

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE

OF



KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49933
This item to be completed by the Division of Water Resources.

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9:39
KS DEPT OF AGRICULTURE

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

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

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): WESTAR ENERGY JEFFREY ENERGY CTR -TOPGO-LL J MORRISON
Address: P.O. BOX 889

City: TOPEKA State: KS Zip Code 66601

Telephone Number: (785) 575-8273 jared.morrison@westarenergy.com

2. The source of water is: surface water in LOST CREEK TRIB 1 (KANSAS)
(stream)
OR groundwater in KANSAS RIVER
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. **Redivert 287 AF**

3. The maximum quantity of water desired is 287 (storage) acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) 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 PT By AW Date 11/2/17
Code REG RES Fee \$ 420 300 TR # Receipt Date 11/2/17 Check # 273225

11/13/2017 LCM

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

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

- (A) One in the NC quarter of the NW quarter of the SE quarter of Section 11, more particularly described as being near a point 1,970 feet North and 1,900 feet West of the Southeast corner of said section, in Township 9 South, Range 11 EAST, PT _____ 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.

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

APPLICANT _____ NOV 02 2017
 (name, address and telephone number)

 (name, address and telephone number) **KS DEPT OF AGRICULTURE**

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 October 25, 2017. [Signature]
 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
 (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 SUMMER 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 ALREADY PERMITTED UNDER STRUCTURES PERMIT NO. DPT-104.

- 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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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 NO. 24,233 - COMPLETE OVERLAP IN PU AND PD. Senior file authorized 1,050 AF.

FILE NOS. 24,234; 28,239; 34,442; 45,282; 47,134 – OL IN PU (JEFFREY ENERGY CENTER)

Requested Storage Quantity is limited to Potential Basin Runoff based on 20% chance of occurrence. (see attached additional information).

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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 Topeka, Kansas, this 25 day of October, 2017.
(month) (year)

[Signature]
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

Jared Morrison
(Agent or Officer - Please Print)

~~APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)~~
~~and/or~~
~~APPLICANT(S) TAXPAYER I.D. NO.(S)~~

Assisted by DWS

TOPEKA FO
(office/title)

Date: 5/18/2017

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ADDITIONAL INFORMATION

Tower Hill Lake is a unique situation because the owner is allowed by KDHE to discharge overflow water from the lake only under the NPDES permit. In accordance to the NPDES permit the discharge water must meet specific water quality criteria in order for a discharge to be acceptable to the agency. Therefore, the owner must be capable of storing and rediverting all of the potential run-off from the entire 1,395 acres within the runoff basin area. Runoff computations determined that the 1,395-acre drainage area will result in 1,337 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity IS the limiting factor. The senior File No. 24,233 is authorized 1,050 acre-feet of storage and rediversion. Therefore, this pending application will be requesting the difference of 287 acre-feet of storage and 287 acre-feet rediverted for direct use (1,337 AF – 1,050 AF).

WAIVER REQUEST**K.A.R. 5-1-4 – 5-1-12**

The applicant is requesting a waiver of K.A.R. 5-1-4 through K.A.R. 5-1-12 requiring the installation of a water flowmeter. As noted above, this is a unique project, and in lieu of installing a flowmeter, the applicant is proposing to report the entire potential annual run-off at 20% chance (1,337 acre-feet) as their annual quantity of water stored and rediverted each year on their water use report. The actual quantity of water used would almost certainly be lower than this value, due to both seepage from the reservoir and evaporation from the 120-acre surface acre reservoir.

In addition, due to the composition of the rediverted water (high solids content) metering is impractical, because pumping this water through a flowmeter would quickly disable it.

Therefore, since the water used will be accounted for, and installation of a water flowmeter is impractical, the applicant is requesting a waiver of K.A.R. 5-1-4 through K.A.R. 5-1-12.

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49933

Tract Number	Landowner Name	Address	City, State, Zip
1	Roger J. and Karen R. Macke	1790 F. Road	Baileyville, Kansas 66551
2	Harold E. Massey Jr.	27255 Diamond Road	St. Marys, Kansas 66536
3	Howes Ranch Management	30020 X. Road	Whitting, Kansas 66552
4	Dennis A. Brunin	213 W. Mission	St. Marys, Kansas 66536
5	Roby Ranches	7978 E. Dublin Court	Wichita, Kansas 67206
6	George C. Noller and Betty J. Noler Trust	8654 S. 113th West Avenue	Sapulpa, Oklahoma 74066
7	Betty J. Noller Trust and Kay D. Mock Trust and Kay Denise Mock Trust and George C. Noller Trust	8654 S. 113 West Avenue	Sapulpa, Oklahoma 74066
8	Heiland Fred Trust c/o St. Marys State Bank	PO Box 188	St. Marys, Kansas 66536
9	Peddicord Land & Cattle Company	5475 Peddicord Road	Wamego, Kansas 66547
10	Darylene Ann Meinhardt and Joe Meinhardt and Edward W. Pugh	700 Ehler Road, Box 391	Manhattan, Kansas 66502
11	Edwards Trust c/o Eric Edwards	1010 Southwest Blvd.	Kansas City, Kansas 66103
12	Paul W. Henningsen Trust and Rose Henningsen Trust c/o Jo Logan	1694 14th Street	Hiawatha, Kansas 66434
13	Waunita R. Ault	1607 4th Street, #113	Wamego, Kansas 66547
14	Roger D. and Susan J. Anderson	137 Riverview Drive	Wamego, Kansas 66547
15	Jason L. Schwartz	9010 Camp Creek Road	Belvue, Kansas 66407
16	L O Thomas Farms	22705 Oregon Trail Road	Belvue, Kansas 66407
17	Bryant J. Johnson	216 W. Palmer	St. Marys, Kansas 66536
18	Paul W. Henningsen Trust	22500 Half Moon Drive	Belvue, Kansas 66407
19	Richard Meyer	16855 Millitary Trail	Wamego, Kansas 66547
23	Jerry D. and Andrea L. Jackson	7045 Lost Creek Road	Belvue, Kansas 66407
24	Christopher C. and Karen S. McDonald	PO Box 318	Wamego, Kansas 66547
25	Jon E. and Renee M. Pachta	4615 Scotch Pine Circle	Wamego, Kansas 66547
26	Scott Michael and Emily Kay Pierson	6455 Lost Creek Road	Belvue, Kansas 66407
27	Michael E. Riat	22605 Half Mood Road	Belvue, Kansas 66407
28	Gregory N. Riat and Rachele L. Riat	23705 Oregon Trial Road	Belvue, Kansas 66407
29	Charles Wolff Jr. and Jessica Wolff Short Foundation c/o Bank of Oklahoma	9520 N. May Avenue, Lower Level	Oklahoma City, Oklahoma 73120
30	Robert P. Grieshaber and Patti J. Grieshaber and Janet M. Lakin	Route 1 Box 40	Elkhart, Kansas 67950
31	Gary N. and Christine L. Rabe	5570 Ambush Rd.	St. Marys, Kansas 66536
32	Kyle A. and Mandy S. Hooten	610 Locust St.	Wamego, Kansas 66547
33	David Jay Schoemann, Etal	25295 Highway 24	St. Marys, Kansas 66536
34	Gary and Rosalie Gallant	349 Gurneytown Road	Appleton, ME 04862
35	Janet M. Lakin Trust	PO Box 310	Redmond, OR 97756
36	Deanna M. Gaumer and Frederick J. Gaumer	5990 Wilmett Road	St. Marys, Kansas 66536
37	James L. Mees Trust	111 E. Palmer	St. Marys, Kansas 66536
38	David E. Barnes	PO Box 500	Corte Madera, CA 94925
39	Crown-C	26810 Jeffrey Road	St. Marys, Kansas 66536
40	Philip G. Syrokosz	PO Box 187	St. Marys, Kansas 66536
41	Richard D. and Cheryl J. Carlson	26810 Jeffrey Road	St. Marys, Kansas 66536
42	Moylan Family Ranch c/o Tim Moylan	110 Tomawak Drive	St. Marys, Kansas 66536
43	Mark A. and Carol D. Poell Trust	4488 Timber Ridge Lane	St. Marys, Kansas 66536
44	Brian V. Richter and Diana S. Siegle-Richter	26520 Crystal Springs Road	Emmett, Kansas 66422
45	Galen W. Rezac	27440 Crystal Springs Road	Emmett, Kansas 66422
46	Mark Jontra	2230 NW Douglas Road	Topeka, Kansas 66615
47	Katherine Adele Royher Harris Trust, Etal	PO Box 206	St. Marys, Kansas 66536
48	Kansas Hardwoods	PO Box 118	Belvue, Kansas 66407
49	Nancy A. Lloyd	411 Shortt Road	Belvue, Kansas 66407
50	Adam and Stacea Yell	102 Jeannette Road	Belvue, Kansas 66407
51	Larry D. Woodward	Box 117	Belvue, Kansas 66407
52	Jimm A. and Mary B. Omodt	PO Box	St. Marys, Kansas 66536
53	Denise G. and Jenice K. Howard	102 Kaycee Avenue	Belvue, Kansas 66407
54	John and Deborah H. Parry	412 Shortt	Belvue, Kansas 66407
55	Stephen L. Pittman	105 Paschall	Belvue, Kansas 66407
56	D.P. and P.M. Peterson Trust	8100 Onaga Rd.	Belvue, Kansas 66407
57	Patricia M. Peterson Trust	8100 Onaga Rd.	Belvue, Kansas 66407
58	Ryan K. Sergent	24255 Oregon Trail Rd.	St. Marys, Kansas 66536
59	Todd Konkell	2944 NW Docking Rd.	Silver Lake, Kansas 66539

NOV 02 2017

49933



October 30, 2017

Ms. Katherine A. Tietsort
Kansas Department of Agriculture
Division of Water Resources-Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

**RE: Jeffrey Energy Center – Tower Hill Lake
Application for Permit to Appropriate Water For Beneficial Use**

Dear Ms Tietsort,

Enclosed please find a copy of our Application for Permit to Appropriate Water for Beneficial Use at the above reference facility. Please contact me by telephone at (785) 575-1548 or by email at heath.horyna@westarenergy.com if you have any questions, comments, concerns or require any additional information.

Sincerely,

Heath Horyna
Supervisor, Water and Waste Programs

CC: Westar Energy – efile (M:\3. Water Programs\140.00 Water Resources\140.03 JEC\140.032 Permits\140.0325 Tower Hill Lake)

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KS DEPT OF AGRICULTURE

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

November 9, 2017

WESTAR ENERGY
JEFFREY ENERGY CTR - TOPGO- LL J MORRISON
PO BOX 889
TOPEKA KS 66601

FILE COPY

RE: Application
File No. 49933

Dear Sir or Madam:

Your application for permit to appropriate water in 11-9S-11E in Pottawatomie 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.

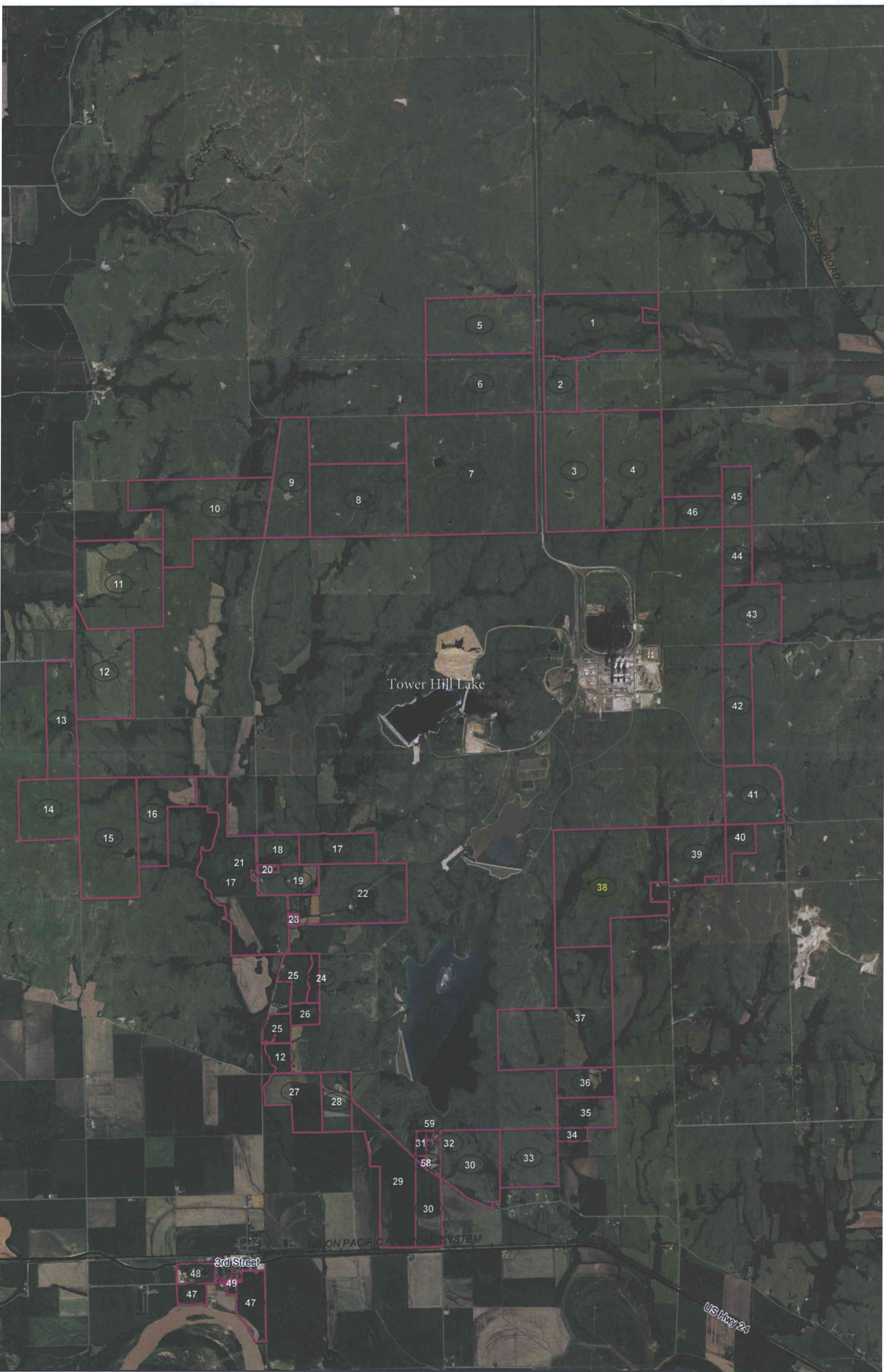
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial "K".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD



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 NOV 02 2017 KS DEPT OF AGRICULTURE Think Safety 	Title Title		WR # 000000		Crew HQ
	By Name		Scale 1 inch = 4046 feet		Sheet Page 1
	Date 9/11/2017		Upstream Device X000X12345		
	Sub/Ckt AAAA 00-00				