

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 49,933	2. Status Change Date: 12/20/2018	3. Field Office: 01	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID 53983 Add Seq# _____		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
WESTAR ENERGY JEFFREY ENERGY CTR -TOPGO-LL J MORRISON PO BOX 889 TOPEKA KS 66601			
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		7d. Landowner New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
7a.			
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input checked="" type="checkbox"/> IND SIC: 4911 <input type="checkbox"/> OTHER: _____	
7a.			
10. Completion Date: 12/31/2020		11. Perfection Date: 12/31/2024	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 12/3/2018 By: DWS Date Entered: 11/2/2019 By: LLM			

File No. **49,933** 15. Formation Code: Drainage Basin: KANSAS RIVER County: PT Special Use: Stream: LOST CREEK TRIB 1 (KANSAS)

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
									Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
√	48083	NC NW SE	11	9	11E	1	1970	1900	NF	287	NF	287	24,233	

18. Storage: Rate **NF** Quantity **287** ac/ft Additional Rate **NF** Additional Quantity **287** ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T MOD DEL ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
							√	22672	4	10	11E	2															

Comments: *FILE NOS. 24,233; 24,234; 28,239; 34,442; 45,282; 47,134; 49,933 & 49,967 Overlap in Place of Use.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 3, 2018

FROM: Doug Schemm

RE: Application, File Nos. 49,933 and 49,967
And Water Rights, File Nos. 24,233 and 24,234

Westar Energy (Jeffrey Energy Center) has filed Application, File No. 49,933 proposing to appropriate 287 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir (Tower Hill Lake) located in the Southeast Quarter of Section 11, in Township 9 South, Range 11 East, Pottawatomie County, Kansas. The dam is located on Lost Creek Trib 1 (Kansas). Water Right, File No. 24,233 is a complete overlap in point of diversion and place of use. The structure associated with this reservoir is already permitted under Structures Program File No. DPT-104. As noted in the application submittal, Tower Hill Lake is a unique situation because the owner is allowed by KDHE to discharge overflow water only under their NPDES permit. 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 has requested the difference of 287 acre-feet of storage and 287 acre-feet rediverted for direct use (1,337 AF – 1,050 AF).

Application, File No. 49,967 is proposing to appropriate 1,106.9 acre-feet of surface water at the rate of natural flows to be stored in two existing reservoirs (Make Up Lake #1 and Make Up Lake #2 – AKA Auxiliary Lake) located in the Southeast Quarter of Section 13, and the Southeast Quarter of Section 26, respectively, in Township 9 South, Range 11 East, Pottawatomie County, Kansas. The dams are located on Kansas River Trib 3. Water Right, File No. 24,234 will be a complete overlap in point of diversion and place of use, after a change in point of diversion is approved. The structures associated with these reservoirs are already permitted under Structures Program File Nos. DPT-105 and DPT-126. Runoff computations determined that the 1,555 acre drainage area will result in 1,490.2 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. 24,234 is authorized 465 acre-feet of storage and rediversion (which accounts for 383.3 AF of runoff). Therefore, this pending application has requested the difference of 1,106.9 acre-feet of storage and 1,106.9 acre-feet rediverted for direct use (1,490.2 AF – 383.3 AF).

For both files, the points of diversion are located on property owned by the applicant, and a representative of the applicant has signed the application forms stating they have legal access to the points of diversion. Also note that File Nos. 28,239; 34,442; 45,282; and 47,134 all overlap in Place of Use with these two new applications.

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 for File Nos. 24,233, 24,234, 49,933 & 49,967. This is requested because the lakes recirculate project water. The lakes are used as the primary source to supply water at the Jeffrey Energy Center plant by recirculating process water through the lakes over and over again. Makeup water to replenish the lakes, when necessary, is pumped from the intake under File Nos. 34,442, 45,282, & 47,134 and from the wells under File No. 28,239, all of which are properly metered. Because the water is recirculated through the lakes, there is no ability to use meters to determine the quantities of "new" vs "recirculated" water or to differentiate between sources. Therefore, a waiver appears necessary due to this unique project, and accompanies this package. The applicant will report the entire potential annual run-off at 20% chance as their annual quantity of water stored and rediverted each year on their water use report as follows:

File No. 24,233 = 1337 AF
File No. 24,234 = 1490.2 AF.

For File No. 49,933 in combination with Water Right, File No. 24,233 the **reported quantity will be 1,337 acre-feet**, and for File No. 49,967 in combination with Water Right, File No. 24,234 **the reported quantity will be 1,490.2 acre-feet**, which is the potential runoff in 1 out of every five (5) years (a 20% chance) for these basins.

An Order to waive flowmeter installation has also been prepared for both Water Right, File Nos. 24,233 and 24,234, which will be issued with the new application approval.

Note that prior to this package being filed, Make-up Lake No. 2 has been operated as a storage device only for water pumped from the Kansas River, prior to use and re-use in the power plant. There was no intent of collecting and storing natural flows, and this lake did not currently have an appropriation right of any kind. Because this lake was not authorized to store water, when the Chief Engineer approved a Change in Place of Use pursuant to Water Right, File Nos. 28,239 and 34,442, they were conditioned such that all natural flows into Make-up Lake No. 2 shall be bypassed. Application, File No. 49,967 will authorize the storage of natural flows in Make-up Lake #2, therefore Findings and Orders have been prepared to remove this bypass condition from these senior files. The Findings and Orders will be issued simultaneously.

The applicant provided an extensive list of landowners within one-half (½) mile upstream and downstream of their property, the majority of which are **not** adjacent to the streams. There were two downstream landowners identified relative to File No. 49,967 and letters were sent to them on September 19, 2018, also noting the pending change in point of diversion for Water Right, File No. 24,234. No responses of any kind were received. Obviously, these are existing reservoirs that have been in place for many years, and all downstream landowners would be aware of these reservoirs. The applicant owns a significant expanse of land (over 10,400 acres) which encompasses all of the upstream drainage area and over a mile downstream of the dam under File No. 49,933. The dam is located on a very small tributary to Lost Creek, which has a substantial drainage basin of many square miles. There will be no physical changes to the reservoir or dam, and as noted above the proposed use of water has been ongoing for many years. Therefore, no nearby notifications are necessary for File No. 49,933.

There are no other surface water rights within a two-mile radius according to the WRIS database. No senior water rights will be impaired with approval of this application.

As noted above, no water flowmeters will be required. Since these are existing reservoirs, no special Condition on the Permits will be needed to provide an initial fill quantity.

In a November 29, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water are reasonable, the reservoirs are already properly permitted by the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new applications be approved, with the requested waiver of flow metering for both new applications, and Water Right, File Nos. 24,233 and 24,234.

Doug Schemm
Environmental Scientist
Topeka Field Office

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

FILE COPY

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

January 14, 2019

Re: Appropriation of Water,
File No. 47,134

Dear Mr. Morrison:

In response to your request for extension received on December 31, 2018, the Chief Engineer has extended until **December 31, 2023**, the time in which to perfect the proposed appropriation and maintain records from which the amount of water actually diverted during the calendar year may be readily determined under the above referenced file.

The year 2023 will be the fourteenth (14) full year after the completion date of December 31, 2009. Unless there can be shown that extenuating circumstances exist, there can be no more extension of time to perfect the Appropriation of Water, File No. 47,137.

The law requires the owner of each appropriation or water right to fill out and submit a water use report by March 1st each year. A water use report form will be sent annually for reporting a summation of water use. Reports may also be filed online at www.kswaterusereport.org. If you have been required by this office to install a water flow meter, you must report beginning and ending readings from the meter. It is important that the owner keep accurate records of water use to protect the water right.

If you have any questions, please contact Charlotte Philip at this office at (785) 564-6642. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

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

DWB: ccp
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
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,933** of the applicant

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

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 **November 2, 2017**.
2. That the water sought to be appropriated shall be used for industrial use at the Jeffrey Energy Center, located primarily in Section 4, Township 10 South, Range 11 East, Pottawatomie County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Lost Creek, designated in the office of the Chief Engineer as Lost Creek Trib 1 (Kansas), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **287 acre-feet** per calendar year in one (1) reservoir created by a dam located near the center of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 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, Pottawatomie County, Kansas, and subsequently withdrawn or released as needed for industrial use.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$100.00.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** 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, which is currently \$100.00.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

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

12. 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.

13. 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.

14. That computations determined the 1,395 acre drainage area will result in 1,337 acre-feet of runoff. File No. 49,933 in combination with Water Right, File No. 24,233 will have an **authorized quantity of 1,337 acre-feet**, which will be reported under Water Right, File No. 24,233, on the annual water use report.

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:

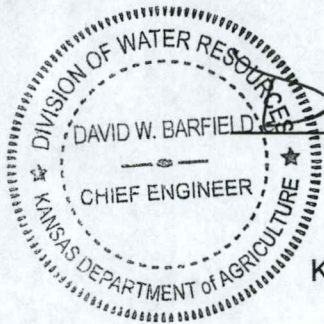
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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, Kansas 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, Kansas 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.

Ordered this 20th day of December, 2018, in Manhattan, Riley County, Kansas.



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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 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

CERTIFICATE OF SERVICE

On this 14th day of January, 2019, I hereby certify that the foregoing Approval of Application, File No. 49,933, dated December 20th, 2018, was mailed postage prepaid, first class, US mail to the following:

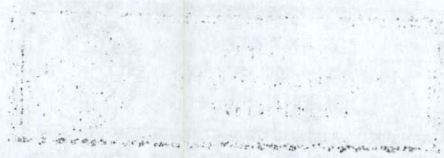
WESTAR ENERGY
JEFFREY ENERGY CTR -TOPGO-LL J MORRISON
PO BOX 889
TOPEKA KS 66601

With photocopies to:

Topeka Field Office

Danielle Wilson

Division of Water Resources



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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

THE STATE

OF



KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
10 / 10 / 18
Reviewer DWS

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

WATER RESOURCES
RECEIVED

NOV 02 2017
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. <u>1</u>	GMD <u>1</u>	Meets K.A.R. 5-3-1 (YES / NO) Use <u>IND</u>	Source <u>G</u> / S <u>C</u> County <u>PT</u>	By <u>AW</u>	Date <u>11/2/17</u>		
Code <u>REG</u>	<u>REG</u>	Fee \$ <u>20-300</u>	TR # _____	Receipt Date <u>11/2/17</u>	Check # <u>273225</u>		

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.

WATER RESOURCES RECEIVED

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

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

_____ (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 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 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)

~~APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)~~

By [Signature]
(Agent or Officer Signature)

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

Jared Morrison
(Agent or Officer - Please Print)

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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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 Konkel	2944 NW Docking Rd.	Silver Lake, Kansas 66539

NOV 02 2017

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49933 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49933 00 IND

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

1970 Feet North and 1900 Feet West of the Southeast Corner of Section 11 T 9S R 11E

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_ 24233 00 IND NK S          0 -- NC NW SE 1970 1900 11 9 11E 1 1050.00 .00 AF
A_ 24234 00 IND NK S      7746 -- NW SW SE 1060 2560 13 9 11E 1 456.00 .00 AF
A_ 49933 00 IND AY S          0 -- NC NW SE 1970 1900 11 9 11E 1 287.00 .00 AF
=====

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Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      .00      287.00
Total Permitted Amount (AF) =      .00      .00
Total Inspected Amount (AF) =      .00      .00
Total Pro_Cert Amount (AF) =      .00      .00
Total Certified Amount (AF) =      .00      1506.00
Total Vested Amount (AF) =      .00      .00
TOTAL AMOUNT (AF) =      .00      1793.00
=====

```

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:

1970 Feet North and 1900 Feet West of the Southeast Corner of Section 11 T 9S R 11E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

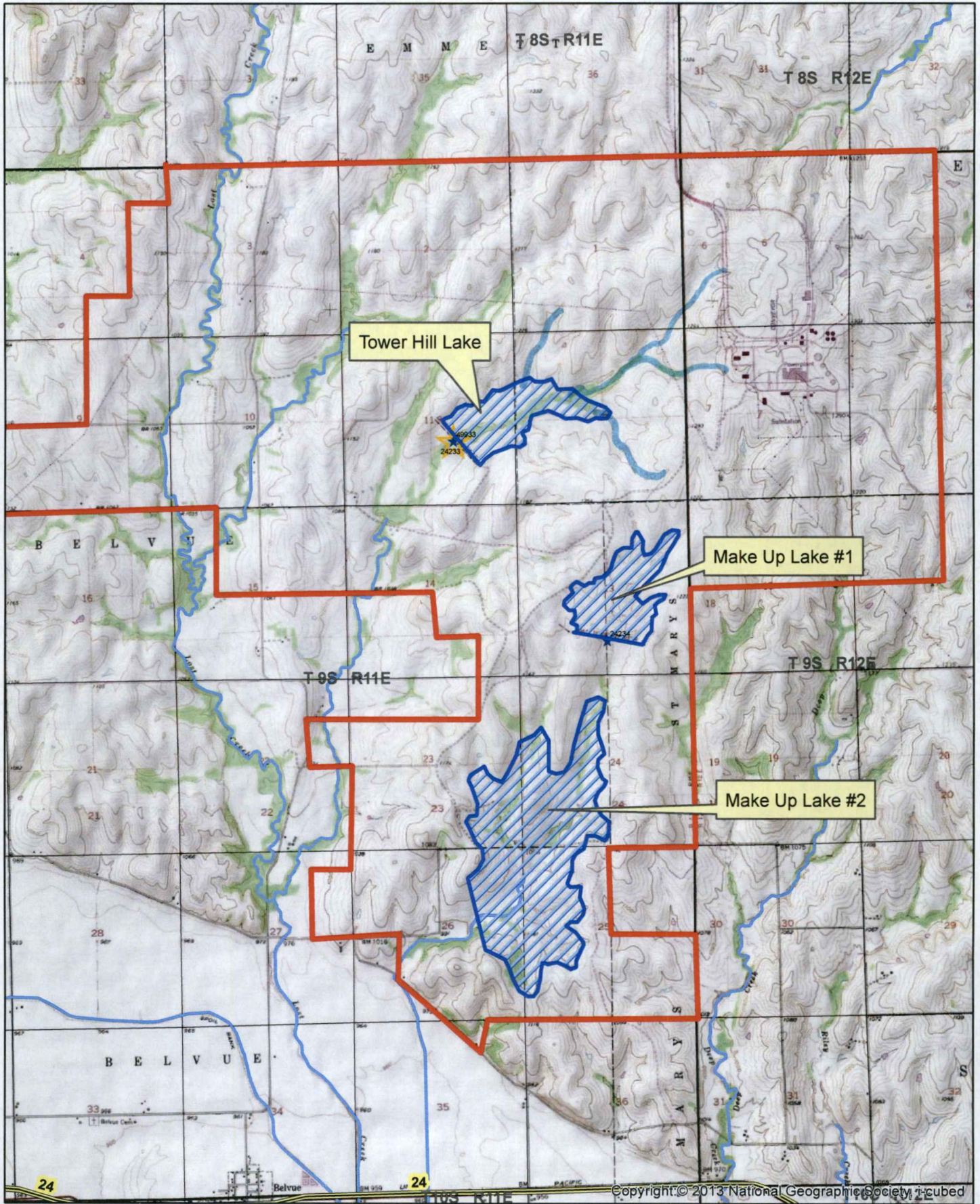
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=====
File Number      Use ST SR
A_ 24233 00 IND NK S
> WESTAR ENERGY
> JEFFREY ENERGY CTR -TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601
>-----
A_ 24234 00 IND NK S
> WESTAR ENERGY
> JEFFREY ENERGY CTR -TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601
>-----
A_ 49933 00 IND AY S
> WESTAR ENERGY
> JEFFREY ENERGY CTR -TOPGO-LL J MORRISON
> PO BOX 889
> TOPEKA KS 66601
>-----
=====

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WESTAR ENERGY JEFFREY ENERGY CENTER



1:48,000

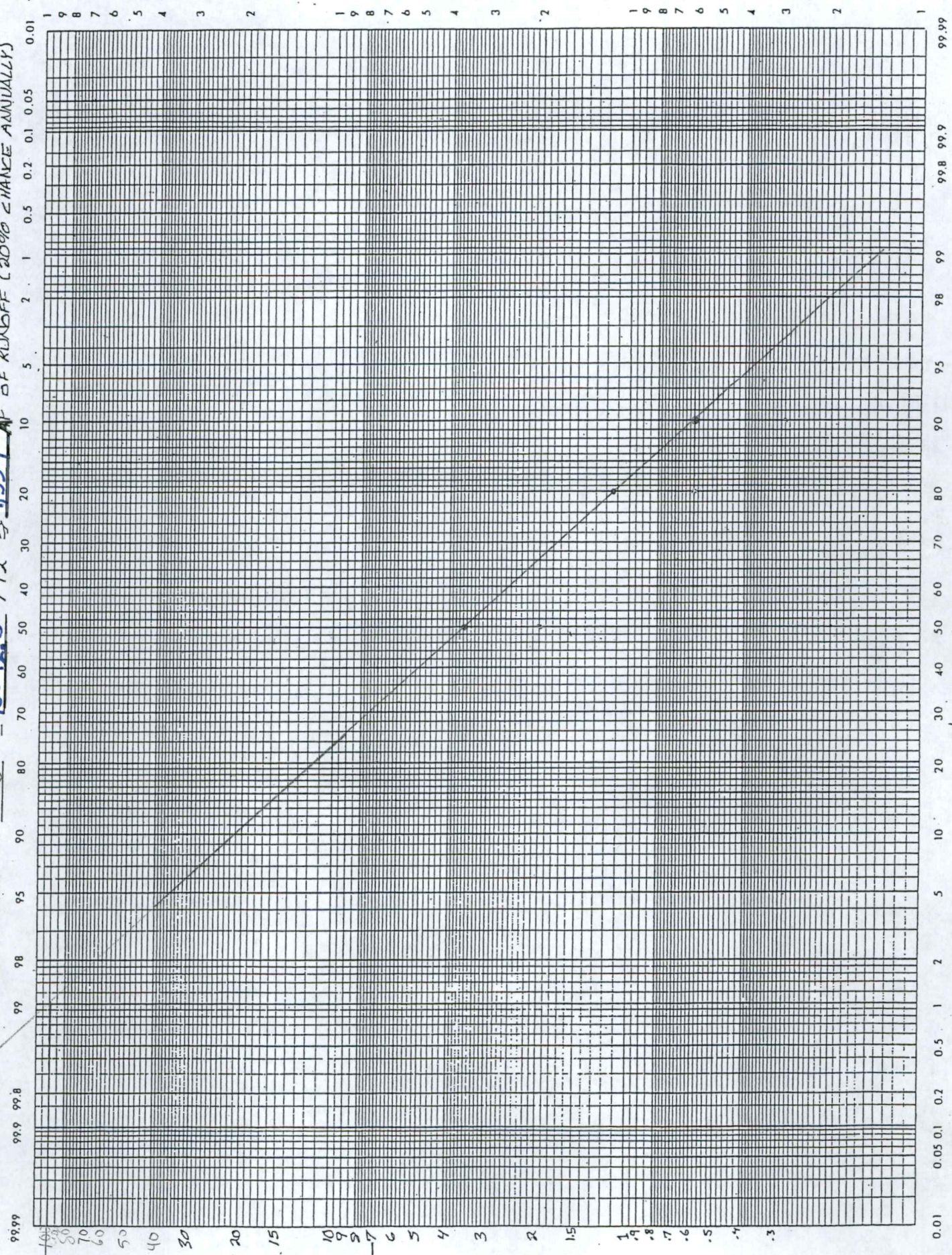
FILE NO. 24,233/49,933

SOIL: "76" PRECIP: 34"

"
INCHES RUNOFF/ACRE: 11.5"
AF OF RUNOFF (20% CHANCE ANNUALLY)

1395 ACRES IN DRAINAGE x 11.5" = 16042.5" / 12" = 1337 AF

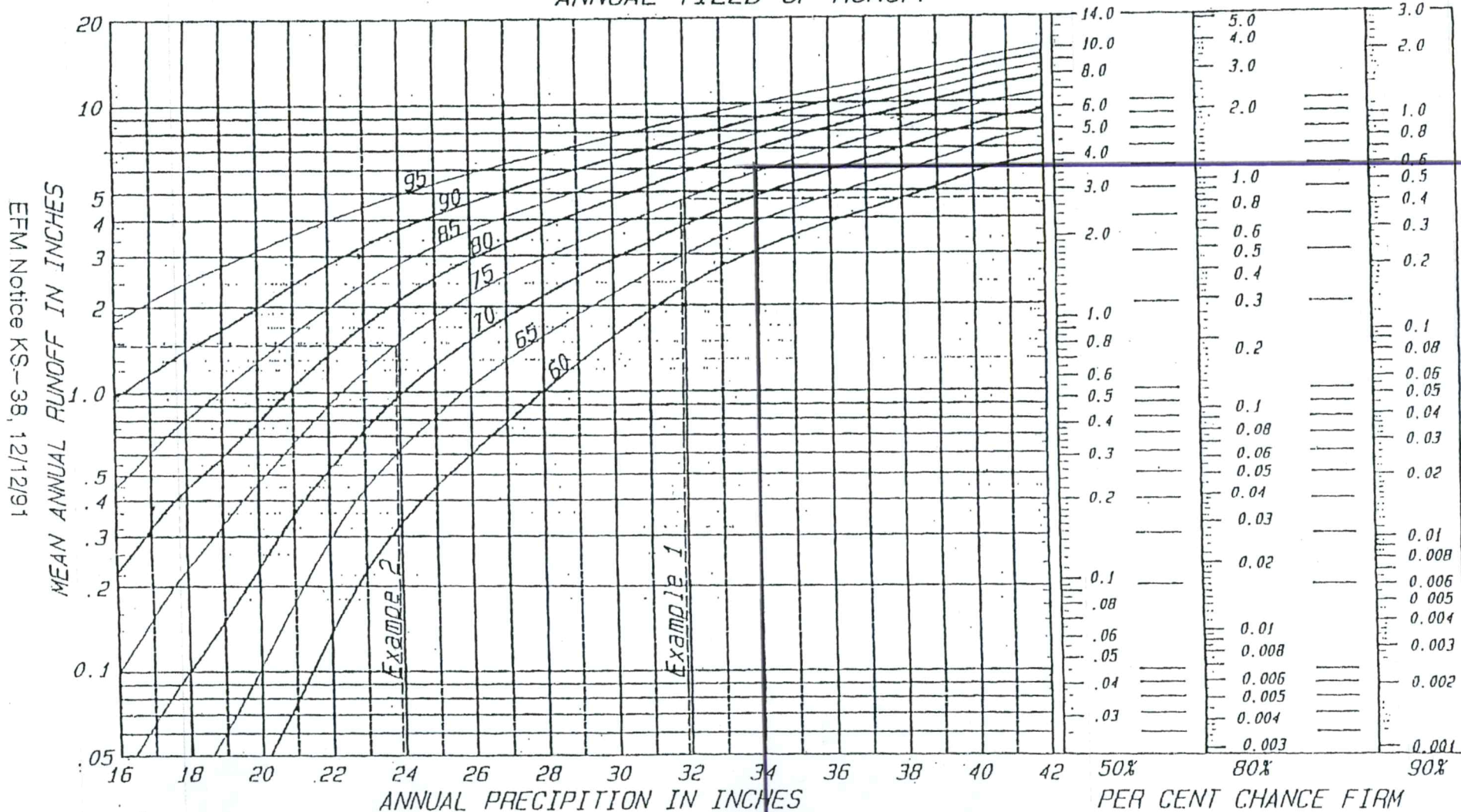
Probability (Long-axis) by 3 Cycle Log



PREPARED BY:

CFO CHANCE

ANNUAL YIELD OF RUNOFF



EFM Notice KS-38, 12/12/91

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

KS-2-36
RUNOFF IN INCHES
KAR 5-6-4(X1)

24, 233
DPT-104

Query ENGINEERING DATA

ENGINEERING INFORMATION

Eng Data Id: 3726

National Id: 9012

Haz Class: C

Purpose: 3

Purpose 2:

Purpose 3:

Elevation Streambed: 1084

PS: 1144

ES: 1148

TOD: 1185

Group:

Water Right:

Size Class: 4

Nearest City Town: BELVUE

Distance To City Town:

Funding:

Type Of Dam:

Dem Length: 2075

Dem Height: 81

Volume Of Fill:

Spillway Type:

Assessment: SATISFACTORY

Storage (ac-ft):

Discharge (cfs):

Ps Type: 3726

Ps Material: M

Ps Size:

Es Type: C

Es Width: 200

Eap Status: APPROVED EAF

Phase 1 Insp:

Plans:

Priv On Fed:

Rec Updated:

State Regulated:

Area: PS 120, PS 3000, ES 132, ES 3700, TOD 158, TOD 5625

Remarks: INDUSTRIAL

Rvr/Stm:

Structural Height:

Outlet Gates:

Design: UNKNOW

Hydraulic Height:

WSI: EAP HAZARD

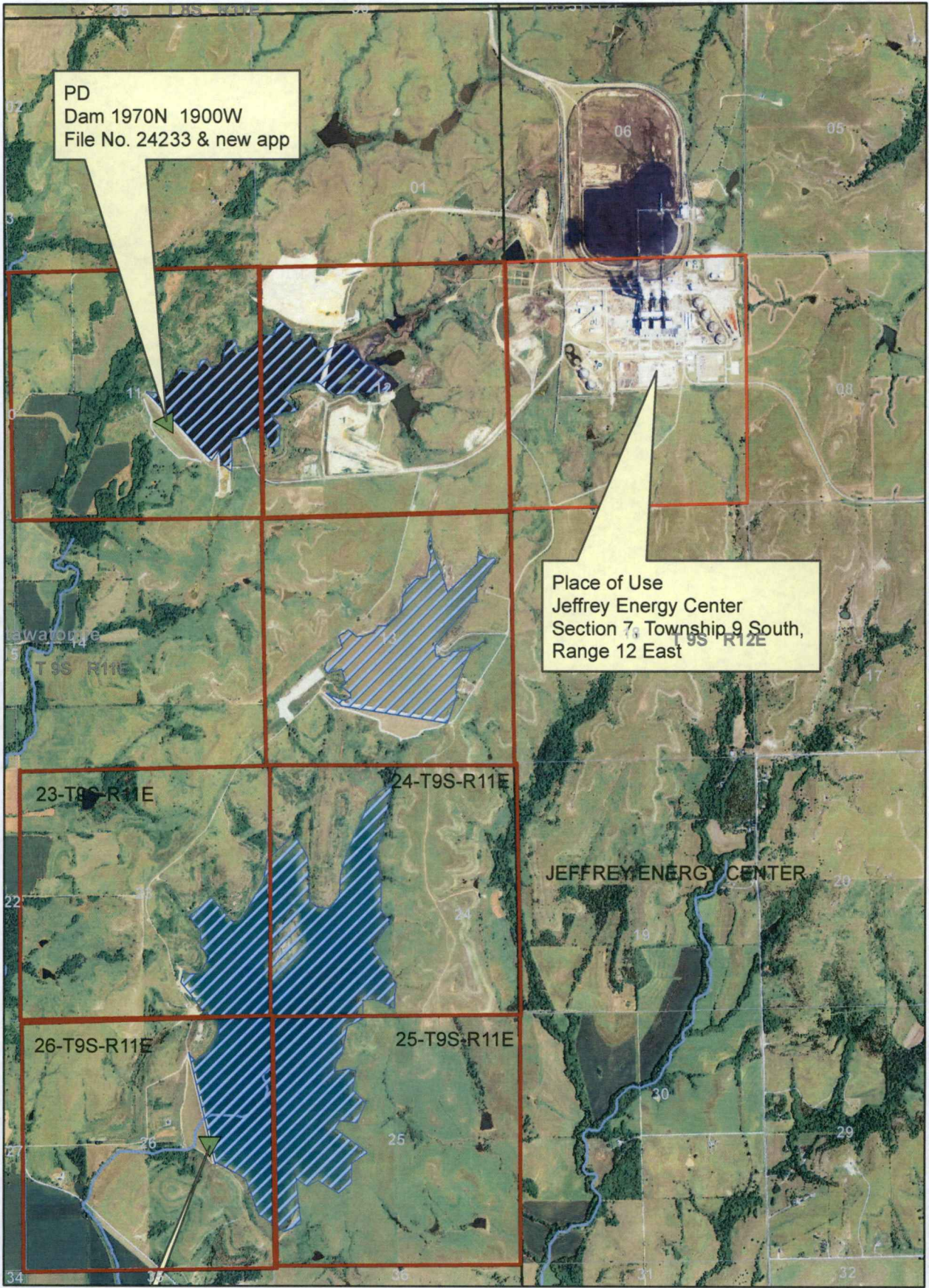
ID	Type	County	Num	EXT	Application Recd Date	File Location	Applicant
14108	D	PT	104		06-30-1975	LA2	KANSAS POWER & LIGHT

DA-1395 acres

95-11E

11 1/2

JEC, New Application on top of File No. 24,233



1:36,000



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,

A handwritten signature in blue ink that reads "Heath Horyna".

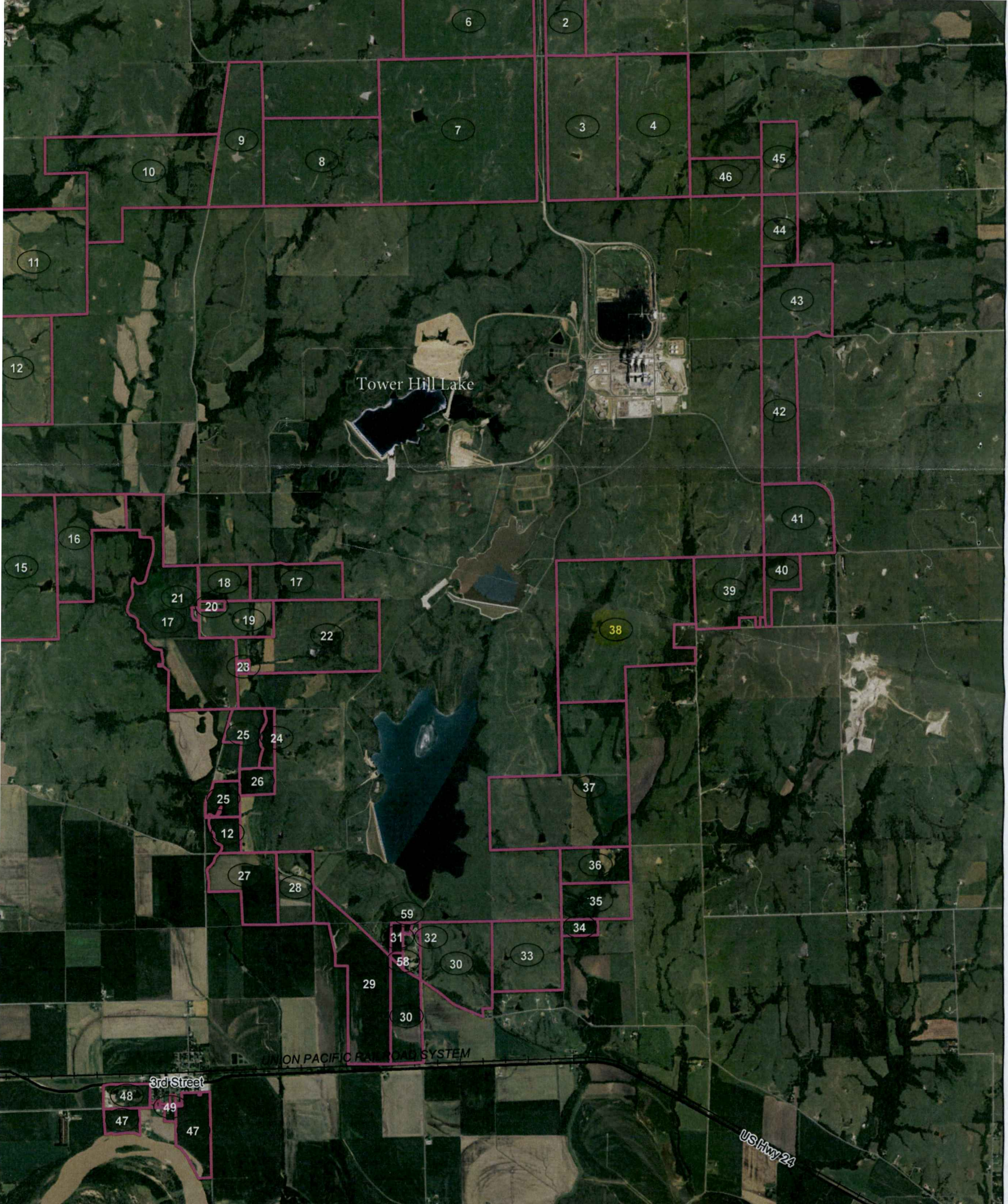
Heath Horyna
Supervisor, Water and Waste Programs

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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This drawing/map is used to locate, identify and/or inventory Weststar Energy, Inc. electrical facilities located on parcels of land in the Weststar Energy, Inc. service area. It is intended for reference purposes only and is NOT to be used as a substitute for an actual field survey. Map information is believed to be accurate but accuracy is not guaranteed. This information should not be relied upon as a substitute for an actual field survey. This drawing/map is not to be used as a substitute for purposes of digging and excavation. For more information, please call ONE-CALL (1-800-DIG-SAFE) to notify operators of underground facilities of proposed excavation or digging to request that member companies mark their lines. In no event will Weststar Energy, Inc. be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the inaccuracy, use or misuse of this drawing/map. You are prohibited from reproducing or distributing this drawing/map or any portion of it without written permission of Weststar Energy, Inc. © Weststar Energy, Inc. All rights reserved.

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Think Safety
 Weststar Energy™

Title Title		WR # 000000	Crew HQ 0000
By Name		Date 9/11/2017	Scale 1 inch = 4046 feet
Sub/Ckt AAAA 00-00		Sheet Page 1	
Upstream Device X000X12345			

17295