

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PD WORKSHEET

Document Signature LPL _____

1. File Number: 24,234	2. Status Change Date: 12/20/2018	3. Change Num: 1	4. Field Office: 1	5. GMD:
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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: 1/11/2018
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID 59983 Add Seq# _____
WESTAR ENERGY JEFFREY ENERGY CTR -TOPGO-LL JMORRISON PO BOX 889 TOPEKA KS 66601	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8d. WUC New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
SAME AS 8a	

9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2018	
<input checked="" type="checkbox"/> Check Valve	<input checked="" type="checkbox"/> N & P Form
<input type="checkbox"/> Water Tube	<input type="checkbox"/> Driller Copy
<input type="checkbox"/> Conservation Plan	<input type="checkbox"/> H & E Letter
Date Required: _____ Date Approved: _____ Date to Comply: _____	

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

prepared by: BAT
Entered: 1/2/19 by ULM

File No. 24,234 11. County: GE Basin: KANSAS RIVER Stream: KANSAS RIVER TRIB 3 Formation Code: 113 Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	13488	NW ^{SW} SE SE	13	9	11	E	1	1,006 ¹⁰⁶⁰	2,560	STRUCTURES PERMIT #DPT-105				49,967
ENT	86529	NW NE SE	26	9	11	E	1	2,536	1,288	STRUCTURES PERMIT #DPT-126				49,967

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
MOD DEL ENT	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼								
NO CHANGE																													

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 13, 2018

FROM: Brent A. Turney

RE: Water Right
File No. 24,234

An application to change the authorized point of diversion has been filed under the above referenced water right on January 11, 2018. The application proposes to add a second existing reservoir on the same tributary.

Because the proposed change in point of diversion will be adding a new reservoir on the same tributary, the change will comply with KSA 82a-708b as both reservoirs relate to the same local source of supply.

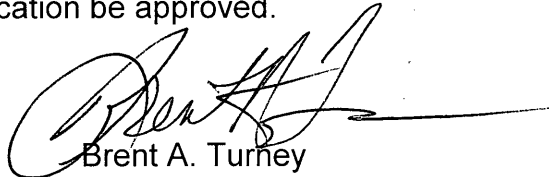
There are two land owners located within one half mile downstream of the proposed point of diversion. Both were sent notice of the proposed change; no responses were received.

The applicant has requested that new Application, File No. 49,967, be approved for additional storage from both reservoirs, therefore, there should be no increase in the consumptive use as a result of the change.

In an email dated November 9, 2018, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended that the referenced change in point of diversion be approved.

A water flow meter not will be required on the point of diversion. A check valve will be 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, it is recommended that the referenced application be approved.



Brent A. Turney

Change Application Unit Supervisor

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

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

January 7, 2019

FILE COPY

RE: Water Right
File No. 24,234

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 the approval for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

If you have any questions, please contact this office. 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, appearing to read "Brent A. Turney".

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

BAT
Enclosures
pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 24,234**

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 Jeffery Energy Center, PO Box 889, Topeka, Kansas 66601, received in this office on January 11, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights 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 points of diversion shall be described as being two dams:

one dam located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,060 feet North and 2,560 Feet West of the southeast corner of said section, and

one dam located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 26, more particularly described as being near a point 2,536 feet North and 1,288 Feet West of the southeast corner of said section,

both in Township 9 South, Range 11 East, Pottawatomie County, Kansas,

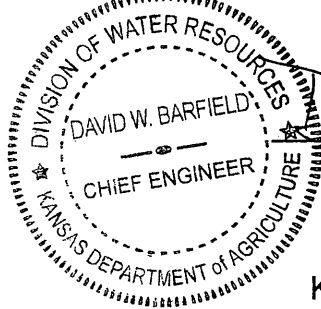
located substantially as shown on the topographic map accompanying the applications to change the place of use and point of diversion.

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 24,234, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 9, 1982, and as modified and amended by the aforementioned orders.

Dated at Manhattan Kansas, this 20th day of December, 2018.



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 20th day of December, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

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.

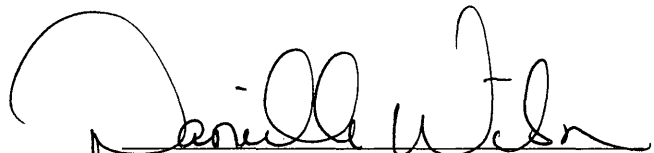
CERTIFICATE OF SERVICE

On this ^{7th} day of January 2019, I hereby certify that the attached Approval of Application to Change the Authorized Point of Diversion, File No. 24,234, dated December 20th 2018, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

Topeka Field Office


Staff

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

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



State of Kansas

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

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

WATER RESOURCES
RECEIVED

JAN 11 2018
11:58
KS DEPT OF AGRICULTURE

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

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

File No. 24,234

2. Name of applicant: WESTAR ENERGY JEFFREY ENERGY CTR -TOPGO-LL J MORRISON

Address: PO BOX 889

City, State and Zip: TOPEKA, KS 66601

Phone Number: (785) 575-1548 E-mail address: heath.horyna@westarenergy.com

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

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

CHANGE WILL AUTHORIZE AN EXISTING SECOND POND ON THE SAME STREAM. THIS CHANGE WILL ALSO
CREATE A COMPLETE OVERLAP WITH PENDING NEW APPLICATION.

The change(s) (was) (will be) completed by SUMMER 2017 (Date)

For Office Use Only:							
F.O. <u>1</u>	<u>GMD</u>	Meets K.A.R. 5-5-1 (YES / NO) Use <u>IND</u>	Source <u>G/S</u>	County <u>PT</u>	By <u>Adw</u>	Date <u>1/11/18</u>	
Code <u>CGT</u>		Fee \$ <u>200</u>	TR # _____	Receipt Date <u>1/11/18</u>	Check # <u>275039</u>		

4. The presently authorized place of use is:

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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: _____

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) ONE DAM
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) TWO DAMS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE Quarter of Section 13, Township 9 South, Range 11 EAST, in POTTAWATOMIE County, Kansas, 1,060 feet North 2,560 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 New Application

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 NW Quarter of the NE Quarter of the SE Quarter of Section 26, Township 9 South, Range 11 EAST, in WILSON County, Kansas, 2,536 feet North 1,288 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 New Application

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 _____
 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 _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

JAN 11 2018

12. The presently authorized use of water is for INDUSTRIAL purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- 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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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.

BOTH RESERVOIRS ARE LOCATED ON SAME TRIBUTARY STREAM (Kansas River Trib 3).

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.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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, 2018.

[Signature]
(Owner)
Saved Morrison

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

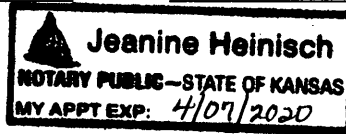
(Owner)

(Please Print)

(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, 2018.

[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



January 4, 2018

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

WATER RESOURCES
RECEIVED

JAN 11 2018

KS DEPT OF AGRICULTURE

Enclosed is documentation to complete Westar's new application and change application for Jeffrey Energy Center sent in a previous package. The previous package included fees for both applications but was missing required signatures (page 2 of new application) and the change application in its entirety due to an oversight. Please contact me by telephone at (785) 575-8273 or by email at jared.morrison@westarenergy.com if you have any questions, comments, concerns or require any additional information.

Sincerely,

Jared Morrison
Director, Water and Waste Programs

cc: Katie Tiesort, KDA

Attachments: Page 2 Replacement for New Application and Map
Change Application

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

TOPGO LL J MORRISON

January 12, 2018

PO BOX 889
TOPEKA, KS 66601

RE: File No 24234

Dear Sir or Madam:

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

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

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW
pc: TOPEKA Field Office GMD

Turney, Brent [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, November 9, 2018 11:54 AM
To: Turney, Brent [KDA]
Cc: Schemm, Doug [KDA]; Engelhaupt, David [KDA]
Subject: RE: Change in point of diversion 24234 PD

Brent,

I agree with the approval of this requested change, which meets the requirements of the KWAA and will result in a complete overlap with the new application. This will complete the overall package for Westar.

Thanks and have a great weekend, Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

Achiever~Responsibility~Input~Relator~Arranger

From: Turney, Brent [KDA]
Sent: Thursday, November 8, 2018 3:38 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Change in point of diversion 24234 PD

Katie,
Give this a look and give me a recommendation,
Thanks,
Brent

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 19, 2018

GREGORY N & RACHELE L RIAT
23705 OREGON TRAIL RD
BELVUE KS 66407

Re: Pending New Application, File No. 49,967, and
Water Right, File No. 24,234 Change Application (Point of Diversion)

Dear Sir or Madam:

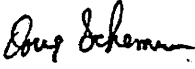
This is to advise you that Westar Energy has filed the new application referred to above for a permit to appropriate 1,106.9 acre-feet of surface water per calendar year to be stored in two existing reservoirs and re-divert 1,106.9 acre-feet of the stored water for industrial use. Please note that these are existing reservoirs with one of them currently authorized under File No. 24,234. The Application to Change the Point of Diversion for File No. 24,234 will add the second, lower reservoir to create a complete overlap with the new application. The points of diversion (where the dams cross the centerline of the stream) are located in the Southeast Quarter (SE¼) of Section 13 and Section 26, in Township 9 South, Range 11 East, Pottawatomie County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the applications and site maps posted by the file numbers referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Westar Energy

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 19, 2018

CHARLES & JESSICA WOLFF SHORTT FOUNDATION
C/O BANK OF OKLAHOMA
9520 N MAY AVENUE – LOWER LEVEL
OKLAHOMA CITY OK 73120

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Water Right, File No. 24,234 Change Application (Point of Diversion)

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Westar Energy

WESTAR ENERGY NEARBY LANDOWNER MAP



Downstream Landowners Adjacent To The Stream within 1/2 mile are Indicated On This Map. Westar Owns all Upstream Property.

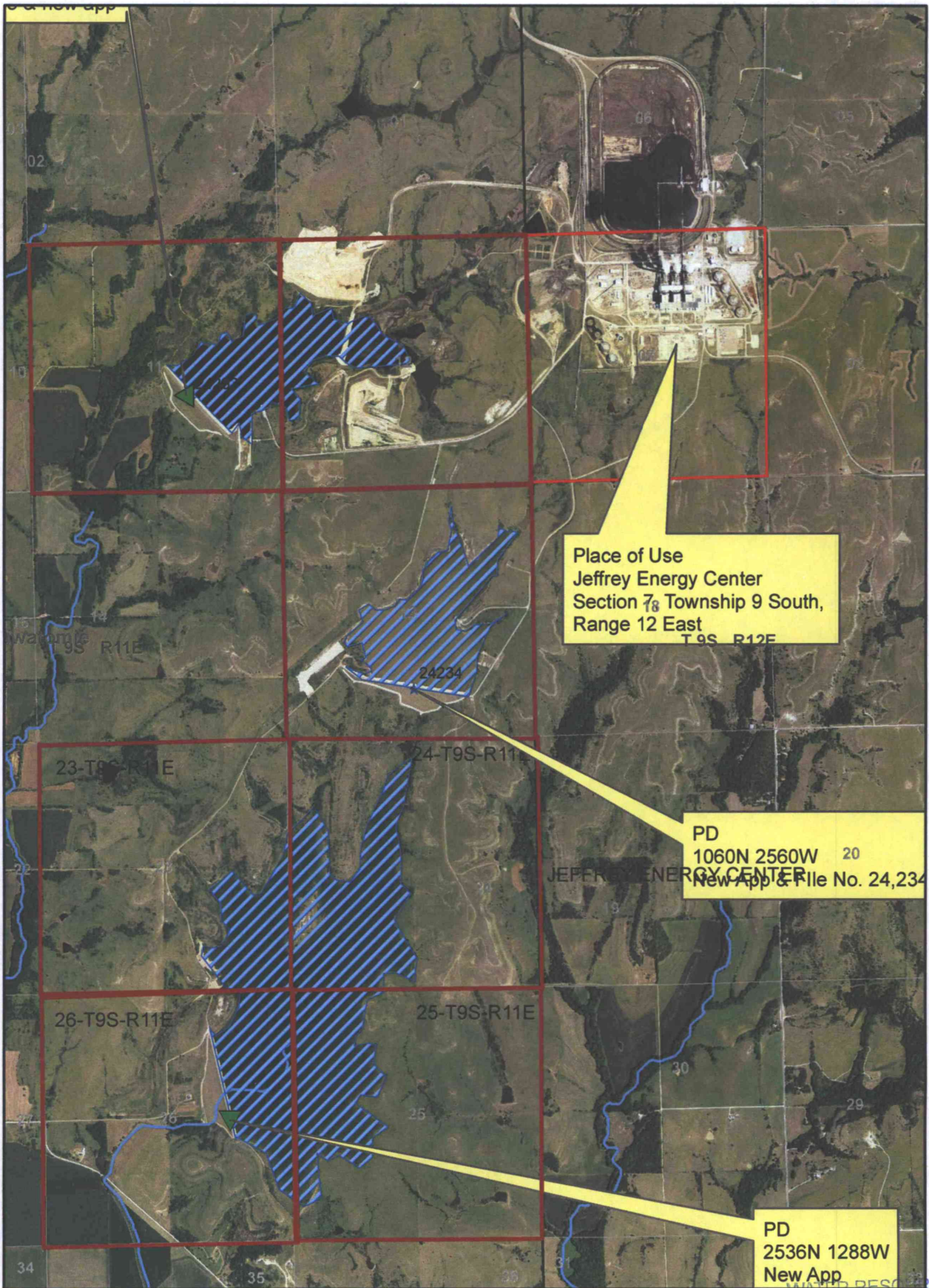
1:48,000

JAN 11 2018

SCANNED
KS DEPT OF AGRICULTURE



JEC, New App 2 lakes & Change App PD File No. 24,223



1:36,000

WATER RESOURCES
RECEIVED

JAN 11 2018

KS DEPT OF AGRICULTURE
SCANNED