primary wells  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) 16 primary wells and 1 standby well  
(Provide description and number of points)

List all presently authorized point(s) of diversion: \* File No 7980 limited to 6554.6 Acre-feet per Calendar year Industrial use  
6,500 gallons per minute when wells operate Simultaneously Industrial use

8. **Presently authorized point of diversion: Well No. 9**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 15, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 3040 feet North 2500 feet West of Southeast corner of section. Authorized Rate 750 GPM Authorized Quantity 984.31 AF  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2912 feet North 2626 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): Convert to standby/more accurate descrip.**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 15, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 2912 feet North 2626 feet West of Southeast corner of section. Proposed Rate Standby Proposed Quantity Standby

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

Industrial use  
or location described herein.

9. **Presently authorized point of diversion: Well No. 9**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 15, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 3040 feet North 2500 feet West of Southeast corner of section. Authorized Rate 750 GPM Authorized Quantity 984.31 AF  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2912 feet North 2626 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): NEW ICM WELL**

\*\* NC N 1/2 N 1/2

One in the SW Quarter of the NW Quarter of the NE Quarter of Section 15, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 4514 feet North 2715 feet West of Southeast corner of section. Proposed Rate 750 GPM Proposed Quantity 984.31 AF

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

\*\*

10. **Presently authorized point of diversion: Well No. 4: Correct Location based on GPS**

One in the SE Quarter of the SE Quarter of the NE Quarter of Section 15, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 3020 feet North 110 feet West of Southeast corner of section. Authorized Rate 670 GPM Authorized Quantity 299.55 AF  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2966 feet North 233 feet West)

This point will not be changed  This point will be changed as follows:

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

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

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

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Well No. 9 will be placed into standby status and will be standby well for the 16 primary wells

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Additional Quantity & Diversion Rate Limitations per Certificate issued 1-25-89  
\* RAK/OWN 1/29/18

WATER RESOURCES RECEIVED

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APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 7980

**Presently authorized point of diversion: Well No. 5: Correct location based on GPS**

One in the NW Quarter of the NE Quarter of the NE Quarter  
of Section 15, Township 26 South, Range 2W (EW),  
in Sedgwick County, Kansas, 4660 feet North 740 feet West of Southeast corner of section.  
Authorized Rate 200 GPM Authorized Quantity 132.33 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 4587 feet North 880 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
in Sedgwick 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: Well No. 1: Correct location based on GPS**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC-N. Side-NE Quarter  
of Section 15, Township 26 South, Range 2W (EW),  
in Sedgwick County, Kansas, 5180 feet North 1330 feet West of Southeast corner of section.  
Authorized Rate 550 GPM Authorized Quantity 116.30 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 5086 feet North 1516 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
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: Well No. 2: Correct location based on GPS**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC-NE Quarter  
of Section 15, Township 26 South, Range 2W (EW),  
in Sedgwick County, Kansas, 4140 feet North 1340 feet West of Southeast corner of section.  
Authorized Rate 635 GPM Authorized Quantity 385.50 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 4019 feet North 1490 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
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: Well No. 3: Correct location based on GPS**

One in the SE Quarter of the NE Quarter of the NE Quarter  
of Section 15, Township 26 South, Range 2W (EW),  
in Sedgwick County, Kansas, 4110 feet North 110 feet West of Southeast corner of section.  
Authorized Rate 560 GPM Authorized Quantity 181.20 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 4048 feet North 256 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
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 \_\_\_\_\_

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 7980

**Presently authorized point of diversion: Well No. 10: Correct location based on GPS**

One in the NW Quarter of the NW Quarter of the SE Quarter  
of Section 15, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 2000 feet North 2500 feet West of Southeast corner of section.  
Authorized Rate 665 GPM Authorized Quantity 792.94 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 1845 feet North 2608 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in Sedgwick 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: Well No. 11: Correct location based on GPS**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC-N/2-SE Quarter  
of Section 15, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 2000 feet North 1320 feet West of Southeast corner of section.  
Authorized Rate 610 GPM Authorized Quantity 638.94 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 1874 feet North 1406 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ 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: Well No. 12: Correct location based on GPS**

One in the NE Quarter of the NE Quarter of the SE Quarter  
of Section 15, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 2000 feet North 120 feet West of Southeast corner of section.  
Authorized Rate 665 GPM Authorized Quantity 617.92 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 1914 feet North 198 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ 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: Well No. 14: Correct location based on GPS**

One in the SW Quarter of the SW Quarter of the SW Quarter  
of Section 14, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 135 feet North 5190 feet West of Southeast corner of section.  
Authorized Rate 600 GPM Authorized Quantity 600.80 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 8 feet North 5178 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 7980

**Presently authorized point of diversion: Well No. 16: Correct location based on GPS**

One in the NW Quarter of the NW Quarter of the SW Quarter  
of Section 23, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 2604 feet North 5222 feet West of Southeast corner of section.  
Authorized Rate 700 GPM Authorized Quantity 787.08 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2480 feet North 5276 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in Sedgwick 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: Well No. 17: Correct location based on GPS**

One in the SW Quarter of the SW Quarter of the SW Quarter  
of Section 23, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 484 feet North 5223 feet West of Southeast corner of section.  
Authorized Rate 670 GPM Authorized Quantity 1010.28 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 357 feet North 5239 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ 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: Well No. 18:**

One in the SW Quarter of the SE Quarter of the SW Quarter  
of Section 23, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 64 feet North 3808 feet West of Southeast corner of section.  
Authorized Rate 545 GPM Authorized Quantity 682.70 AF 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:

**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: Well No. 19: Correct location based on GPS**

One in the SW Quarter of the NW Quarter of the NW Quarter  
of Section 26, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 4130 feet North 5205 feet West of Southeast corner of section.  
Authorized Rate 540 GPM Authorized Quantity 640.54 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 3904 feet North 5140 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 7980

**Presently authorized point of diversion: Well No. 20: Correct location based on GPS**

One in the SW Quarter of the NW Quarter of the NE Quarter  
of Section 22, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 3995 feet North 2565 feet West of Southeast corner of section.  
Authorized Rate 685 GPM Authorized Quantity 865.86 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 3868 feet North 2735 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in Sedgwick 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: Well No. 21: Correct location based on GPS**

One in the SW Quarter of the SW Quarter of the NE Quarter  
of Section 22, Township 26 South, Range 2W (E/W),  
in Sedgwick County, Kansas, 2715 feet North 2565 feet West of Southeast corner of section.  
Authorized Rate 665 GPM Authorized Quantity 857.82 AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2564 feet North 2708 feet West)  
 This point will not be changed  This point will be changed as follows:

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

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ 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 Sedgwick 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:

**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 Sedgwick 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:

**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 \_\_\_\_\_

12. The presently authorized use of water is for industrial purposes.  
It is proposed that the use be changed to industrial purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Use made of water is not being changed as the presently authorized use is industrial and the change will be to add a new Ethanol plant to the place of use and the water will be used for industrial use at the ethanol plant. The consumptive use will not be increased as the water will primarily be used for cooling purposes at the ethanol plant. The current water use at the Westar steam electric station is also primarily used for cooling purposes. The water will be discharged from the ethanol plant in the same vicinity water is discharged from the electric plant.  
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE gallons per minute (\_\_\_\_ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
- The change relates to same local source of supply – Equus Beds Aquifer. Existing water rights will not be impaired as the authorized rate and quantity are not being increased and minimum well spacing requirements to existing wells will be met. Additionally, the number of primary wells will remain at 16 wells and there will be one standby well.
- 
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.
- The change application will not comply with "Standby Well" definition K.A.R. 5-22-1(gg), as the standby well will not be within 300 feet of a primary well. The applicant will request an exception from the Equus Beds GMD2 Board, as it is not feasible to locate the standby well within 300 feet of a primary well and the standby well will serve all the primary wells.

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

## Krueger, Richelle [KDA]

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Monday, February 26, 2018 10:26 AM  
**To:** Lanterman, Jeff [KDA]  
**Cc:** Conant, Cameron [KDA]; Turney, Brent [KDA]  
**Subject:** RE: Request for Recommendation Change in PD PU Westar ICM Ethanol File No. 7980

Will do, thanks Jeff!

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Monday, February 26, 2018 10:24 AM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PD PU Westar ICM Ethanol File No. 7980

I like the way you worded that on your memo. If you can transfer that over to the permit wording I would be good with that. Just seems to be more clear.

I have been pretty closely involved with all of this and also was at the GMD meeting where it was discussed in depth. All my concerns have been addressed already.

With that change I would recommend approval.

Jeff

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Monday, February 26, 2018 10:16 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PD PU Westar ICM Ethanol File No. 7980

Hi Jeff,

Attached is a copy of the approval document, I just used what I think is the standard wording. If you think I need to word it differently I can do that no problem. I also included a revised memo and changed/highlighted the part I think you are concerned about?

Richelle

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Monday, February 26, 2018 10:04 AM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PD PU Westar ICM Ethanol File No. 7980

Richelle, what language are you using to ensure the standby well will only be used if the primary well(s) are down?

Your memo kind of makes it sound like all the primary wells have to be down before the standby can be used. Should we word that such that "one or more of the primary wells is inoperable"? Seems unreasonable that their other 15 wells have to be down before they can use their standby in a system like this?

Jeff

---

**From:** Krueger, Richelle [KDA]

**Sent:** Monday, February 26, 2018 8:16 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>

**Subject:** Request for Recommendation Change in PD PU Westar ICM Ethanol File No. 7980

Hi Jeff,

Attached is a draft memo for the referenced change for Westar, do you recommend approval?

Thanks,  
Richelle



JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 22, 2018

Chief Engineer, Division of Water Resources  
Attn: Richelle A. Krueger  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

FEB 26 2018

KS Dept Of Agriculture

Re: Change Application – Water Right No. 7980 – Westar

Dear Ms. Krueger:

The referenced change in point of diversion and place of use application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the February 21, 2018, meeting. District staff and representatives of Westar Energy and ICM Inc. presented information regarding the application. A copy of the District's Application Review Information report is enclosed for your information.

Upon review of the information presented and discussed at the meeting, and based on findings that:

1. The application does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4).
2. The proposed conversion of Well No. 9 from a primary well to a standby well does not meet the Standby Well Definition requirement that a standby well must be located within 300 feet of a primary well.
3. Well No. 9 will serve as a standby well for all 16 primary industrial wells authorized by Water Right No. 7980.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well.
5. Well No. 9 has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
6. It would not be feasible to install standby wells within 300 feet of each primary industrial well.
7. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well, which is not economically practical.
8. The proposed change application complies with minimum spacing requirements to all other domestic and non-domestic points of diversion.

H:\MSOFFICE\LETTERS\APP\BoardApproved\#7980\_Westar.docx



SCANNED

9. The proposed relocation of Well No. 9 to a new well site (ICM Well) and the proposed change in place of use complies with the District's Revised Aquifer Management Program and rules and regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.
10. There are three wells within ½ mile of the proposed new well location. The owners of two of the nearby wells submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.
11. The Board has previously reviewed similar change applications and recommended exceptions to the Standby Well definition K.A.R. 5-22-1(gg)(4).

It was the decision of the Board of Directors to recommend to the Chief Engineer that the change application be granted an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4), and the change application be recommended for approval.

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District if you have any questions regarding the District's findings or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2



Tim Boese  
Manager

TDB/db

Enclosure

pc: Jared Morrison, Westar Energy  
Jason Friedberg, ICM Inc.  
Jeff Lanterman, Division of Water Resources, Stafford

Water Resources  
Received

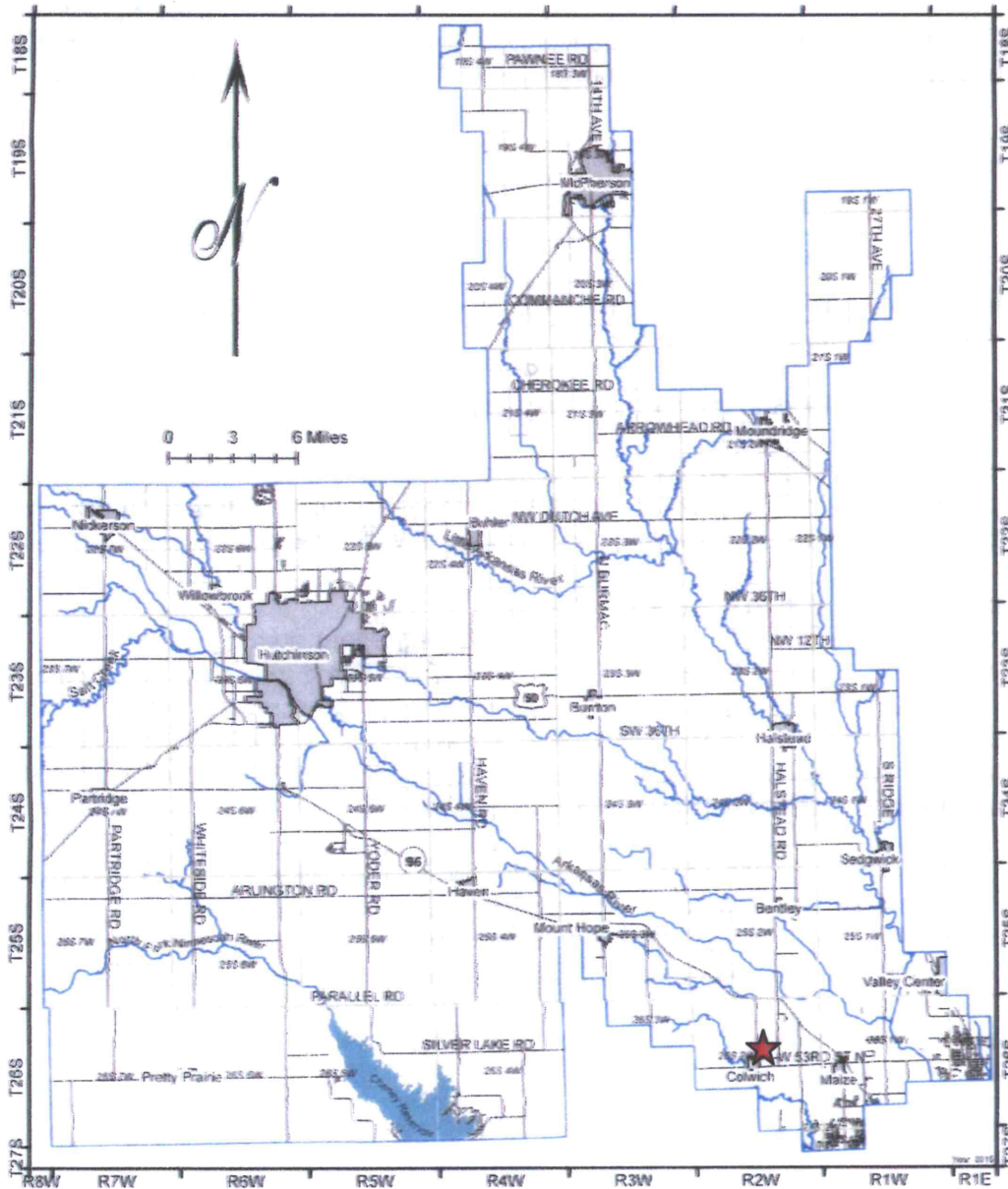
FEB 26 2018

KS Dept Of Agriculture

APPLICATION REVIEW INFORMATION

NAME Westar Energy  
ADDRESS 818 S. Kansas Ave  
Topeka, Kansas 66612

APPLICATION NO. 7980  
NEW APPL. \_\_\_\_\_  
COUNTY Sedgwick TRACT \_\_\_\_\_  
WELL LOCATION S 15 T 26S R 2W  
CHG. P/U X  
CHG. P/D X  
CHG. USE \_\_\_\_\_  
QUANT 6554.6 AF/Y RATE 6500 GPM  
WELL SPACING D>660', ND>1320'



Water Resources  
Received  
FEB 26 2018

Figure 1: General location of application within the District indicated by the star.

KS Dept Of Agriculture

ISSUE: The application does not comply with the Standby Well definition K.A.R. 5-22-1(gg)(4).

**BACKGROUND INFORMATION:**

JAN 11, 2018 - DWR received an application to change the place of use by adding new industrial area and change the point of diversion by moving Well No. 9 to a new location and converting the existing Well No. 9 to a standby well.

FEB 13, 2018 – Based on a request from DWR, the District reviewed the change application and found that it did not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4), as the well (Well No. 9) proposed to be changed from a primary well to standby well was not within 300 feet of a primary well. Based on the review findings, the application was recommended for denial.

FEB 14, 2018 - The applicant filed an appeal petition with the District pursuant to K.A.R. 5-22-12 (exhibit A), requesting an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4).

FEB 15, 2018 – The applicant was notified by letter that the appeal was scheduled for hearing by the Board of Directors on February 21, 2018.

**FINDINGS:**

The application was reviewed using the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

The change application is subject to the metering regulation K.A.R. 5-22-4(a).

Water Right No. 7980 authorizes 16 wells for a total of 6,554.60 acre-feet per year at a maximum total diversion rate of 6,500 gallons per minute for industrial use at the Gordon Evans Steam Electric Station in Section 15, Township 26S, Range 2W, Sedgwick County (Figure 2).

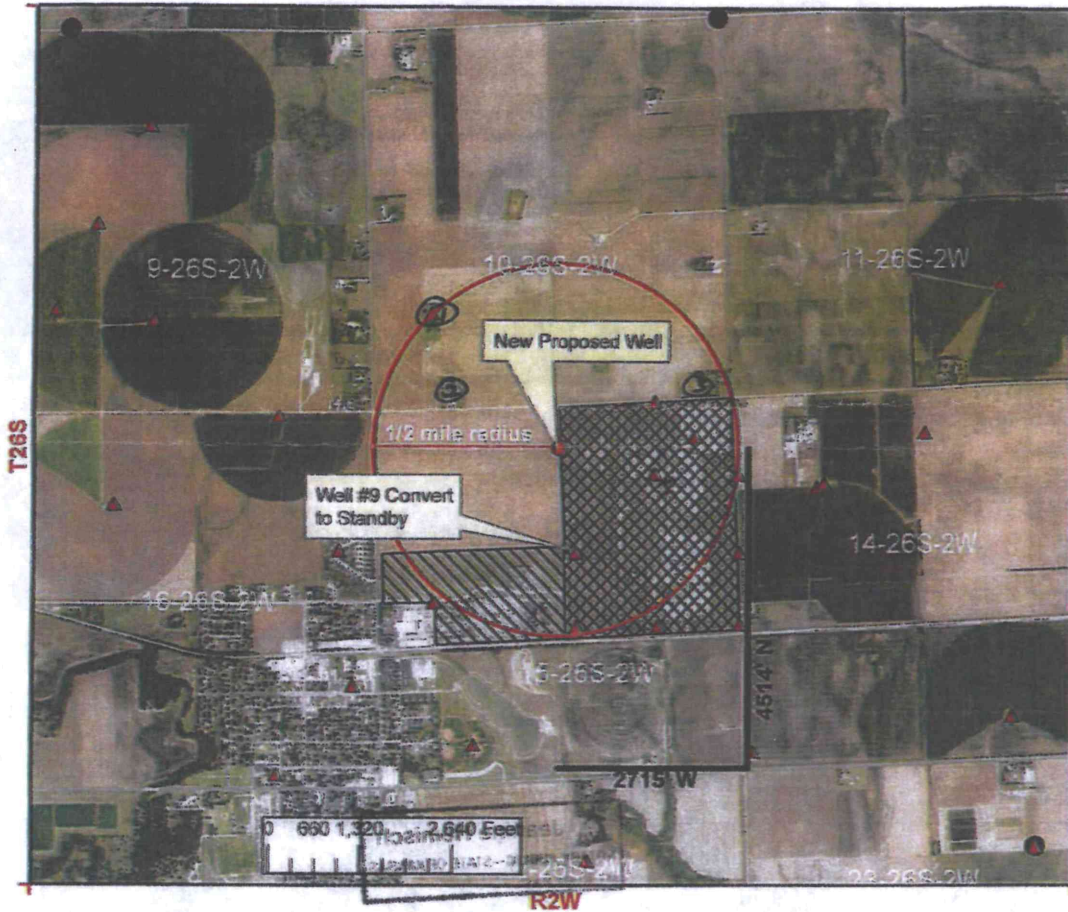
The change application was filed to (Figure 2):

- 1) Change the place of use to add the ICM Inc. Ethanol Plant area;
- 2) Move Well No. 9 approximately 1602' North and 89' West to a new well location to serve a new ethanol plant to be constructed on ICM property. Well No. 9 is authorized for 984.31 acre-feet per year at a maximum rate of 750 GPM; and
- 3) Convert the existing Well No. 9 to a standby well to serve as a standby well for all 16 primary wells authorized by Water Right No. 7980.

There are three wells within ½ mile of the proposed new well location (Figure 2). There are common owners of the irrigation well and one of the domestic wells and the owners submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.

Water Resources  
Division  
February 21, 2018  
Sedgwick County Agriculture

### Change Application Map No 7980



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.



- |  |  |
|--|--|
| _____<br>Signature   | _____<br>Date  |
| <input type="checkbox"/> New Application                       | <input checked="" type="checkbox"/> Proposed Point of Diversion  |
| <input checked="" type="checkbox"/> Application No. To Change: | <input checked="" type="checkbox"/> Existing Points of Diversion |
| <input checked="" type="checkbox"/> Point of Diversion         | <input checked="" type="checkbox"/> Proposed Place of Use        |
| <input checked="" type="checkbox"/> Place of Use               | <input checked="" type="checkbox"/> Authorized Place of Use      |
| <input type="checkbox"/> Use Made of Water                     |  |

See attached for well owners within 1/2 mile

FEB 02 2018

Completed By GMD2 Staff  
S. Flaherty - 12/22/2017

Equus Beds GMD #2

Water Resources  
Received

FEB 26 2018

KS Dept Of Agriculture

Figure 2

SCANNED

The proposed ICM new well location complies with the minimum spacing requirements to all domestic and non-domestic points of diversion (Figure 3).

**Equus Beds Groundwater Management District No. 2  
Spacing Evaluation - Westar - No. 7980 New ICM Well  
NC-N/2-N/2 (4514'N & 2715'W) 15-26S-02W, Sedgwick Co.  
Prepared By: T. Boese      Date: 2/4/2018**

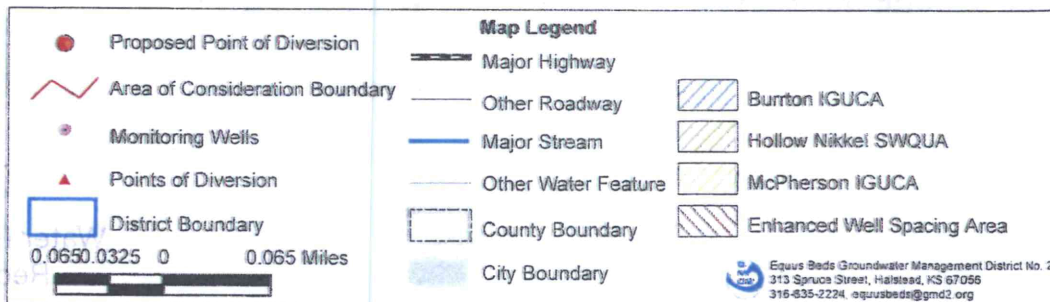


Figure 3

The proposed change of Well No. 9 from a primary well to a standby well does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4), as Well No. 9 is not within 300 feet of a primary well. The nearest primary well (Well No. 10) is located approximately 1067 feet south of Well No. 9 (Figure 4). Standby wells are not subject to the Well Spacing Rule and Regulation, pursuant to K.A.R. 5-22-2(e)(1).

**Equus Beds Groundwater Management District No. 2  
Spacing Evaluation - No. 7980 -Westar Well #9 - Standby Well  
SW-SW-NE (2912'N & 2626'W) 15-26S-02W, Sedgwick Co.  
Prepared By: T. Boese Date: 2/4/2018**

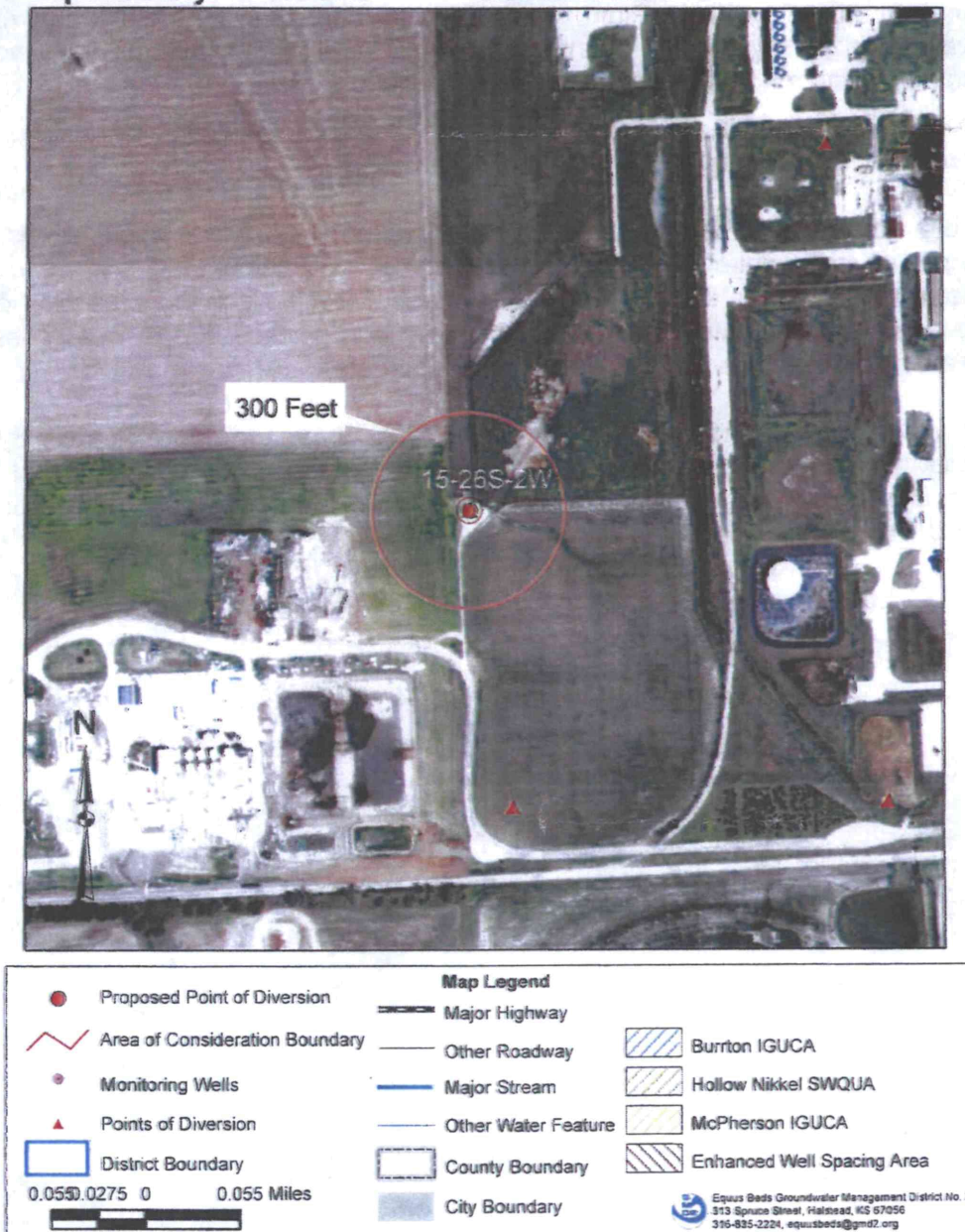


Figure 4

Water Resources  
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FEB 26 2018

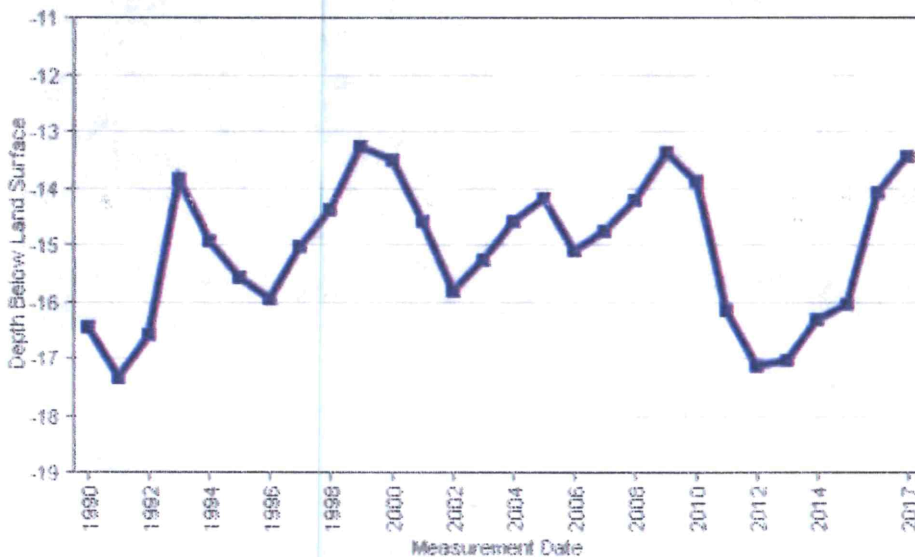
The applicant's February 14, 2018, appeal letter (exhibit A), advised:

1. The change application was filed to support the construction and operation of a new ethanol plant.
2. Well No. 9 will serve as a standby wells for all 16 industrial wells authorized by Water Right No. 7980.
3. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well. Additionally, the well has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
5. A new standby well within 300 feet of any of Westar's existing wells would not be economically practical.

Hydrologic data indicates that depth to bedrock is approximately 225 feet below land surface at the site. Depth to static water level is approximately 20 feet below land surface creating a calculated saturated thickness of approximately 205 feet. Most wells in the area are completed in the upper aquifer zone between 50 - 80 feet below land surface due to quality issues, as salinity increases significantly with depth in the application area.

The nearest observation well to the application, EB245A, is located approximately 8,000 feet north-northeast of Well No. 9. Depth to water measurements have been recorded at EB245A since 1990 and groundwater level measurements at EB245A indicate a stable groundwater elevation trend (Figure 5).

Figure 5 - Water Level Monitoring Well EB245A  
 Location: NE-NE-NE Sec. 10, T26S, R2W, Sedgwick County



The Board has previously reviewed similar applications for standby wells not within 300 feet of a primary well and requesting that the standby well serve as a backup for multiple primary wells. In these cases, the Board recommended exceptions to the Standby Well definition K.A.R. 5-22-1(gg)(4).



**STAFF RECOMMENDATION:**

Based on District findings and information provided by the applicant that:

1. The application does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4).
2. The proposed conversion of Well No. 9 from a primary well to a standby well does not meet the Standby Well Definition requirement that a standby well must be located within 300 feet of a primary well.
3. Well No. 9 will serve as a standby well for all 16 primary industrial wells authorized by Water Right No. 7980.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well.
5. Well No. 9 has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
6. It would not be feasible to install standby wells within 300 feet of each primary industrial well.
7. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well, which is not economically practical.
8. The proposed change application complies with minimum spacing requirements to all other domestic and non-domestic points of diversion.
9. The proposed relocation of Well No. 9 to a new well site (ICM Well) and the proposed change in place of use complies with the District's Revised Aquifer Management Program and rules and regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.
10. There are three wells within ½ mile of the proposed new well location. The owners of two of the nearby wells submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.
11. The Board has previously reviewed similar change applications and recommended exceptions to the Standby Well definition K.A.R. 5-22-1(gg)(4).

Staff recommends the change application be granted an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4), and the change application be recommended for approval.

Water Resources  
Received

FEB 26 2018

KS Dept Of Agriculture

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SCANNED



February 14, 2018

Tim Boese  
Manager  
Equus Beds GMD2  
313 Spruce  
Halstead, Kansas 67056

RECEIVED

FEB 14 2018

Re: Water Right No. 7980 Change Application

Equus Beds GMD #2

To whom it may concern:

Thank you for your review of the proposed Water Right No. 7980 Change Application. Westar Energy, Inc. (Westar) recognizes that the well (Well #9) does not meet the spacing requirements of the Standby Well definition K.A.R. 5-22-1(gg)4.

The Westar property consists of 16 wells authorized by Water Right No. 7980 that support our operations. The ability to meet all the various spacing requirements with such a dense population of wells, while supporting the ELEMENT project needs, was not possible.

The existing well (Well #9) will be the effective standby well for the remaining wells on Westar property and it is not feasible to have a standby well within 300 feet of each well. By allowing an exception to the Standby Well definition, Westar would be able to use an existing well for standby purposes, rather than having to plug an existing operational well and drill a new standby well, which is not economically practical. Additionally, allowing Well #9 to be converted to a standby well will not impair any existing water right or well, as Well #9 is located more than 1,320 feet from any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet from any domestic well. Finally, Well #9 has operated as a primary well for many years with no apparent detrimental impact to other wells; therefore, converting Well #9 to a standby well will not cause any impairment to existing nearby wells.

Westar is requesting this change to support the construction of a 70 MGPY ethanol plant, ELEMENT. ELEMENT has stated that the plant will directly employ approximately sixty people, add several hundred ancillary jobs in the region, and significantly benefit the local agriculture economy.

For the above listed reasons, Westar respectfully appeal the recommendation for denial and ask that the EQUUS BED GROUNDWATER MANAGEMENT DISTRICT NO. 2 Board of Directors grant an exception to the Standby Well definition K.A.R. 5-22-1(gg)4 and recommend the change application for approval as submitted.

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FEB 26 2018



Thank you for your consideration in this urgent matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared Morrison", written over a horizontal line.

Jared Morrison  
Director, Water and Waste Programs  
Westar Energy

RECEIVED

FEB 14 2018

Equus Beds GMD #2

Water Resources  
Received

FEB 14 2018

## Krueger, Richelle [KDA]

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Thursday, February 22, 2018 4:49 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Engelbrecht, Jessica [KDA]  
**Subject:** 7980 Change App Approval Letters and Review Information  
**Attachments:** 7980 Change App Approval Letter.pdf; 7980 Application Review Information.pdf; 7980 Change App Meter Installation Letter.pdf

Good afternoon!

Attached you will find the Change Application Approval Letter from Manager Tim Boese for #7980. The original letter is in the mail today.

Please let me know if you have any difficulties opening the attachments.

Thanks!

*Rebecca Wilson*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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KS DEPT OF AGRICULTURE

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 22, 2018

Chief Engineer, Division of Water Resources  
Attn: Richelle A. Krueger  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Change Application – Water Right No. 7980 – Westar

Dear Ms. Krueger:

The referenced change in point of diversion and place of use application was reviewed by the Equus Beds Groundwater Management District No. 2 Board of Directors at the February 21, 2018, meeting. District staff and representatives of Westar Energy and ICM Inc. presented information regarding the application. A copy of the District's Application Review Information report is enclosed for your information.

Upon review of the information presented and discussed at the meeting, and based on findings that:

1. The application does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4).
2. The proposed conversion of Well No. 9 from a primary well to a standby well does not meet the Standby Well Definition requirement that a standby well must be located within 300 feet of a primary well.
3. Well No. 9 will serve as a standby well for all 16 primary industrial wells authorized by Water Right No. 7980.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well.
5. Well No. 9 has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
6. It would not be feasible to install standby wells within 300 feet of each primary industrial well.
7. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well, which is not economically practical.
8. The proposed change application complies with minimum spacing requirements to all other domestic and non-domestic points of diversion.

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9. The proposed relocation of Well No. 9 to a new well site (ICM Well) and the proposed change in place of use complies with the District's Revised Aquifer Management Program and rules and regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.
10. There are three wells within ½ mile of the proposed new well location. The owners of two of the nearby wells submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.
11. The Board has previously reviewed similar change applications and recommended exceptions to the Standby Well definition K.A.R. 5-22-1(gg)(4).

It was the decision of the Board of Directors to recommend to the Chief Engineer that the change application be granted an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4), and the change application be recommended for approval.

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District if you have any questions regarding the District's findings or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2



Tim Boese  
Manager

TDB/db

Enclosure

pc: Jared Morrison, Westar Energy  
Jason Friedberg, ICM Inc.  
Jeff Lanterman, Division of Water Resources, Stafford

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APPLICATION REVIEW INFORMATION

NAME Westar Energy  
ADDRESS 818 S. Kansas Ave  
Topeka, Kansas 66612

APPLICATION NO. 7980  
NEW APPL. \_\_\_\_\_

COUNTY Sedgwick TRACT \_\_\_\_\_  
WELL LOCATION S 15 T 26S R 2W

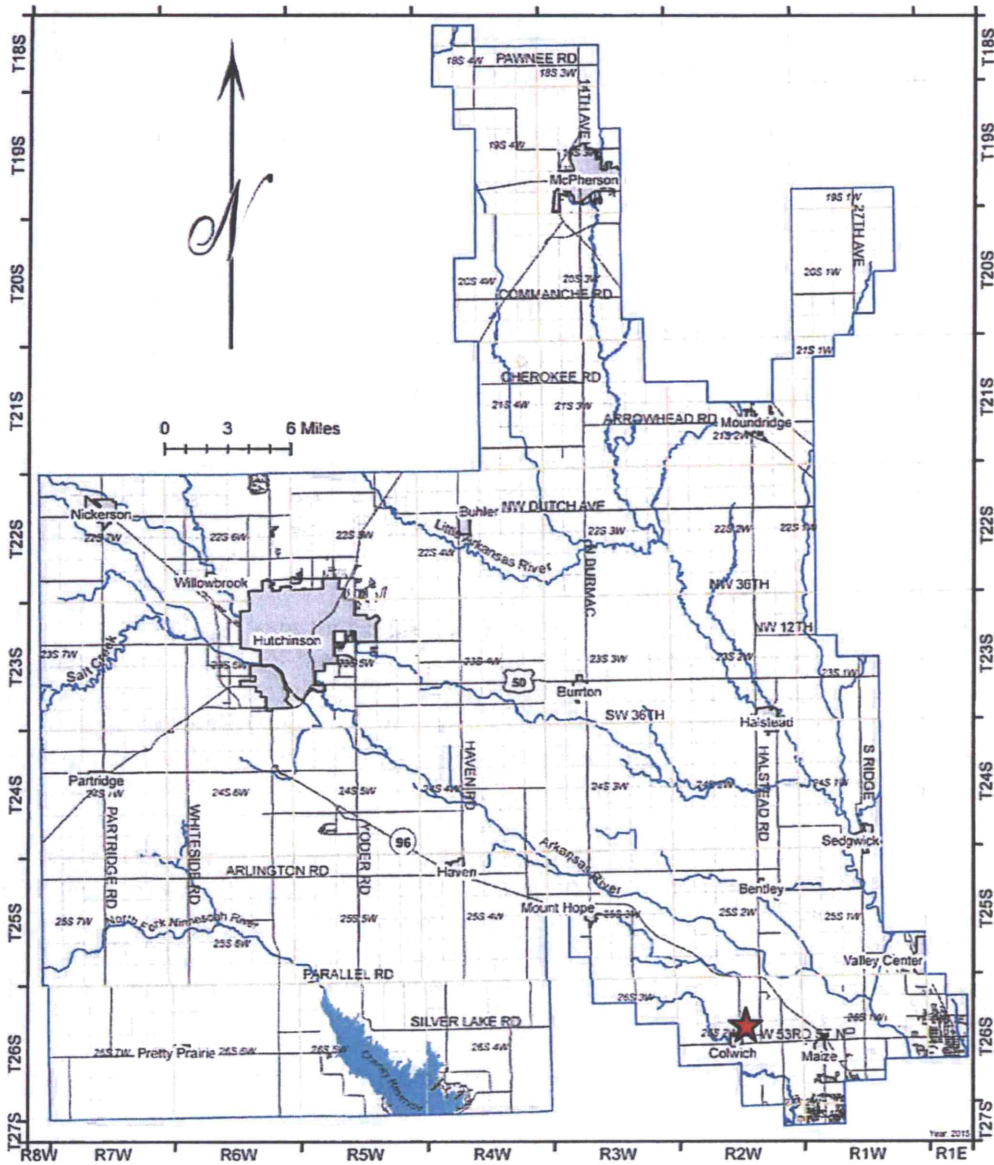
CHG. P/U X

CHG. P/D X

CHG. USE \_\_\_\_\_

QUANT 6554.6 AF/Y RATE 6500 GPM

WELL SPACING D>660', ND>1320'



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Figure 1: General location of application within the District indicated by the star.

ISSUE: The application does not comply with the Standby Well definition K.A.R. 5-22-1(gg)(4).

**BACKGROUND INFORMATION:**

JAN 11, 2018 - DWR received an application to change the place of use by adding new industrial area and change the point of diversion by moving Well No. 9 to a new location and converting the existing Well No. 9 to a standby well.

FEB 13, 2018 – Based on a request from DWR, the District reviewed the change application and found that it did not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4), as the well (Well No. 9) proposed to be changed from a primary well to standby well was not within 300 feet of a primary well. Based on the review findings, the application was recommended for denial.

FEB 14, 2018 - The applicant filed an appeal petition with the District pursuant to K.A.R. 5-22-12 (exhibit A), requesting an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4).

FEB 15, 2018 – The applicant was notified by letter that the appeal was scheduled for hearing by the Board of Directors on February 21, 2018.

**FINDINGS:**

The application was reviewed using the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

The change application is subject to the metering regulation K.A.R. 5-22-4(a).

Water Right No. 7980 authorizes 16 wells for a total of 6,554.60 acre-feet per year at a maximum total diversion rate of 6,500 gallons per minute for industrial use at the Gordon Evans Steam Electric Station in Section 15, Township 26S, Range 2W, Sedgwick County (Figure 2).

The change application was filed to (Figure 2):

- 1) Change the place of use to add the ICM Inc. Ethanol Plant area;
- 2) Move Well No. 9 approximately 1602' North and 89' West to a new well location to serve a new ethanol plant to be constructed on ICM property. Well No. 9 is authorized for 984.31 acre-feet per year at a maximum rate of 750 GPM; and
- 3) Convert the existing Well No. 9 to a standby well to serve as a standby well for all 16 primary wells authorized by Water Right No. 7980.

There are three wells within ½ mile of the proposed new well location (Figure 2). There are common owners of the irrigation well and one of the domestic wells and the owners submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.

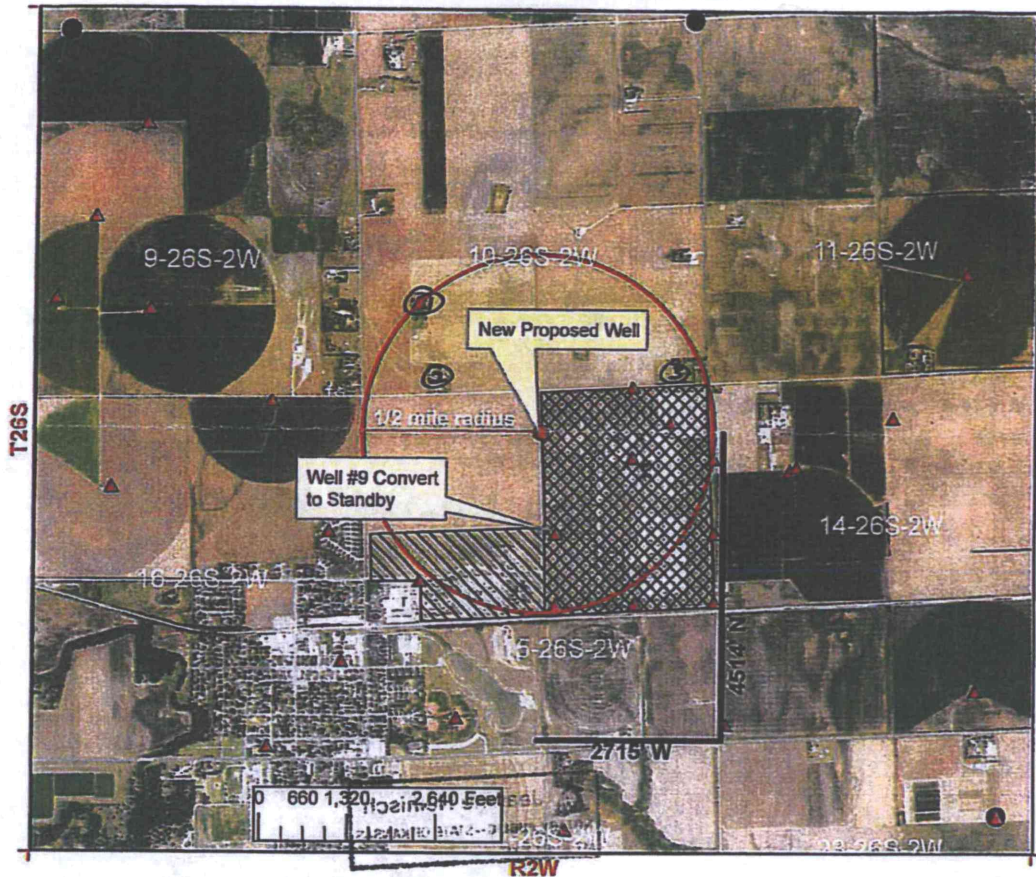
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### Change Application Map No 7980



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.



- |  |   |
|--|---|
| _____<br>Signature   | _____<br>Date   |
| <input type="checkbox"/> New Application                       | <input checked="" type="radio"/> Proposed Point of Diversion  |
| <input checked="" type="checkbox"/> Application No. To Change: | <input checked="" type="radio"/> Existing Points of Diversion |
| <input checked="" type="checkbox"/> Point of Diversion         | <input checked="" type="checkbox"/> Proposed Place of Use     |
| <input checked="" type="checkbox"/> Place of Use               | <input checked="" type="checkbox"/> Authorized Place of Use   |
| <input type="checkbox"/> Use Made of Water                     |   |

See attached for well owners within 1/2 mile

FEB 02 2018

Completed By GMD2 Staff  
S. Flaherty - 1/22/2017

Equus Beds GMD #2

Figure 2

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The proposed ICM new well location complies with the minimum spacing requirements to all domestic and non-domestic points of diversion (Figure 3).

**Equus Beds Groundwater Management District No. 2  
Spacing Evaluation - Westar - No. 7980 New ICM Well  
NC-N/2-N/2 (4514'N & 2715'W) 15-26S-02W, Sedgwick Co.  
Prepared By: T. Boese      Date: 2/4/2018**

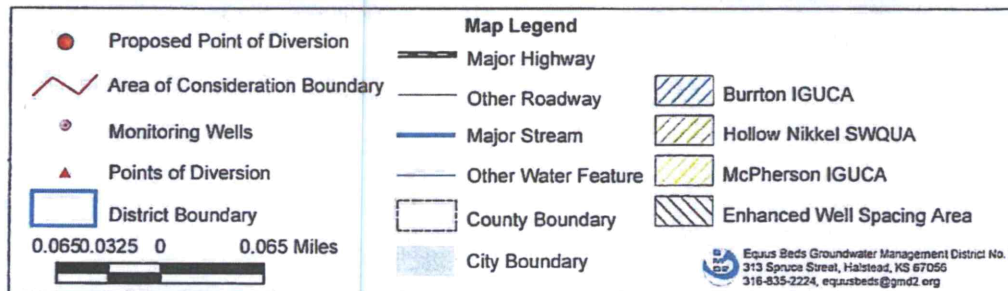
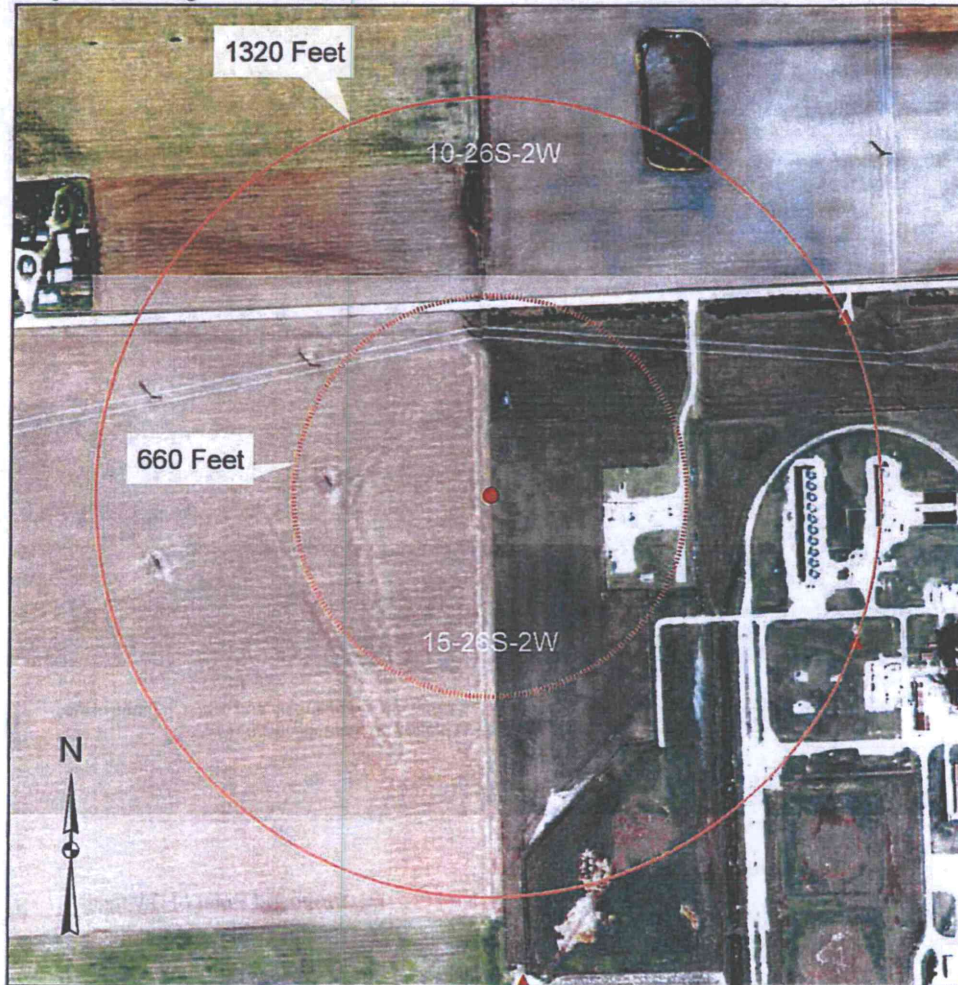


Figure 3  
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The proposed change of Well No. 9 from a primary well to a standby well does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4), as Well No. 9 is not within 300 feet of a primary well. The nearest primary well (Well No. 10) is located approximately 1067 feet south of Well No. 9 (Figure 4). Standby wells are not subject to the Well Spacing Rule and Regulation, pursuant to K.A.R. 5-22-2(e)(1).

**Equus Beds Groundwater Management District No. 2  
Spacing Evaluation - No. 7980 -Westar Well #9 - Standy Well  
SW-SW-NE (2912'N & 2626'W) 15-26S-02W, Sedgwick Co.  
Prepared By: T. Boese      Date: 2/4/2018**

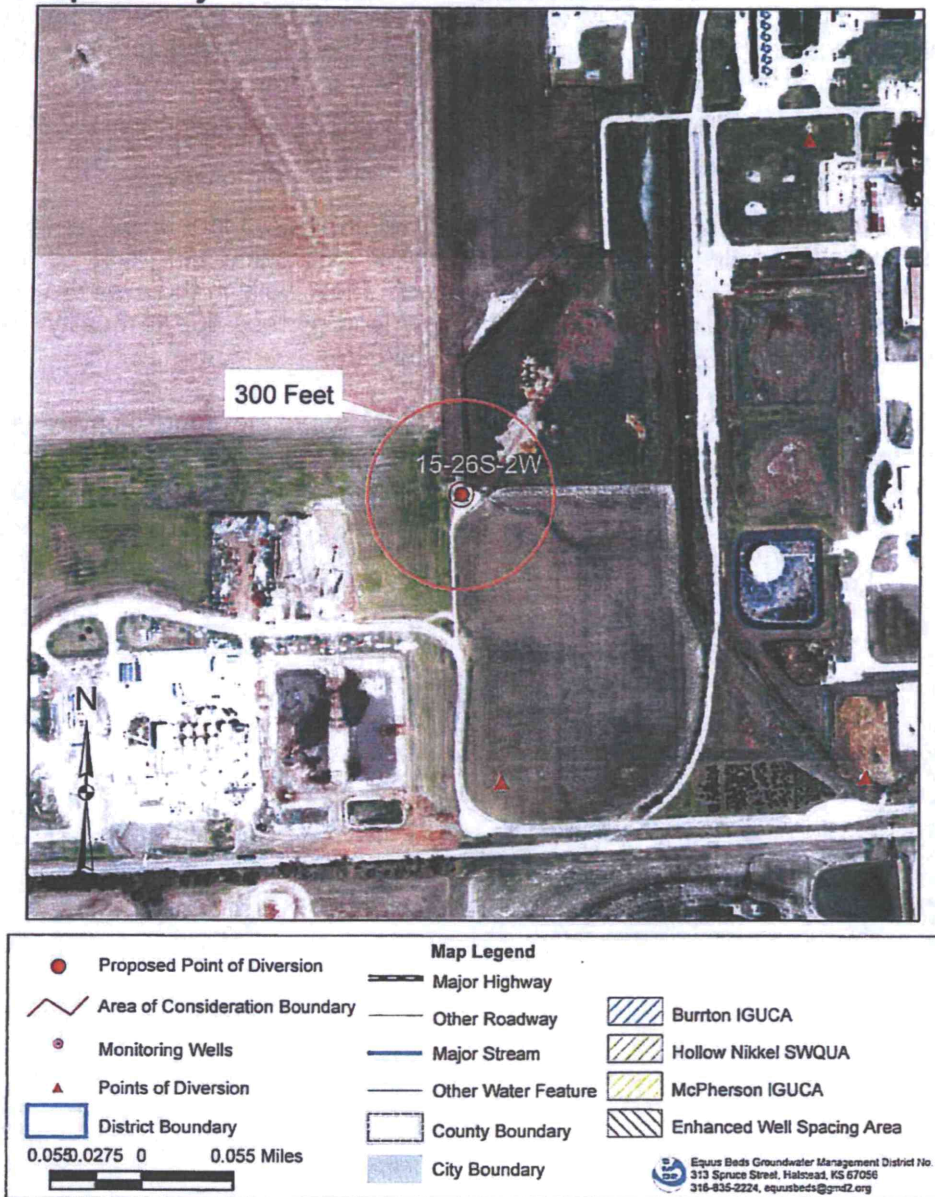


Figure 4

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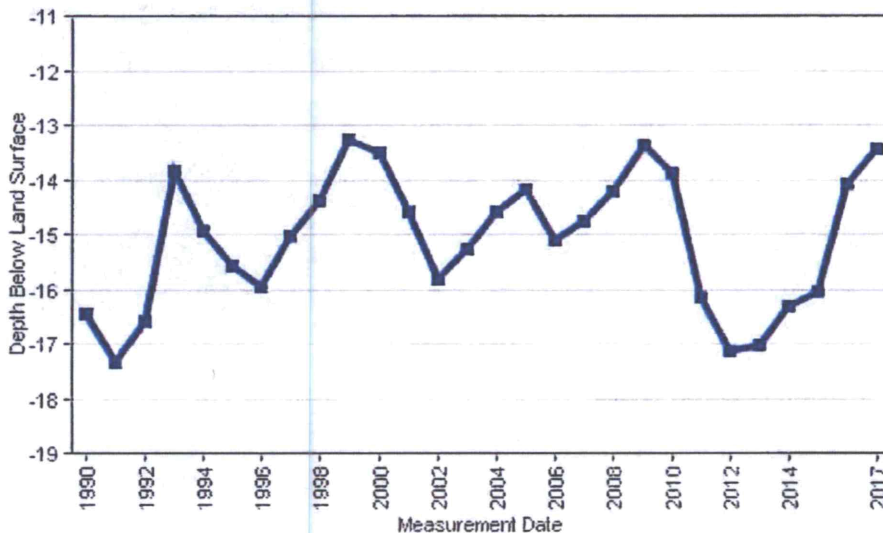
The applicant's February 14, 2018, appeal letter (exhibit A), advised:

1. The change application was filed to support the construction and operation of a new ethanol plant.
2. Well No. 9 will serve as a standby wells for all 16 industrial wells authorized by Water Right No. 7980.
3. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well. Additionally, the well has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
5. A new standby well within 300 feet of any of Westar's existing wells would not be economically practical.

Hydrologic data indicates that depth to bedrock is approximately 225 feet below land surface at the site. Depth to static water level is approximately 20 feet below land surface creating a calculated saturated thickness of approximately 205 feet. Most wells in the area are completed in the upper aquifer zone between 50 - 80 feet below land surface due to quality issues, as salinity increases significantly with depth in the application area.

The nearest observation well to the application, EB245A, is located approximately 8,000 feet north-northeast of Well No. 9. Depth to water measurements have been recorded at EB245A since 1990 and groundwater level measurements at EB245A indicate a stable groundwater elevation trend (Figure 5).

Figure 5 - Water Level Monitoring Well EB245A  
Location: NE-NE-NE Sec. 10, T26S, R2W, Sedgwick County



The Board has previously reviewed similar applications for standby wells not within 300 feet of a primary well and requesting that the standby well serve as a backup for multiple primary wells. In these cases, the Board recommended exceptions to the Standby Well definition K.A.R. 5-22-

1(gg)(4)

FEB 26 2018

**STAFF RECOMMENDATION:**

Based on District findings and information provided by the applicant that:

1. The application does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4).
2. The proposed conversion of Well No. 9 from a primary well to a standby well does not meet the Standby Well Definition requirement that a standby well must be located within 300 feet of a primary well.
3. Well No. 9 will serve as a standby well for all 16 primary industrial wells authorized by Water Right No. 7980.
4. The location and operation of Well No. 9 as a standby well will not impair any existing wells, as the well is located more than 1,320 feet to any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet to any domestic well.
5. Well No. 9 has been operated as a primary well for many years with no apparent detrimental impact to nearby wells.
6. It would not be feasible to install standby wells within 300 feet of each primary industrial well.
7. An exception to the standby well definition would allow Westar to use an existing well for standby purposes rather than plug an existing operational well and install a new standby well, which is not economically practical.
8. The proposed change application complies with minimum spacing requirements to all other domestic and non-domestic points of diversion.
9. The proposed relocation of Well No. 9 to a new well site (ICM Well) and the proposed change in place of use complies with the District's Revised Aquifer Management Program and rules and regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.
10. There are three wells within ½ mile of the proposed new well location. The owners of two of the nearby wells submitted statements advising that they had no objection to the application. The owner of the other domestic well within ½ mile was notified by DWR by letter dated February 5, 2018, of the change application and allowed 15 days to submit any comments. As of February 21, 2018, DWR had not received any comments from the domestic well owner.
11. The Board has previously reviewed similar change applications and recommended exceptions to the Standby Well definition K.A.R. 5-22-1(gg)(4).

Staff recommends the change application be granted an exception to the Standby Well definition K.A.R. 5-22-1(gg)(4), and the change application be recommended for approval.

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WATER RESOURCES



February 14, 2018

Tim Boese  
Manager  
Equus Beds GMD2  
313 Spruce  
Halstead, Kansas 67056

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FEB 14 2018

Equus Beds GMD #2

Re: Water Right No. 7980 Change Application

To whom it may concern:

Thank you for your review of the proposed Water Right No. 7980 Change Application. Westar Energy, Inc. (Westar) recognizes that the well (Well #9) does not meet the spacing requirements of the Standby Well definition K.A.R. 5-22-1(gg)4.

The Westar property consists of 16 wells authorized by Water Right No. 7980 that support our operations. The ability to meet all the various spacing requirements with such a dense population of wells, while supporting the ELEMENT project needs, was not possible.

The existing well (Well #9) will be the effective standby well for the remaining wells on Westar property and it is not feasible to have a standby well within 300 feet of each well. By allowing an exception to the Standby Well definition, Westar would be able to use an existing well for standby purposes, rather than having to plug an existing operational well and drill a new standby well, which is not economically practical. Additionally, allowing Well #9 to be converted to a standby well will not impair any existing water right or well, as Well #9 is located more than 1,320 feet from any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet from any domestic well. Finally, Well #9 has operated as a primary well for many years with no apparent detrimental impact to other wells; therefore, converting Well #9 to a standby well will not cause any impairment to existing nearby wells.

Westar is requesting this change to support the construction of a 70 MGPY ethanol plant, ELEMENT. ELEMENT has stated that the plant will directly employ approximately sixty people, add several hundred ancillary jobs in the region, and significantly benefit the local agriculture economy.

For the above listed reasons, Westar respectfully appeal the recommendation for denial and ask that the EQUUS BED GROUNDWATER MANAGEMENT DISTRICT NO. 2 Board of Directors grant an exception to the Standby Well definition K.A.R. 5-22-1(gg)4 and recommend the change application for approval as submitted.

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Thank you for your consideration in this urgent matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Morrison", written over a horizontal line.

Jared Morrison  
Director, Water and Waste Programs  
Westar Energy

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Equus Beds GMD #2

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 22, 2018

Jared Morrison, Director - Water and Waste Programs  
Westar Energy  
818 S. Kansas Avenue  
Topeka, KS 66601

Re: Change Application – Water Right No. 7980 - Westar

Dear Mr. Morrison:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that change in point of diversion and place of use application no. 7980 be approved. Pursuant to K.A.R. 5-22-4a, the wells described in the application must each be individually equipped with a District approved water flowmeter.

The 17 wells (16 primary wells and one standby well) are located in Sections 14, 15, 22, 23 and 26, Township 26 South, Range 2 West, Sedgwick County.

The wells must be properly equipped with approved water meters in compliance with current regulations within 30 days after the approved wells are all operational and prior to operation of the wells. If more time is needed to install the meter or modify existing meter installations to meet current regulations, you may request an extension of time. The extension request and specified reason for the extension must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be copied and a form completed for each well and then returned to the District after completion of the meter installations. Upon receiving the completed forms, the District will inspect the installations and notify you of the inspection results.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

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KS DEPT OF AGRICULTURE

Enclosures

pc: Jeff Lanterman, Division of Water Resources, Stafford



**Krueger, Richelle [KDA]**

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Thursday, February 15, 2018 12:11 PM  
**To:** Krueger, Richelle [KDA]; Engelbrecht, Jessica [KDA]  
**Subject:** Change Application Water Right No. 7980 Appeal Hearing Letter  
**Attachments:** 7980 Change App Appeal Hearing Notification.pdf; 7980 Change App Denial Appeal Letter 2-14-18.pdf

Good afternoon!

Attached is a Change App Appeal Hearing Notification Letter from Manager Tim Boese for Water Right No. 7980. I have also attached the original appeal letter from Westar.

Please let me know if you have any difficulties opening the attachments.

Thanks!

*Rebecca Wilson*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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FEB 15 2018

KS Dept Of Agriculture

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 15, 2018

Jared Morrison, Director - Water and Waste Programs  
Westar Energy  
818 S. Kansas Avenue  
Topeka, KS 66601

Re: Change Application – Water Right No. 7980 - Westar

Dear Mr. Morrison:

The Equus Beds Groundwater Management District No. 2 received your Petition of Appeal February 14, 2018, in the matter of the District's February 13, 2018, recommendation of the above referenced application. The petition was found to be in proper form and that, pursuant to K.A.R 5-22-12(b)(4), you are a valid petitioner.

The District Board of Directors will hear the appeal beginning at 9:30 A.M., Wednesday, February 21, 2018, in the conference room of the Equus Beds Groundwater Management District office, 313 Spruce Street, Halstead, Kansas. Enclosed is a copy of the meeting agenda.

At the appeal hearing, the Board will permit the petitioner to present briefs and may afford any interested party the opportunity to present oral or written arguments, if appropriate.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager

TDB/db

Enclosure

Pc: Jason Friedberg, ICM, Inc.  
Richelle A. Krueger, Division of Water Resources, Manhattan  
Jeff Lanterman Division of Water Resources, Stafford

Water Resources  
Received

FEB 15 2018

KS Dept Of Agriculture

**PROPOSED AGENDA  
BOARD OF DIRECTORS MEETING  
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

**Wednesday, February 21, 2018  
9:30 a.m.**

**313 Spruce Street • Halstead, KS 67056-1925  
Phone: (316) 835-2224 • Fax: (316) 835-2225 • E-mail: equusbeds@gmd2.org**

**1. APPROVAL OF MINUTES**

- a) December 20, 2017, Meeting
- b) January 10, 2018, Meeting

**2. APPROVAL OF AGENDA**

**3. FINANCIAL REPORT**

**4. APPROVAL OF EXPENDITURES**

- 5. PUBLIC FORUM –** *Persons may present written or verbal comments concerning non-agenda business. Presentations are limited to five minutes.*

**6. APPEAL REVIEW**

- a) Westar Energy, Change Application No. 7980, 15-26S-2W, Sedgwick Co.

**7. OLD BUSINESS**

- a) Draft DWR/GMD2 Monitoring MOU

**8. NEW BUSINESS**

- a) Audit Accounting Resolution – GAAP Waiver
- b) Water-Related Legislation Update
- c) Suspension Area Safe Yield Calculations
- d) March Board Meeting and Annual Meeting Dates & Times
- e) Annual Meeting Draft Agenda
- f) Draft FY 2019 Budget Review
- g) District Health & Dental Insurance Renewal Premiums
- h) District Certificates of Deposits

**9. AGENCY & COMMITTEE REPORTS**

- a) Division of Water Resources
- b) Kansas Water Authority
- c) Equus - Walnut Regional Advisory Committee

**10. MANAGER'S REPORT**

- a) ASR Project Report
- b) Administrative and Field Tasks
- c) Review of Term Permit Applications
- d) Monthly Information and Service Report

**11. ADDITIONS TO THE AGENDA**

**12. BOARD ROUND TABLE DISCUSSION**

**13. EXECUTIVE SESSION – Personnel**

**NOTICE:** All Board of Directors meeting and any portion thereof are open to the public, except for closed or executive meetings, as prescribed by K.S.A. 75-4319. Please complete a meeting notice form, if you wish to be notified of Board of Directors meetings, hearings, work sessions or other business meetings. Notice forms may be obtained by contacting the Equus Beds Groundwater Management District No. 2.

*Water Resources  
Received  
FEB 15 2018  
KS Dept Of Agriculture*



February 14, 2018

Water Resources  
Received

FEB 15 2018

Tim Boese  
Manager  
Equus Beds GMD2  
313 Spruce  
Halstead, Kansas 67056

KS Dept Of Agriculture

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FEB 14 2018

Re: Water Right No. 7980 Change Application

Equus Beds GMD #2

To whom it may concern:

Thank you for your review of the proposed Water Right No. 7980 Change Application. Westar Energy, Inc. (Westar) recognizes that the well (Well #9) does not meet the spacing requirements of the Standby Well definition K.A.R. 5-22-1(gg)4.

The Westar property consists of 16 wells authorized by Water Right No. 7980 that support our operations. The ability to meet all the various spacing requirements with such a dense population of wells, while supporting the ELEMENT project needs, was not possible.

The existing well (Well #9) will be the effective standby well for the remaining wells on Westar property and it is not feasible to have a standby well within 300 feet of each well. By allowing an exception to the Standby Well definition, Westar would be able to use an existing well for standby purposes, rather than having to plug an existing operational well and drill a new standby well, which is not economically practical. Additionally, allowing Well #9 to be converted to a standby well will not impair any existing water right or well, as Well #9 is located more than 1,320 feet from any non-domestic well not authorized by Water Right No. 7980, and more than 660 feet from any domestic well. Finally, Well #9 has operated as a primary well for many years with no apparent detrimental impact to other wells; therefore, converting Well #9 to a standby well will not cause any impairment to existing nearby wells.

Westar is requesting this change to support the construction of a 70 MGPY ethanol plant, ELEMENT. ELEMENT has stated that the plant will directly employ approximately sixty people, add several hundred ancillary jobs in the region, and significantly benefit the local agriculture economy.

For the above listed reasons, Westar respectfully appeal the recommendation for denial and ask that the EQUUS BED GROUNDWATER MANAGEMENT DISTRICT NO. 2 Board of Directors grant an exception to the Standby Well definition K.A.R. 5-22-1(gg)4 and recommend the change application for approval as submitted.



Thank you for your consideration in this urgent matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared Morrison", is written over a faint, mirrored watermark of the signature.

Jared Morrison  
Director, Water and Waste Programs  
Westar Energy

Water Resources  
Received  
FEB 15 2018  
KS Dept Of Agriculture

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FEB 14 2018  
Equus Beds GMD #2

**Krueger, Richelle [KDA]**

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Tuesday, February 13, 2018 1:48 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Engelbrecht, Jessica [KDA]  
**Subject:** 7980 Change App Denial Letter  
**Attachments:** 7980 Change App Denial Letter 2-13-18.pdf

Good afternoon!

Attached is a Change Application Denial Letter from Manager Tim Boese regarding file #7980.

Please contact our office if you have any difficulty opening the attachment.

Thanks!

*Rebecca Wilson*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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KS DEPT OF AGRICULTURE

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 13, 2018

Chief Engineer, Division of Water Resources  
Attn: Richelle A. Krueger  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Water Right No. 7980 Change Application – Westar Energy

Dear Ms. Krueger:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced change in place of use and point of diversion application on February 13, 2018, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The District's review found that the change application does not comply with the Standby Well definition K.A.R. 5-22-1(gg)(4), as the well (Well #9) proposed to be changed from a primary well to a standby well is not within 300 feet of a primary well.

Based upon the review findings, the application is recommended for denial by the Equus Beds Groundwater Management District.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12. An appeal petition must state the basis for the appeal and must include information/documentation supporting the appeal.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db



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Enclosures

FEB 13 2018

Pc: Jared Morrison, Westar Energy, with copy of K.A.R. 5-22-12  
Jason Friedberg, ICM Inc.  
Jeff Lanterman, Division of Water Resources, Stafford

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## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 7980 Date filed: November 13, 2014  
 2) Proposed maximum quantity: 6554.6 acre-feet/year Rate: 6500 GPM  
 3) Proposed Use: Industrial  
 4) P/D location: NC-N/2-N/2 15-26S-2W New ICM Well: North 4514 ft, West 2715 ft  
 5) Number and type of points of diversion listed on the application 17 Wells (16 primary, 1 standby)

6) Is the well location on the app the same on the evaluation sheet?  Yes  No  
 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why       
 8) Meets change app requirements K.A.R. 5-22-8?  Yes  No  N/A

9) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A  
 9(a) Safe yield analysis total existing appropriations:      af/yr  
 9(b) Safe yield total allowable appropriations:      af/yr  
 9(c) Total appropriations for small user exemptions:      af/yr  
 9(d) Total appropriations for non-consumptive use:      af/yr  
 9(e) Total appropriations for consumptive use:      af/yr  
 (total existing appropriations) - (non-consumptive appropriations)  
 9(f) exempt from regulation?  Yes  No,  
 Cite exemption:     

10) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A  
 10(a) POD in enhanced well spacing area?  Yes  No  
 10(b) Domestic well spacing interval: >660 ft  
 10(c) Non-Domestic well spacing interval: >1320 ft

11) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A  
 11(a) Irrigation max quantity:      acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 11(b) Stockwater max quantity:      GPD      unit  
 11(c) Industry max quantity:      Acre  
 Industry standard:       
 11(d) Municipal max quantity:      GCD  
 Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
 X - Average of last three years usage in Gallons per Capita per Day (GCD)  
 Y - water usage for industries that use over 200,000 gal/yr (GCD)  
 Z - Projected population in 20 years  
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)

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FEB 13 2018

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11(e) Pond max quantity is       
 (Net evap + seepage)/12 x pond area + any initial fill  
 11(f) Groundwater pit max Q:       
 Net evap \* pit area/12

12) Reasonable rate for intended use?  Yes  No  N/A  
 13) Depth to water:      ft bls at observation well:     

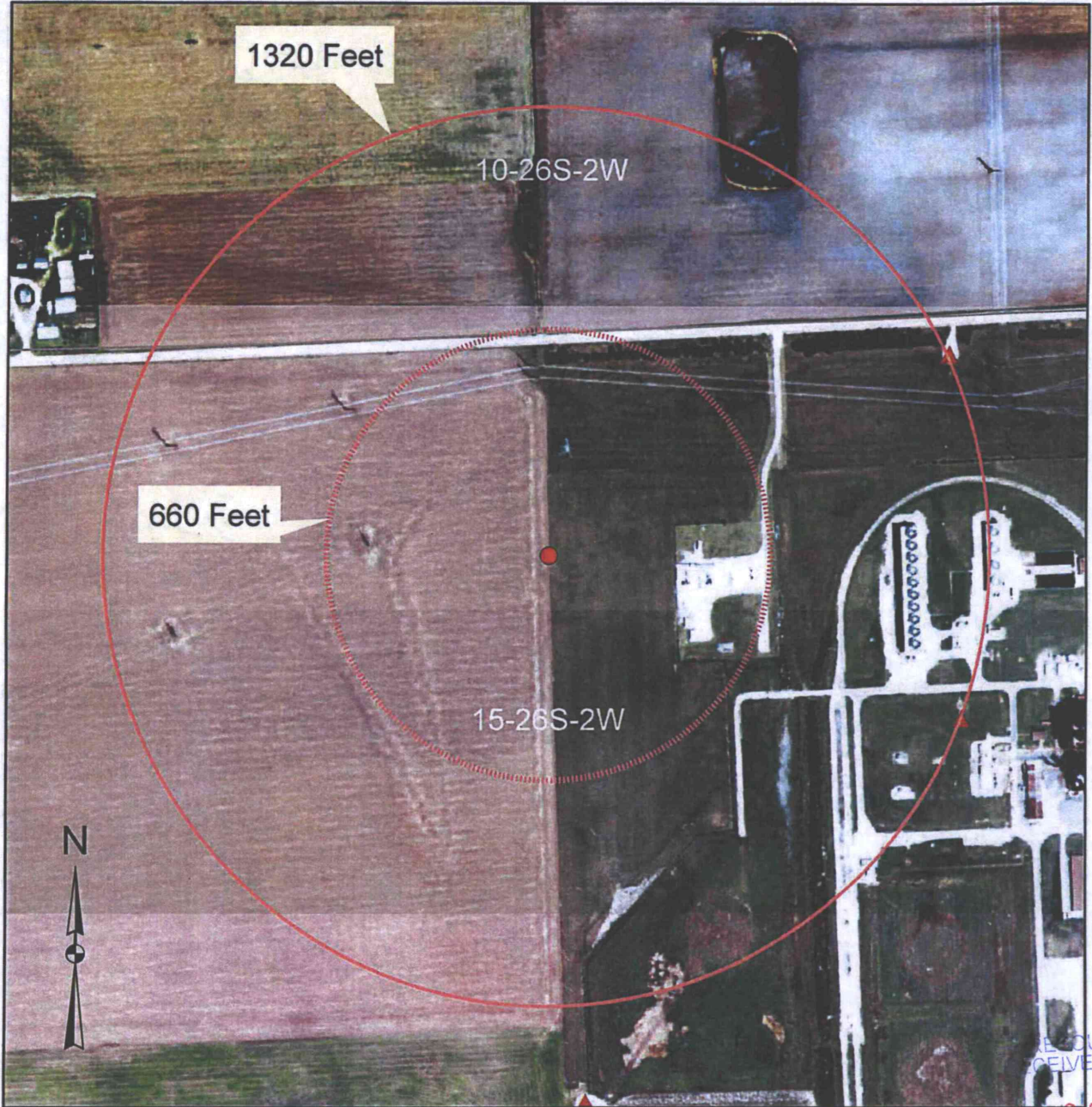
14) Date reviewed: February 13, 2018  
 15) Reviewed by: T. Boese Title: Manager  
 16) District recommendation:  Approve  Deny  Other, see comment

**Comments and Calculations:** Review completed for a change in PU and PD application submitted by Westar for Industrial use in Sedgwick County.

Application proposes to change the place of use from the Westar Gordon Evans Steam Electric Station to include the place of use owned by ICM Inc so that water can be pumped to a new ethanol plant to be constructed by ICM Inc. The proposed place of use partially overlaps with ICM Water Right No. 31650. Additionally, the application proposes to move well No. 9 to a new well location for use at a new ethanol plant to be constructed by ICM and convert the old well No. 9 to a standby well to be used as a standby well for any of Westar's 16 primary wells authorized by No. 7980. The proposed new ICM well meets spacing. However Well No 9, proposed to be a changed from a primary well to a standby well, is not located within 300 feet of a primary well and does not comply with the Standby Well Definition K.A.R. 5-22-1(gg)(4). There are three wells within 1/2 mile of the new ICM well. The owners of two of the wells submitted a letter advising they had no objections. The other owner has not yet submitted a letter of no objection and DWR notified the owner by letter dated February 5 and allowed 15 days to comment. Recommend denial, does not comply with K.A.R. 5-22-1(gg)(4)



Equus Beds Groundwater Management District No. 2  
 Spacing Evaluation - Westar - No. 7980 New ICM Well  
 NC-N/2-N/2 (4514'N & 2715'W) 15-26S-02W, Sedgwick Co.  
 Prepared By: T. Boese Date: 2/4/2018



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<ul style="list-style-type: none"> <li><span style="color: red;">●</span> Proposed Point of Diversion</li> <li><span style="color: red;">⋯</span> Area of Consideration Boundary</li> <li><span style="color: red;">●</span> Monitoring Wells</li> <li><span style="color: red;">▲</span> Points of Diversion</li> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> District Boundary</li> </ul>	<p><b>Map Legend</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid black; width: 20px; display: inline-block;"></span> Major Highway</li> <li><span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span> Other Roadway</li> <li><span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> Major Stream</li> <li><span style="border-bottom: 1px solid blue; width: 20px; display: inline-block;"></span> Other Water Feature</li> <li><span style="border: 1px dashed black; width: 20px; height: 10px; display: inline-block;"></span> County Boundary</li> <li><span style="background-color: lightblue; width: 20px; height: 10px; display: inline-block;"></span> City Boundary</li> </ul>	<ul style="list-style-type: none"> <li><span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); width: 20px; height: 10px; display: inline-block;"></span> Burrton IGUCA</li> <li><span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); width: 20px; height: 10px; display: inline-block;"></span> Hollow Nikkel SWQUA</li> <li><span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, yellow 2px, yellow 4px); width: 20px; height: 10px; display: inline-block;"></span> McPherson IGUCA</li> <li><span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, yellow 2px, yellow 4px); width: 20px; height: 10px; display: inline-block;"></span> Enhanced Well Spacing Area</li> </ul>
--	---	---















0.0650.0325 0 0.065 Miles

Equus Beds Groundwater Management District No. 2  
 313 Spruce Street, Halstead, KS 67056  
 316-835-2224, equusbeds@gmd2.org


SCANNED


Equus Beds Groundwater Management District No. 2  
 Spacing Evaluation - No. 7980 -Westar Well #9 - Standy Well  
 SW-SW-NE (2912'N & 2626'W) 15-26S-02W, Sedgwick Co.  
 Prepared By: T. Boese Date: 2/4/2018



	Proposed Point of Diversion	<b>Map Legend</b>	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
			County Boundary
			City Boundary
			Burton IGUCA
			Hollow Nikkel SWQUA
			McPherson IGUCA
			Enhanced Well Spacing Area

0.055 0.0275 0 0.055 Miles



 Equus Beds Groundwater Management District No. 2  
 313 Spruce Street, Halstead, KS 67056  
 316-835-2224, equusbeds@gmd2.org

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 KS DEPT OF AGRICULTURE

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 13, 2018

WESTAR ENERGY  
ATTN JARED MORRISON  
818 S KANSAS AVE  
TOPEKA KS 66612

**FILE COPY**

RE: Water Right  
File No. 7,980

Dear Mr. Morrison:


We have received a recommendation from Equus Beds Groundwater Management District No. 2 that the referenced application for change in place of use and point of diversion under the referenced file number be denied. This recommendation is based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The District's review found that the application does not comply with the District's standby well definition K.A.R. 5-22-1(gg)(4), as the well (Well #9) proposed to be changed from a primary well to a standby well is not within 300 feet of a primary well.

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit to this office any additional you wish to have considered before the Chief Engineer. You have a period of 30 days (until **March 15, 2018**) to either (1) submit additional information to our office or (2) to request additional time beyond the 30 days to submit additional information. If you wish additional time, you must do so in writing before the 30-day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 30-day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for a final decision based on the recommendations stated above. If you do submit additional information within the 30-day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

If you have any questions, please contact me at (785)564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
pc: Stafford Field Office  
Groundwater Management District No. 2  
ICM Inc., Attn Jason Friedberg

**SCANNED**

KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
ATTN DAVID W BARFIELD CHIEF ENGINEER  
1320 RESEARCH PARK DRIVE  
MANHATTAN KS 66502

WATER RESOURCES  
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FEB 07 2018

KS DEPT OF AGRICULTURE

RE: Water Right  
File No. 7,980

Dear Mr. Barfield:

Mr. Barfield, this is to advise you that I have no objections to Westar Energy moving one of their currently authorized points of diversion located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 3,040 feet North and 2,500 feet West of the Southeast corner of said section, in Township 26 South, Range 2 West, Sedgwick County, Kansas, authorized a diversion rate not excess of 750 gallons per minute and a quantity not to exceed 984.31 acre-feet of water per calendar year, to supply water to ELEMENT Ethanol Plant from a new well at the following location:

near the center of the North Half of the North Half (N $\frac{1}{2}$  N $\frac{1}{2}$ ) of Section 15, more particularly described as being near a point 4,514 feet North and 2,715 feet West of the Southeast corner of said section, in Township 26 South, Range 2 West, Sedgwick County, Kansas, at a diversion rate not excess of 750 gallons per minute and in a quantity not to exceed 984.31 acre-feet of water per calendar year.

I further understand that the presently authorized well will remain authorized as a standby well.

Sincerely,

  
Signature

2-1-18  
Date

SCANNED

KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
ATTN DAVID W BARFIELD CHIEF ENGINEER  
1320 RESEARCH PARK DRIVE  
MANHATTAN KS 66502

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FEB 07 2018

RE: Water Right  
File No. 7,980

KS DEPT OF AGRICULTURE

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I further understand that the presently authorized well will remain authorized as a standby well.

Sincerely,

Signature

2-2-2018

Date

SCANNED

**Krueger, Richelle [KDA]**

---

**From:** Turney, Brent [KDA]  
**Sent:** Monday, February 5, 2018 10:43 AM  
**To:** Tim Boese  
**Cc:** Krueger, Richelle [KDA]  
**Subject:** FW: Scanned image from MX-4101N  
**Attachments:** Administrator@icminc.com\_20180205\_110620.pdf

Tim,  
You will find attached a scan of two signatures for the nearby irrigation well. Jason will keep me updated of the outcome of the domestic well. I will keep you in the loop as soon as I hear anything.  
Thanks Brent

Brent A. Turney, P.G.  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan Kansas 66502  
(785) 564-6645  
Brent.Turney@ks.gov  
www.agriculture.ks.gov

-----Original Message-----

From: Jason Friedberg [mailto:Jason.Friedberg@ICMINC.com]  
Sent: Monday, February 5, 2018 10:33 AM  
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>  
Subject: FW: Scanned image from MX-4101N

Hi Brent,

Please see the attached.

Thank you again for all your help!

Jason

-----Original Message-----

From: Administrator@icminc.com [mailto:Administrator@icminc.com] On Behalf Of Administrator@  
Sent: Monday, February 05, 2018 10:06 AM  
To: Jason Friedberg <Jason.Friedberg@ICMINC.com>  
Subject: Scanned image from MX-4101N

Reply to: Administrator@icminc.com <Administrator@icminc.com> Device Name: Not Set Device Model: MX-4101N  
Location: Not Set

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KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
ATTN DAVID W BARFIELD CHIEF ENGINEER  
1320 RESEARCH PARK DRIVE  
MANHATTAN KS 66502

RE: Water Right  
File No. 7,980

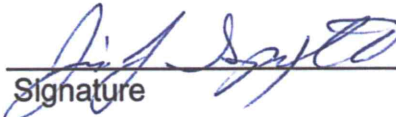
Dear Mr. Barfield:

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I further understand that the presently authorized well will remain authorized as a standby well.

Sincerely,

  
\_\_\_\_\_  
Signature

2-1-18  
\_\_\_\_\_  
Date

WATER RESOURCES  
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FEB 05 2018

KS DEPT OF AGRICULTURE



KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
ATTN DAVID W BARFIELD CHIEF ENGINEER  
1320 RESEARCH PARK DRIVE  
MANHATTAN KS 66502

RE: Water Right  
File No. 7,980

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I further understand that the presently authorized well will remain authorized as a standby well.

Sincerely,

  
Signature

2-2-2018  
Date

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FEB 05 2018  
KS DEPT OF AGRICULTURE



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

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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

**FILE COPY**

NICOLETTE C SEIWERT & ERIN M MCCLURE  
9613 W BRITTON STREET  
WICHITA KS 67205

February 5, 2018

RE: Water Right  
File No. 7,980

Dear Sir or Madam:

This is to advise you that Jared Morrison, on behalf of Westar Energy, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use under the above referenced file number. File No. 7,980 is authorized sixteen (16) wells for industrial purposes. The applicant proposes to move one of the currently authorized points of diversion to supply water to ICM Ethanol Plant. The presently authorized well will remain authorized as a standby well. The application for File No. 7,980 proposes the following change in point of diversion:

- from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 3,040 feet North and 2,500 feet West of the Southeast corner of said section, in Township 26 South, Range 2 West, Sedgwick County, Kansas, authorized a diversion rate not excess of 750 gallons per minute and a quantity not to exceed 984.31 acre-feet of water per calendar year,
- to: one (1) well located near the center of the North Half of the North Half (N $\frac{1}{2}$  N $\frac{1}{2}$ ) of Section 15, more particularly described as being near a point 4,514 feet North and 2,715 feet West of the Southeast corner of said section, in Township 26 South, Range 2 West, Sedgwick County, Kansas, at a diversion rate not excess of 750 gallons per minute and in a quantity not to exceed 984.31 acre-feet of water per calendar year.

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Change Application Unit

RAK

pc: Stafford Field Office  
Groundwater Management District No. 2  
Westar Energy, Attn Jared Morrison

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

January 30, 2018

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO 2  
ATTN TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056

**FILE COPY**

Re: Water Right, File No. 7,980

Dear Tim:

We are enclosing a copy of the application to change the place of use and point of diversion for the above referenced file number.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

**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

JARED MORRISON  
818 S KANSAS AVE  
TOPEKA, KS 66612

January 12, 2018

RE: File No 7980

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      PU/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.**

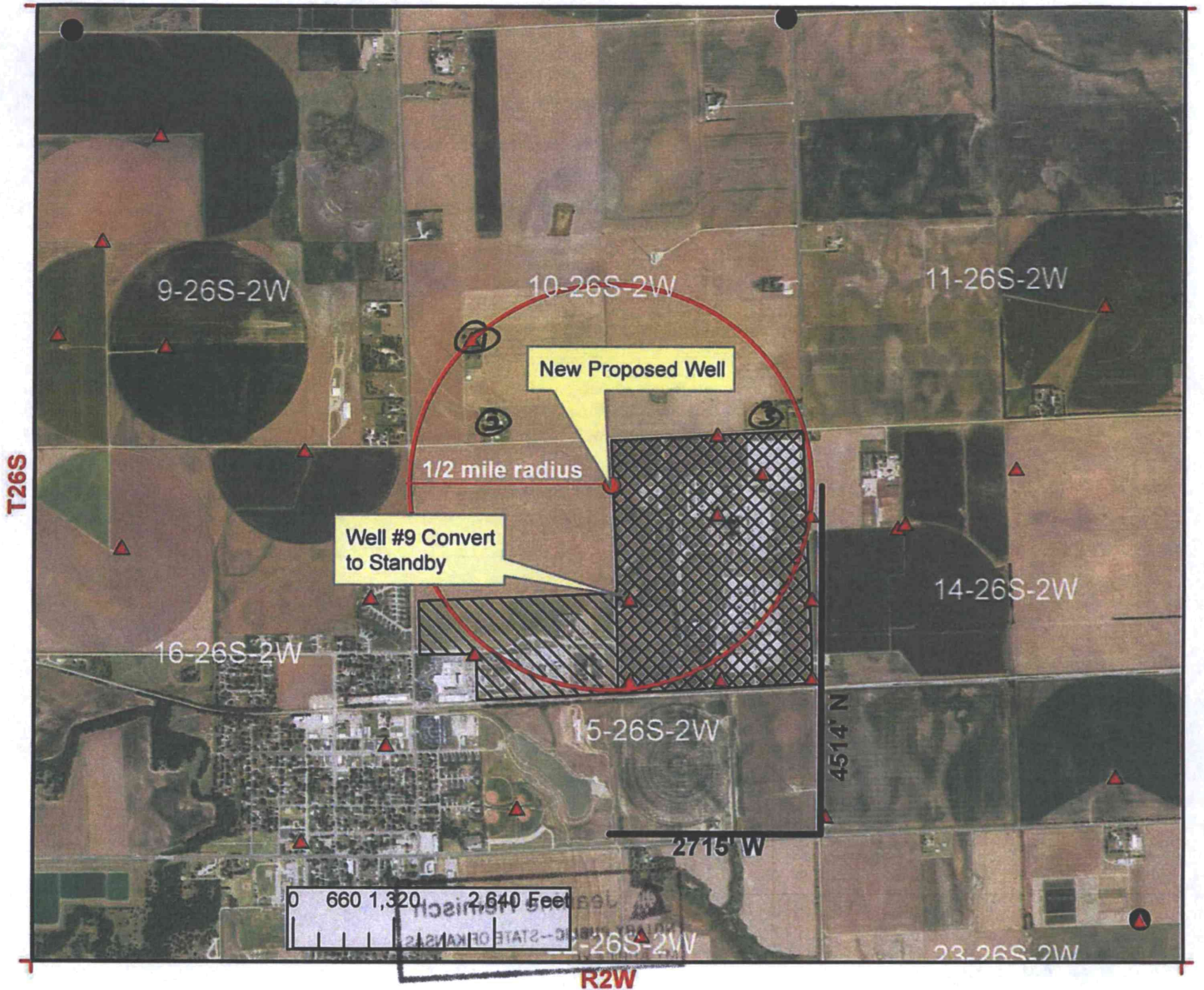
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office    GMD2

# Change Application Map No 7980



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.



Signature

Date

- New Application
- Application No. To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

See attached for well owners within 1/2 mile

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 Topeka, Kansas, this 4 day of January, 20 18.

[Signature]  
(Owner)

(Spouse)

Jared Morrison  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

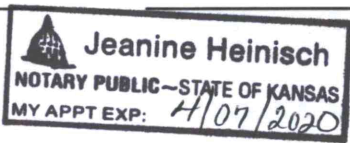
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)



State of Kansas }  
County of Shawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of January, 20 18.

[Signature]  
Notary Public

My Commission Expires 4/07/2020.

**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.

WATER RESOURCES RECEIVED  
JAN 11 2018  
KS DEPT OF AGRICULTURE  
SCANNED

Wells Within ½ Mile No. 7980 Change Application

1. Irrigation Well – Water Right No. 31868  
James Spexarth  
16434 W. 61<sup>st</sup> Street North  
Colwich, KS 67030
  
2. Domestic Well  
James Spexarth  
16434 W. 61<sup>st</sup> Street North  
Colwich, KS 67030
  
3. Domestic Well  
Nicolette C. Seiwert & Erin M. McClure  
Property Address:  
15200 W. 61<sup>st</sup> Street North  
Colwich, KS 67030

Mailing Address:  
9613 W. Britton Street  
Wichita, KS 67205

Note: There are numerous industrial wells within ½ mile that are owned by the applicant and are authorized by Water Right No. 7980. These wells are not numbered on the map and are not listed above.

WATER RESOURCES  
RECEIVED

JAN 11 2018

KS DEPT OF AGRICULTURE  
SCANNED



2015701731868

46690  
32389

WR#:7980  
116.3AF  
550GPM

7980

WR#:7980  
385.5AF  
635GPM

7980

WR#:7980  
181.2AF  
560GPM

10815

WR#:7980  
984.31AF  
750GPM

7980

WR#:7980  
299.55AF  
670GPM

7980

**26S02W14**

WR#:31650  
317.077AF  
145GPM

31650

WR#:7980  
792.94AF  
665GPM

7980

WR#:7980  
638.94AF  
610GPM

7980

WR#:7980  
617.92AF  
665GPM

7980

**26S02W15**

WR#:7980  
600.8AF  
600GPM

7980

WR#:7980  
865.86AF  
685GPM

7980

WR#:7980  
857.82AF  
665GPM

7980

WR#:7980  
787.08AF  
700GPM

7980

**26S02W23**

**26S02W22**

1506515065  
15065

WR#:7980  
1010.28AF  
670GPM

7980

WR#:7980  
682.7AF  
545GPM

7980

WR#:7980  
640.54AF  
540GPM

7980

2015 aerial

1:17,000

0 900 1,800 3,600 5,400 7,200 Feet

