

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.

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

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



State of Kansas

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

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

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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File No. 39454

2. Name of applicant: EMPIRE DISTRICT ELECTRIC CO

Address: PO BOX 127

City, State and Zip: JOPLIN MO 64802

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

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

Name of water use correspondent: SAME AS OWNER

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): To change the PD to the new well. To change the PU to the plant.

To change the municipal use to industrial use.

The change(s) (was) (will be) completed by upon approval _____
(Date)

For Office Use Only:		MUN	
F.O. <u>1</u>	GMD _____	Meets K.A.R. 5-5-1 (YES/NO) Use <u>IND</u>	Source <u>G</u> S County <u>CK</u> By <u>AC</u> Date <u>12/23/2020</u>
Code <u>C3 C3</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>12-23-2020</u> Check # <u>PK00020381</u>

12/28/2020
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: WELL AND RIGHT IS OWNED BY EMPIRE DISTRICT ELECTRIC CO

ADDRESS: PO BOX 127 JOPLIN MO 64802

Within the boundaries of Cherokee RWD 9, and immediate vicinity, Cherokee County, Kansas.

List any other water rights that cover this place of use. After changes only 49.827

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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: Empire District Electric Co.

ADDRESS: PO Box 127 Joplin, MO 64802

INDUSTRIAL USE at the Empire District Electric Company Power Generating Station near Riverton, Kansas, located in the Northwest Quarter (NW ¼) of Section 20, Township 34 South, Range 25 East, Cherokee County, Kansas.

List any other water rights that cover this place of use. CK-8, CK-13, 657, 881, 23155, 39455

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

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

7. The proposed point(s) of diversion (is) (are) one well (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 NE Quarter of the NW Quarter of Section 20, Township 34 South, Range 25 East (E/W), in Cherokee County, Kansas, 5014 feet North 3577 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 NW Quarter of the NW Quarter of Section 20, Township 34 South, Range 25 East (E/W), in Cherokee County, Kansas, 4075 feet North 4550 feet West of Southeast corner of section. Proposed Rate NO CHANGE Proposed Quantity NO CHANGE
 This point is: Additional Well Geo Center List other water rights that will use this point new file, 39455

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 _____ 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 _____

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. _____
 The Riverton Cherokee RWD 9 uses the well under File No. 49,827

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for MUNICIPAL purposes.

It is proposed that the use be changed to INDUSTRIAL purposes.

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

MUN use was fully consumptive. No additional consumption can occur.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO REDUCTION (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO REDUCTION 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.

No impairment will occur.

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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.

No waivers requested.

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 RIVINGTON, Kansas, this 15th day of DECEMBER, 2020.

[Signature]
(Owner) _____ (Spouse) _____

Ed Esson - THE EMPIRE DISTRICT ELECTRIC CO.
(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Kansas }
County of Cherokee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of December, 2020.
Notary Public - State of Kansas

Roberta F. Holt

[Signature]
Notary Public

My Commission Expires 1-6-23

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.**

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**THE EMPIRE DISTRICT ELECTRIC CO.
A LIBERTY UTILITIES COMPANY**

PO Box 127
Joplin, MO 64802

12/18/2020

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

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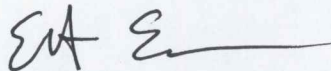
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Dear Sir:

As a follow up to our 2020 Water Applications, please do not process the previously submitted voluntary dismissal of File No. 39,454.

Sincerely,



Edward H Easson

Plant Director, Riverton Plant

Ed Easson

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Wednesday, December 2, 2020 4:30 PM
To: Ed Easson
Subject: Empire package
Attachments: 1-100-22 Industrial Use Supplement Sheet.docx; 1-120 HQ Change App PD PU UMW 39454.doc; 1-120 HQ Change App UMW 39455.doc; Empire application.docx; Layout11.pdf

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Ed,

Here are the applications necessary to move 39454 & 39455 down to the new well and to add a new file for the rate on it.

On the new app labeled Empire Application, you need to sign and date item number 6, and sign and date number 16. IT needs a \$200 filing fee.

On the change application 39454, sign on the back page in the presence of a notary public, and it requires a \$700 filing fee. This requests to move the file down onto the new well, the Industrial use and the plant. We will **NOT** process the voluntary dismissal of a water right submitted. **You should include a statement on a letter asking us to not process the voluntary dismissal of File No. 39,454 that was previously submitted.**

Finally, on the change application 39455, this is the last piece we need to move that file down onto the new well. Sign on the back page in the presence of a notary public, and it requires a \$300 filing fee. This requests to move the file down onto the new well, the Industrial use and the plant.

Total filing fees is a check to KDA for \$1200 or you can call in and make a credit card payment.

These, with everything we have pending can get all the wells cleared up, and the new well authorized and covered. I am drafting the SW orders to clear that up nicely and make that a permanent record under the files.

Let me know what questions you may have,

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615