## **NOTICE**

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

THE STATE

OF



#### **KANSAS**

#### KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES** 

David W. Barfield, Chief Engineer UNIATER RESOURCES

WATER RESOURCES RECEIVED

File Number

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

JAN 11 2018 11:59

**APPLICATION FOR PERMIT TO** 

KS DEPT OF AGRICULTURE APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

1.	Name of Applicant (Please Print): WESTAR ENERGY JEFFREY ENERGY CTR -TOPGO-LL J MORRISON										
	Address: P.O. BOX 889										
	City: TOPEKA	8273 iared. Mo	State: KS Z	Zip Code <u>66601</u>							
	Telephone Number: (785	6) 575-1 <del>548</del> heath.hory	na@westarenergy.com								
2.	The source of water is:	⊠ surface water in KA	ANSAS RIVER TRIB 3 # 3	<b>%</b>							
	OR	☐ groundwater in	KANSAS RIVER (drainage b	asin)							
:	when water is released fro	om storage for use by wat e date we receive your ap	ows established by law or may er assurance district members. oplication, you will be sent the a divert 1,106.9 AF	If your application is subject							
3.	The maximum quantity of	water desired is 1,106.	9 (storage) acre-feet OR	_ gallons per calendar year,							
	to be diverted at a maxim	um rate of <u>NF</u> gallo	ns per minute OR cubic	feet per							
	second.										
	requested quantity of warequested maximum rate	ater under that priority not of diversion and maximur	y, the requested maximum rate number can <u>NOT</u> be increased in quantity of water are appropri vision of Water Resources' req	<ul> <li>d. Please be certain your ate and reasonable for your</li> </ul>							
	The water is intended to b	e appropriated for (Check	use intended):								
4.		(b) ☐ Irrigation	(c) ☐ Recreational	(d) ☐ Water Power							
4.	(a) ☐ Artificial Recharge			(h) ☐ Sediment Control							
4.	<ul><li>(a) ☐ Artificial Recharge</li><li>(e) ☒ Industrial</li></ul>	(f) ☐ Municipal	(g) ☐ Stockwatering	(ii) Deament Control							
4.	· · ·	<ul><li>(f) ☐ Municipal</li><li>(j) ☐ Dewatering</li></ul>	<ul><li>(g) ☐ Stockwatering</li><li>(k) ☐ Hydraulic Dredging</li></ul>	(I) ☐ Fire Protection							
4.	(e) ⊠ Industrial	(j) ☐ Dewatering	(k) ☐ Hydraulic Dredging	, ,							

Code

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 <u>NW</u> quarter of the <u>\$W</u> quarter of the <u>SE</u> quarter 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, in Township 9 South, Range 11 EAST, <u>PT</u> County, Kansas.
	(B) One in the <u>NW</u> quarter of the <u>NE</u> quarter of the <u>SE</u> quarter 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, in Township 9 South, Range 11 EAST, <u>PT</u> 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
	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.
6.	The owner of the point of diversion, if other than the applicant is (please print):  APPLICANT
	(name, address and telephone number)
	(name, address and telephone number)
	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, 2017Applicant's Signature
	· · · · · · · · · · · · · · · · · · ·
7.	The proposed project for diversion of water will consist of TWO DAMS AND RESERVOIRS (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)

File No. \_

5.	The location of the proposed wells, pump sites or other works for diversion of water is:	
	<b>Note:</b> For the application to be accepted, the point of diversion location must be described to at least a acre tract, unless you specifically request a 60 day period of time in which to locate the site within specifically described, minimal legal quarter section of land.	
	(A) One in the $\underline{\textbf{NW}}$ quarter of the $\underline{\textbf{SW}}$ quarter of the $\underline{\textbf{SE}}$ quarter of Section 13, more partic	ularly
	described as being near a point 1,060 feet North and 2,560 feet West of the Southeast corner o	said
	section, in Township 9 South, Range 11 EAST, PT County, Kansas.	
	(B) One in the <b>NW</b> quarter of the <b>NE</b> quarter of the <b>SE</b> quarter of Section 26, more partic	ularly
	described as being near a point 2,536 feet North and 1,288 feet West of the Southeast corner o	said
	section, in Township 9 South, Range 11 EAST, PT County, Kansas.	
	(C) One in the quarter of the quarter of the quarter of Section, more partic	ularly
	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, Ka	nsas.
	(D) One in the quarter of the quarter of the, more partic	ularly
	described as being near a point feet North and feet West of the Southeast corner of	
	section, in Township South, Range East/West (circle one), County, Ka	
	wells, except that a single application may include up to four wells within a circle with a quarter (¼) mile in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minuwell.  A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not than four wells in the same local source of supply within a 300 foot radius circle which are being operate pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water common distribution system.	te pe more ed by
6.	The owner of the point of diversion, if other than the applicant is (please print):	
	APPLICANT (name, address and telephone number)	
	(name, address and telephone number)	
	You must provide evidence of legal access to, or control of, the point of diversion from the landowner of landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or 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, 201#8. Applicant's Signature	
7.	The proposed project for diversion of water will consist of TWO DAMS AND RESERVOIRS	
	(number of wells, pumps or dams, etc.)  and (was)(will be) completed (by) EXISTING  (Month/Day/Year - each was or will be completed)	,
3.	The first actual application of water for the proposed beneficial use was or is estimated to be SUMMER WATER RESOURCES	2017

JAN 11 2018

File No. 49967
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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? $\square$ Yes $\square$ No
	If yes, show the Water Structures permit number here
	• If no, explain here why a Water Structures permit is not required <u>ALREADY PERMITTED UNDER</u>
	STRUCTURES PERMIT NO. DPT-105 and DPT-126.
11.	The application <u>must</u> be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:
	(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
	(b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
	(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
	(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
٠	(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. 24,234 - COMPLETE OVERLAP IN PU AND PD (After Change)
	FILE NOS. 24,233; 28,239; 34,442; 45,282; 47,134 – OL IN PU (JEFFREY ENERGY CENTER)
	Requested Storage Quantity is limited to Basin Runoff potential. Runoff Basin = 1,555 acres x 11.5" of runoff
	/ 12 = 1,490.2 AF. Senior File is authorized 465 AF, and covers 383.3 AF difference is 1,106.9 Acre-Feet.
	WATER RESOURCES  Waiver of Metering is being requested (see Attachments)RECFIVED  WATER RESOURCES  WATER RESOURCES
	JAN 11 2018

KS DEPT OF AGRICULTURE

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13.	Furnish the following well in well has not been completed	nformation if the	e proposed a tion obtained	appropriatio from test h	n is for the use o	of groundwater.	. If th
	Information below is from:	☐ Test holes	s □ Well	as complet	ted 🗆 Driller	s log attached	
	Well location as shown in	paragraph No.	(A)	(B)	(C)	(D)	
	Date Drilled						
	Total depth of well		· · · · · · · · · · · · · · · · · · ·				
	Depth to water bearing for	mation					
	Depth to static water level						
	Depth to bottom of pump in	ntake pipe			· ·	<u> </u>	
14.	The relationship of the appli Owner (owner, tenant, agent or otherwis		posed place	where the v	vater will be used	l is that of	
15.	The owner(s) of the property				••	(please print):	
		(name, ad	dress and te	ephone nur	mber)		
		(name, ad	dress and te	ephone nur	mber)		
16.	The undersigned states tha that this application is subm	itted in abod fa	aith.			is/her knowled	ge an
	Dated at <u>Topek q</u>	, Kans	as, this <u> </u>	_ day of	December (month)	, <u>2017</u> (ye	,
	1				(month)	(ye	ai)
	1/1//	_				_	
7	(Applicant Signatur	re)		APPLIC	ANT(S) SOCIAL SEC	CURITY	
	1/1/1-	_		TDEN _	TIFICATION NUMBE	R(S)	
<u>B</u>	y (Agent or Officer Sign	ature)	<del> </del>	APPLICA	and/or NT(S) TAXPAYER I.I	D. NO.(S)	
	Jared Morrison			~			
	(Agent or Officer - Pleas	se Print)					

Assisted by <u>DWS</u>

TOPEKA FO (office/title)

Date: 5/10/2017

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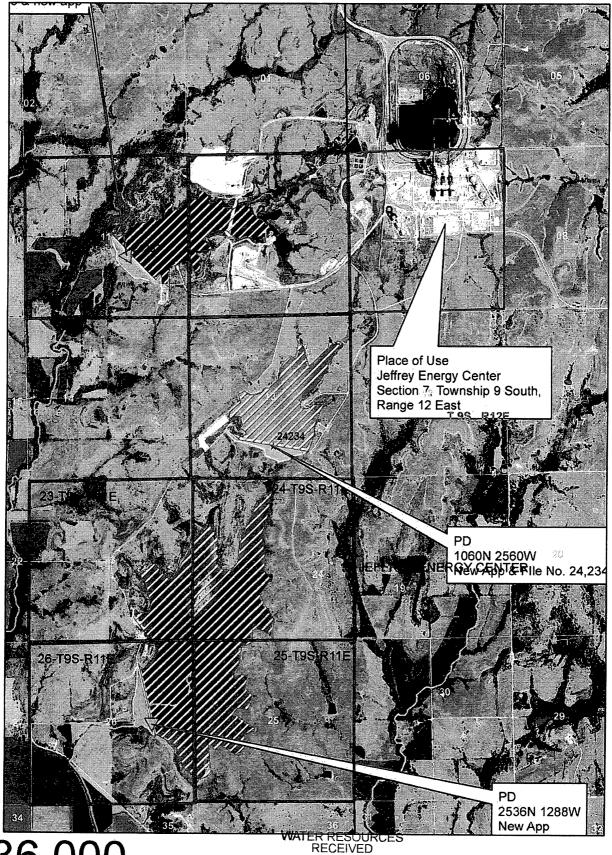
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KS DEPT OF AGRICULTURE

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



1:36,000

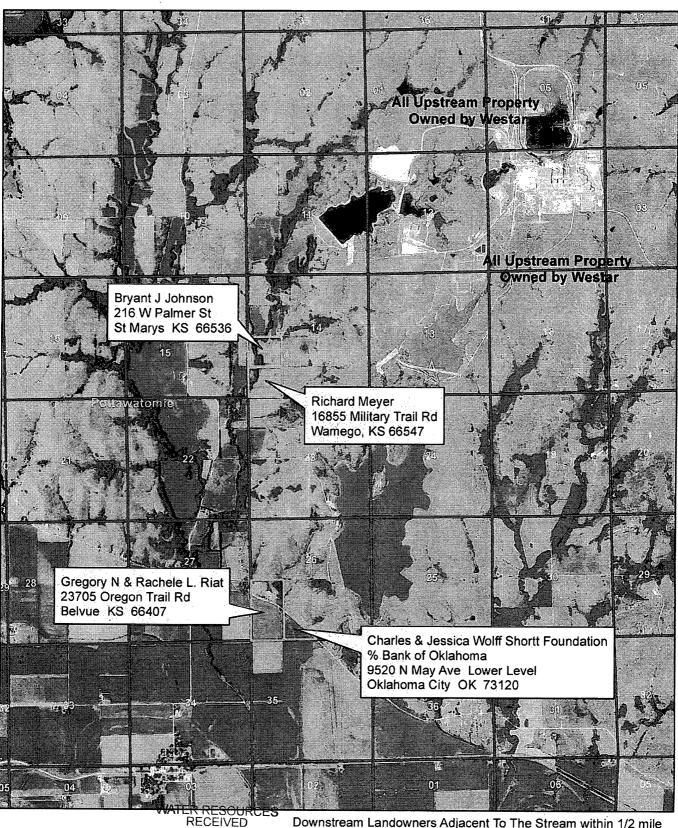
JAN 11 2018

KS DEPT OF ACRICULTURE

UNACCEPTABLE FOR PRIPRITY

# NA

### WESTAR ENERGY NEARBY LANDOWNER MAP



1:48,000

JAN 11 2018

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

WATER RESOURCES
UNACCEPTABLE FOR PRIORITY

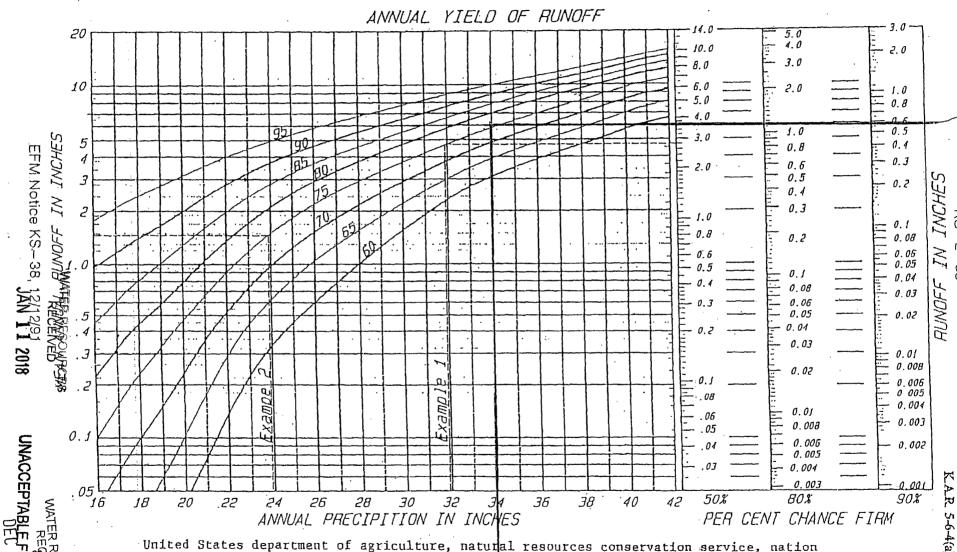
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PR-PRIPRIT

SOURCES VED



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

1320 Research Park Drive Manhattan, Kansas 66502 Kansas
Department of Agriculture

Phone: (785) 564-6700 Fax: (785) 564-6777 Email: ksag@kda.ks.gov www.agriculture.ks.gov

Sam Brownback, Governor

Jackie McClaskey, Secretary

January 12, 2018

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

RE: Application File No. 49967

Dear Sir or Madam:

Your application for permit to appropriate water in 13-9S-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) 564-6637. 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**