

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 TERM PERMIT **FEB 20 2020**
 GROUNDWATER
 SURFACE WATER
 (check one)

4:09 ~~12:42~~
KS Dept Of Agriculture



State of Kansas

20209022

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

1. Applicant: (Please print or type)
 Name Klondike Building Company LLC
 Street 435 S Broadway
 City and State Wichita, Kansas
 Zip Code 67202 Telephone No. (316) 262-0000
 E-Mail Address abraun@martenscos.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. _____

2. Location of Point of Diversion:
 Sec. 20, Twp. 27 S, Rng. 1, **(EW)**,
Sedgwick County, Kansas.
 Distance from Southeast Corner of Section:
941 (from 2018 CI Report) feet North from Southeast Corner
191 (from 2018 CI Report) feet West from Southeast Corner
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:
 Proposed Max. Pumping Rate (gpm) 85
 Amount Requested (acre-feet) 50
 per calendar year
 Depth of Well (feet) 40
 Date **(completed)** (will be completed) Late Spring 1983
 Drainage Basin Lower Arkansas River Basin
 Name of Stream Arkansas River via Storm Sewer

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Thermal Exchange

5. Location of place of use:
Same of Item 1.

6. Period of use:
 Commencing date: January 01, 2018
 Ending Date: December 31, 2021 **Also enter on Item 12**

If off-stream pit, check here .
 Will pit floor intersect water table? Yes No

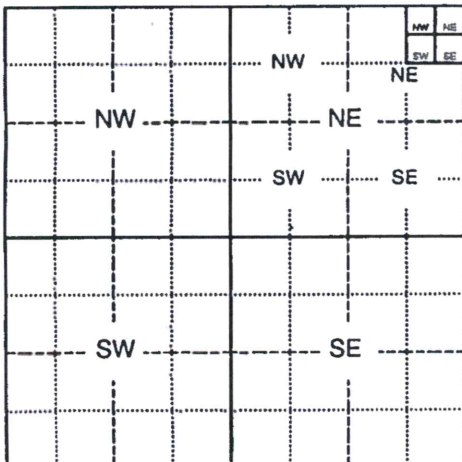
7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
File No. 36534

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
- | Acre-feet | Fee |
|---------------|----------|
| 0-100 | \$200.00 |
| 101-320 | \$300.00 |
| More than 320 | \$300.00 |
- plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:
- | Acre-feet | Fee |
|---------------|----------|
| 0-250 | \$200.00 |
| More than 250 | \$200.00 |
- plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.
- NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.
3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
4. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
 1 million gallons equal 3.07 acre-feet



Assisted by Chris Steincamp of Depew Gillen & Paul Clark of Allied Environmental Consultants

2/25/2020
LMoody

For Office Use Only:
 F.O. 2 GMD - Meets K.A.R. 5-3-1 (YES / NO) Use THX Source G/S County SG By KJN Date 2/20/20
 Code TRP Fee \$ 200 TR # _____ Receipt Date 2/20/20 Check # 1480



February 3, 2020

Depew Gillen Rathbun & McInteer, LC
8301 East 21st Street North, Suite 450
Wichita, Kansas 67206-2936

Attention: Mr. Chris Steincamp
Attorney at Law

VIA EMAIL: Chris@depewgillen.com

Subject: Groundwater Term Permit - Hospitality Real Estate Building
435 S. Broadway, Wichita, KS 67202 (Water Right File 36534)
AEC File No. 18100-3

Dear Mr. Steincamp:

Per our recent communication, Allied Environmental Consultants (AEC) is providing the enclosed Term Permit Application for consideration and filing with the Kansas Division of Water Resources (DWR) by Hospitality on behalf of the water right owner, Klondike Building Company, LLC. The Term Permit is meant to accommodate additional pumping that occurred since Hospitality installed a new meter in 2017 and subject of a DWR CI Report dated June 2018.

Water Right File Number 36534 has an appropriate of 22.3-acre feet annually. Klondike Building is the owner of record for the water right and is an entity owned or controlled by Hospitality Real Estate. The water right relates to a single permitted water well located on premise and the well pumps groundwater on demand from a building mechanical heating and cooling system for non-contact cooling water. The application is non-consumptive and data show that nearly all water pumped from the well is discharged via a stormwater sewer to the nearby Arkansas River under Kansas Permit No. I-AR94-PO-08, and Federal Permit No. KS0099651. Water use records indicate that as much as 42-acre feet (ac-ft) of water have passed through the system annually in 2018. The 2019 usage is recorded at 34.66 ac-ft, or 12.36 ac-ft above the stated appropriation.

As AEC understands, DWR suggested that Hospitality file a Term Permit Application during discussions with you and in written correspondence. We believe that DWR's suggestion is predicated on data that demonstrates adjustments made by Hospitality to the building's mechanical system has significantly decreased the non-contact cooling water use. Table 1 shows this decrease by example for meter accumulations from October, November, December and January for years 2018/2019 and the present.

Table 1: Water Use Comparison (Decrease)

Period	2019 / 2020	2018 / 2019	Net Change
October	2.61	6.45	-3.84
November	0.46	0.96	-0.5
December	0.07	4.26	-4.19
January	0.03	5.31	-5.28
Period Comparison	3.17	16.98	-13.81
Annual (to date for 2020)	0.55	34.66	

Water Resources
Received

FEB 20 2020

Depew Gillen Rathbun & McInteer, LC
February 3, 2020
Page 2

We are transmitting the enclosed Term Permit Application for your consultation with Mr. Braun at Hospitality. The application form is nearly complete except for Item 14. We are recommending that Hospitality seek a temporary term permit from January 1, 2018 to December 31, 2021 an up to 50 ac-ft per year as allowance for Hospitality's monitoring of adjustments made to the system. Given the data recorded to date, AEC believes that the annual accumulation/use for 2020 will be at or below the appropriation of 22.3 ac-ft allowed in Water Right File No. 36534.

We also wish to note we continue to hold to our opinion that the non-contact cooling water system is also non-consumptive as our report dated March 5, 2019 states. Records for groundwater temperatures continue to reflect a seasonality suggesting that river-groundwater communication occurs and that pumping the subject well with discharge to the river occurs within the same aquifer system.

Please contact the undersigned with any questions or comments regarding this issue.

Sincerely,
ALLIED ENVIRONMENTAL CONSULTANTS, INC.



Paul R. Clark, P.G.
President

Water Resources
Received

FEB 20 2020

KS Dept Of Agriculture

Dennis L. Gillen
Jack Scott McInteer
Randall K. Rathbun
Charles C. Steincamp
Kimberly A. Vining
Kurt A. Harper

Benjamin K. Carmichael
William E. Dakan, Of Counsel

DEPEW & GILLEN
RATHBUN & McINTEER, LC

Spencer L. Depew (1933-2005)
Nicholas S. Daily (1949-2006)

chris@depewgillen.com

February 17, 2020

Mr. Jeff Lanterman
Water Commissioner
Department of Agriculture
Division of Water Resources
Stafford Field Office
300 S. Main St.
Stafford, KS 67578-1521

✓ Chief Engineer
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: ***Water Right File 36534; 435 S. Broadway, Wichita, Kansas***

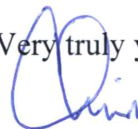
Enclosed please find a copy of a letter from Allied Environmental Consultants dated February 3, 2020, and a signed Application for a Term Water Permit through the end of 2019, pursuant to our recent discussion.

As we previously discussed and documented, we believe that the Hospitality Real Estate building's water use is a non-consumptive use because the water is returned directly to the Arkansas River from whence it comes. However, because the water use exceeded the amount of Hospitality's appropriation, we discussed with you a method for resolving this situation.

It is important to note that it appears that Hospitality management is continuing to have mechanical problems with its HVAC system which uses ground water as a heating and cooling source. Multiple rounds of repair work have been done with the groundwater use numbers declining following each repair. We are hopeful that once the system is operating properly in all respects that the ground water use will decline back to a level at or below the level of the appropriation. The executed application and appropriate fee are included with this letter.

I appreciate your time and attention to this matter. I look forward to hearing from you if you should have any questions.

Very truly yours,



Charles C. Steincamp
of DEPEW GILLEN RATHBUN & McINTEER, LC

CCS:js
Enclosure

Cc: Allied Environmental Consultants
Martens Companies

Water Resources
Received

FEB 20 2020

DGR&M

KS Dept Of Agriculture

KAN * Via email
2/20/20

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

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 February 20th, 2020.

Andrew T. Barfield
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20209022

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
54732	13375	

LANDOWNER PERSON ID & SEQ #	PUSE ID
54732	15648

WATER USE CORRESPONDENT PERSON ID & SEQ #
54732

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

February 20, 2020

KLONDIKE BUILDING COMPANY LLC
435 S BROADWAY
WICHITA, KS 67202

RE: Application, File No. **20209022**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a Term permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program