

File No. **49,754** 15. Formation Code: Drainage Basin: **Neosho River** County: **LB** Special Use: Stream: **Neosho RIVER**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			26137	LOT 6	33	31	21E	2	5268	1850

17. Rate and Quantity MOD ADDL QTY				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
800	200	800	0	LB 8-D1 & D2

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

19. Limitation: **200** MGY/yr at _____ gpm (_____ cfs) when combined with file number(s) **LB 8-D1**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼	NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
√			66887	33	31	21E	4																			

Comments: ***THE APPLICANT IS AN ELIGIBLE MEMBER OF THE COTTONWOOD AND NEOSHO RIVER WATER ASSURANCE DISTRICT NO 3. Please indicate this in "Action Trail".**
"Assurance District Eligible"

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 2, 2017

FROM: Doug Schemm

RE: Application, File No. 49,754

Great Plains Development Authority has filed the referenced application to appropriate 200 million gallons (613.78 acre-feet) of surface water from the Neosho River at an existing intake structure at a diversion rate of .800 gallons per minute for industrial use. The intake structure is currently authorized under Vested Water Rights, LB-008-D1 and LB-008-D2. Note that this pending application is requesting **additional rate of diversion only**, and is a complete overlap in point of diversion and place of use with LB-008-D1. The additional rate of diversion is necessary to prevent exceeding the authorized rate under the senior file and provide more flexibility for the applicant. The intake structure is in Lot 6 of Section 33, Township 31, Range 21 East, Labette County. The application form was signed by a representative of the applicant stating they have access to the point of diversion.

The senior file LB-008-D1 is authorized 200 million gallons at 492 gallons per minute. As noted above, this pending application is for additional rate of diversion only, so no quantity justification is necessary.

A review of Labette County property maps and topographic maps show that Westar Energy owns all the property adjacent to the river downstream of this surface water intake. Since this is simply increasing the rate of diversion from an existing intake structure, no physical changes in the intake will occur, and the water is supported by releases from the Assurance District, it was deemed not necessary to notify upstream and downstream landowners. Obviously they are aware of the applicant's point of diversion and use of water, and any concerns would have already been manifested. Westar has the only other surface water diversion point located within a two mile radius of the proposed point of diversion (Neosho Energy Center). Their intake structure is located over ½ mile downstream. There is no indication that approval of this application would impact any senior water rights.

Since the source of supply will be the direct diversion of surface water from the Neosho River, this application is subject to the restrictions of K.A.R. 5-3-15, which, in part, requires the applicant to demonstrate that the direct diversion of surface water is not necessary during the period from July 1 through September 30 of each calendar year. The applicant is a member of the Cottonwood/Neosho River Basins Water Assurance District No. 3, and this membership in the Assurance District allows them to divert water when assurance releases are being made and can provide adequate water during this period, or until the Chief Engineer or authorized representative has determined that natural flow is sufficient to meet the demands of senior water right holders. The applicant has signed an Assurance District and Minimum Desirable Streamflow (MDS) form for the Neosho River, which informs the applicant that there may be times when diversion will not be allowed. The applicant must obtain permission prior to diversion of water.

Both the Cottonwood/Neosho River Basins Water Assurance District (CNRBWAD) and the Kansas Water Office (KWO) were informed of the pending application in an e-mail dated March 30, 2017. There has been no response from either entity. However, this is typical for similar rate only applications because they do not affect the model run. DWR Technical Services staff were also informed of the pending rate only application.

The permit will also contain standard conditions of approval per K.A.R. 5-3-15, including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion while pumping is occurring.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a May 2, 2017 e-mail. Based on the above discussion, the application is supported by the CNRBWAD, an increase in rate of diversion will not impact the model, the additional rate of diversion will help the applicant meet future water demands, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

May 16, 2017

FILE COPY

GREAT PLAINS DEVELOPMENT AUTHORITY
% DANIEL D MANN, CEO
1209 CORPORATE DRIVE SUITE 6
PARSONS KS 67357

RE: Appropriation of Water, File No. 49,754

Dear Mr. Mann:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office
Kansas Water Office
CNRBWAD



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,754** of the applicant

**GREAT PLAINS DEVELOPMENT AUTHORITY
1209 CORPORATE DRIVE SUITE 6
PARSONS KS 67357**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 11, 2017**.
2. That the water sought to be appropriated shall be used for industrial use at the Kansas Ordinance Plant near Parsons, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Neosho River to be diverted at a point located in Lot 6 of Section 33, more particularly described as being near a point 5,268 feet North and 1,850 feet West of the Southeast corner of said section, in Township 31 South, Range 21 East, Labette County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **200 million gallons (613.78 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

On this 10th day of May, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,754, dated May 11, 2017 was mailed postage prepaid, first class, US mail to the following:

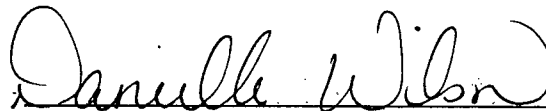
GREAT PLAINS DEVELOPMENT AUTHORITY
1209 CORPORATE DRIVE SUITE 6
PARSONS KS 67357

With photocopies to:

KANSAS WATER OFFICE
900 SW JACKSON ST STE 404
TOPEKA KS 66612

COTTONWOOD AND NEOSHO RIVER WATER
ASSURANCE DISTRICT NO 3
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

Topeka Field Office



Division of Water Resources

4/18/2017

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number

49754

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

WATER RESOURCES RECEIVED

JAN 11 2017

10:53

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

KS DEPT OF AGRICULTURE

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

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

- 1. Name of Applicant (Please Print): GREAT PLAINS DEVELOPMENT AUTHORITY
Address: 1209 CORPORATE DRIVE SUITE 6
City: PARSONS State: KS Zip Code 67357
Telephone Number: (620) 421-1228
2. The source of water is: [X] surface water in NEOSHO RIVER (stream)
OR [] groundwater in NEOSHO RIVER (drainage basin)
3. The maximum quantity of water desired is 613.78 acre-feet OR 200 MILLION gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR cubic feet per second.
4. The water is intended to be appropriated for (Check use intended):
(a) [] Artificial Recharge (b) [] Irrigation (c) [] Recreational (d) [] Water Power
(e) [X] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

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

For Office Use Only:

F.O. [] GMD [] Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G [S] County LB By ASW Date 1/11/17
Code REG RES Fee \$ 360 TR # Receipt Date 1/11/17 Check # 3890

1/12/2017 ULM

SCANNED

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

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

*pdv ID
26137*

(A) One in the _____ quarter of the _____ quarter of the LOT 6 of Section 33, more particularly described as being near a point 5,268 feet North and 1,850 feet West of the Southeast corner of said section, in Township 31 South, Range 21 EAST, LABETTE County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

(name, address and telephone number)

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

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

Executed on January 4, 2017.

Dan P D
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be SPRING 2017
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

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

EXISTING PUMP SITE

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

~~(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.~~

- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

File Nos. LB-008-D1 and LB-008-D2 overlap in Point of Diversion.

This application will provide for additional rate of diversion only from the existing pump site.

PU overlap with LB-008-D1 puse ID: 66887

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

_____ (name, address and telephone number)

_____ (name, address and telephone number)

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

Dated at January 4th, Kansas, this 4th day of January, 2017.
Parsons (month) (year)

David D. Man, CEO
(Applicant Signature)

80-0294568
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by DWS

TOPEKA FO
(office/title)

Date: 12/21/2016

WATER RESOURCES RECEIVED

JAN 11 2017

KS DEPT OF AGRICULTURE

SCANNED

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49,754

Name of Applicant (Please Print): Great Plains Development Authority

1. Please describe type of industry or product produced: Manufacturing
 _____ Standard Industrial Classification Code Number: 3489

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago ⁽²⁰¹²⁾		80,028,000	
Last year ⁽²⁰¹⁵⁾		71,066,000	
(Jan - Nov 2016) Present year		65,895,000	

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			

Number of days of operation of the industry per year is 260 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
33	31	21E	KS ORDINANCE PLANT NEAR PARSONS KS																		

You may attach any additional information you believe will assist in informing the Division of the need for your request. **In an effort to reduce waste and cut costs at its water treatment facility, Great Plains is undertaking various maintenance projects and cutting back on hours of operation at the facility. An increased rate of diversion will allow Great Plains the flexibility needed.**

DWR I-100.22 (Revised 07/07/2000)

WATER RESOURCES
RECEIVED

JAN 11 2017

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49,754

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

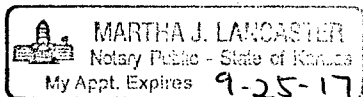
Daniel D. Mann

Signature of Applicant

State of Kansas)
County of Labette) ss

Daniel D. Mann
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 4 day of January, 2017.



Martha J. Lancaster
Notary Public

My Commission Expires: 9-25-17

WATER RESOURCES
RECEIVED

JAN 11 2017

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49754 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49754 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

5268 Feet North and 1850 Feet West of the Southeast Corner of Section 33 T 31S R 21E

SURFACE WATER ONLY

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=====
File Number  Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp  Rng  ID Batt Auth_Quan  Add_Quan Unit
A_ 3646 00 IND NK S 2732 -- -- -- -- 2600 1250 33 31 21E 1 555.00 555.00 AF
A_ 8432 00 IND NK S 2732 -- -- -- -- 2600 1250 33 31 21E 1 2026.00 513.50 AF
A_ 49754 00 IND AY S 0 -- -- -- -- 5268 1850 33 31 21E 2 613.78 .00 AF
VLB 7 00 IND AA S 2732 -- -- -- -- 2600 1250 33 31 21E 1 957.49 957.49 AF
VLB 8 D1 IND AA S 0 -- -- -- -- 5268 1850 33 31 21E 2 613.78 613.78 AF
VLB 8 D2 IND AA S 0 -- -- -- -- 5268 1850 33 31 21E 2 254.41 254.41 AF
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Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      .00          .00
Total Permitted Amount (AF) =      .00          .00
Total Inspected Amount (AF) =      .00          .00
Total Pro_Cert Amount (AF) =      .00          .00
Total Certified Amount (AF) =    1068.50        .00
Total Vested Amount (AF) =     1825.68        .00
TOTAL AMOUNT (AF) =     2894.18        .00
=====

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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

5268 Feet North and 1850 Feet West of the Southeast Corner of Section 33 T 31S R 21E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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File Number  Use ST SR
A_ 3646 00 IND NK S
> WESTAR ENERGY
> NEOSHO ENERGY CTR - TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601
-----
A_ 8432 00 IND NK S
> WESTAR ENERGY
> NEOSHO ENERGY CTR - TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601
-----
A_ 49754 00 IND AY S
> GREAT PLAINS DEVELOPMENT AUTHORITY
>
> 1209 CORPORATE DRIVE SUITE 6
> PARSONS KS 67357
=====

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VLB 7 00 IND AA S
> WESTAR ENERGY
> NEOSHO ENERGY CTR - TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601

VLB 8 D1 IND AA S
> GREAT PLAINS DEVELOPMENT AUTHORITY
>
> 1209 CORPORATE DRIVE SUITE 6
> PARSONS KS 67357

VLB 8 D2 IND AA S
> DAY & ZIMMERMAN LLC
>
> 23102 RUSH RD
> PARSONS KS 67357

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Schemm, Doug

Subject:

49,754 - Great Plains Rate Only

From: Tietsort, Katie

Sent: Tuesday, May 2, 2017 7:34 AM

To: Schemm, Doug <Doug.Schemm@ks.gov>

Subject: RE: Great Plains Rate Only

Doug,

This is great and will ensure that Great Plains doesn't continue overpumping their rate. Thanks for your work, Katie

Katie Tietsort

Kansas Department of Agriculture

6531 SE Forbes Ave Ste B

Topeka, KS 66619

katie.tietsort@ks.gov

Phone 785-296-5733

From: Schemm, Doug

Sent: Wednesday, April 19, 2017 10:14 AM

To: Tietsort, Katie <Katie.Tietsort@ks.gov>

Subject: Great Plains Rate Only

I sent e-mail and copy to Galen and KWO on March 30. No responses.

Schemm, Doug

From: Pugh, Ginger
Sent: Wednesday, April 26, 2017 10:59 AM
To: Schemm, Doug
Cc: Tietsort, Katie
Subject: RE: File No. 49,754 - Great Plains Development Authority

Hi Doug,

Thank you for providing me a summary of the rate-only application for File No. 49,754 filed by Great Plains Development Authority for inclusion in the Cottonwood and Neosho River Water Assurance District No. 3 (District).

Great Plains Development was originally determined to benefit substantially from district releases August 18, 1989, under vested right LB 08 D1, as per K.S.A. 82a-1345(d). The point of diversion requested under File No. 49,754 overlaps with water right LB 08 D1.

Since the Kansas Water Office also noted that the Operation Analysis and Simulation of the Integrated Systems (OASIS) computer model would not indicate any effect from a rate-only application, if approved, File No. 49,537 should be included in the Cottonwood and Neosho River Water Assurance District No. 3.

We will need to make sure the comment "ASSURANCE DISTRICT ELIGIBLE" gets added to 49754's water right action trail when it is approved, the Effective_Date will be the date of approval.

I am using this email in lieu of a standalone memo for the file. Let me know if you need anything further.

Thanks,
Ginger E. Pugh, Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6677
Ginger.Pugh@kda.ks.gov
www.agriculture.ks.gov/dwr

From: Schemm, Doug
Sent: Tuesday, April 25, 2017 4:33 PM
To: Pugh, Ginger <Ginger.Pugh@ks.gov>
Cc: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: FW: File No. 49,754 - Great Plains Development Authority

Here's KWO response.

From: Cara Hendricks [<mailto:Cara.Hendricks@kwo.ks.gov>]
Sent: Tuesday, April 25, 2017 4:30 PM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Cc: Nathan Westrup <Nathan.Westrup@kwo.ks.gov>; 'KRWAD NO. 1' <krwad@att.net>
Subject: File No. 49,754 - Great Plains Development Authority

Doug:

Thank you for copying us on the **rate only** application for File No. 49,754 – Great Plains Development Authority. Since the request is for an **additional rate of diversion only** and will not provide additional water quantity, no effects would be shown in the OASIS model associated with the proposed application.

Cara Hendricks, P.E.

Kansas Water Office

(785) 296-0617 - www.kwo.org



@kswateroffice

From: Schemm, Doug [<mailto:Doug.Schemm@ks.gov>]

Sent: Thursday, March 30, 2017 1:57 PM

To: krwad@att.net

Cc: Westrup, Nathan; Cara Hendricks

Subject: File No. 49,754 - Great Plains Development Authority

Galen,

This is a **rate only application** from an existing surface water intake now authorized under LB 8-D1 and D2.

Have a great day,

Doug



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

March 30, 2017

COTTONWOOD AND NEOSHO RIVER WATER
ASSURANCE DISTRICT NO 3
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

Re: Pending Application, File No. 49,754

Dear Mr. Biery:

This is to advise you that Great Plains Development Authority has filed the application referenced above for permit to appropriate surface water from the Neosho River. The proposed point of diversion is an existing surface water intake structure currently authorized under Vested Water Right, File Nos. LB-008-D1 and D2. Note that this pending application is **requesting an additional rate of diversion only**. It will be limited to LB-008-D1 to a total of 200 million gallons, providing no additional water. The applicant is currently a benefitting member of the Cottonwood and Neosho River Water Assurance District No. 3.

You are being notified of receipt of this pending application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water, so that you may provide this office such comments or other information which you desire to submit. Please provide such comments or other information to this office **within 15 days** from the date of this letter.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Kansas Water Office

Schemm, Doug

From: Cara Hendricks <Cara.Hendricks@kwo.ks.gov>
Sent: Tuesday, April 25, 2017 4:30 PM
To: Schemm, Doug
Cc: Nathan Westrup; 'KRWAD NO. 1'
Subject: File No. 49,754 - Great Plains Development Authority

Doug:

Thank you for copying us on the **rate only** application for File No. 49,754 – Great Plains Development Authority. Since the request is for an **additional rate of diversion only** and will not provide additional water quantity, no effects would be shown in the OASIS model associated with the proposed application.

Cara Hendricks, P.E.
Kansas Water Office
(785) 296-0617 - www.kwo.org



From: Schemm, Doug [<mailto:Doug.Schemm@ks.gov>]
Sent: Thursday, March 30, 2017 1:57 PM
To: krwad@att.net
Cc: Westrup, Nathan; Cara Hendricks
Subject: File No. 49,754 - Great Plains Development Authority

Galen,
This is a **rate only application** from an existing surface water intake now authorized under LB 8-D1 and D2.
Have a great day,
Doug

Schemm, Doug

From: Schemm, Doug
Sent: Thursday, March 30, 2017 1:56 PM
To: 'krwad@att.net'
Cc: Westrup, Nathan (Nathan.Westrup@kwo.ks.gov); 'Cara.Hendricks@kwo.ks.gov'
Subject: File No. 49,754 - Great Plains Development Authority
Attachments: 49754 Notification of Assurance District Cover Letter.rtf; Scan Copy of Application 49754.pdf

Galen,

This is a **rate only application** from an existing surface water intake now authorized under LB 8-D1 and D2.

Have a great day,

Doug



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

January 12, 2017

GREAT PLAINS DEVELOPMENT AUTHORITY
1209 CORPORATE DRIVE SUITE 6
PARSONS KS 67357

FILE COPY

RE: Application
File No. 49754

Dear Sir or Madam:

Your application for permit to appropriate water in 33-31S-21E in Labette County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact 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 A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD 0

SCANNED



Westar owns all property on both sides
of the River.

GREAT PLAINS DEVELOPMENT AUTHORITY
SEC. 33, T31S, R21E, LABETTE CO.
NEW APPLICATION



1:12,000

WATER RESOURCES RECEIVED

● Proposed Point of Diversion

JAN 11 2017

KS DEPT OF AGRICULTURE

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

Daniel D. Moran

SCANNED