



Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

Phone: 785-296-5733
www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 31, 2020

EVERGY
Attn: JARED MORRISON TGO - 4 JEFFREY
818 S KANSAS AVE
TOPEKA, KS 66612

Re: Water Right, File No. 28,239

Dear Sir:

Enclosed is the order executed by Chris Beightel, Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

<http://agriculture.ks.gov/meters>

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2020. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,


Katherine A. Tietsort
Water Commissioner

KAT:lh
Enclosures

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 28,239

RECEIVED
 10:18 AM
 JUL 23 2020

Topeka Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: EVERGY

JARED MORRISON TGO- 4 JEFFREY 818 S KANSAS AVE TOPEKA KS 66612

Phone Number: (785)575-8273 Email address: jared.morrison@evergy.com

Name and address of Water Use Correspondent: SAME AS OWNER

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: EVERGY

ADDRESS: JARED MORRISON TGO- 4 JEFFREY 818 S KANSAS AVE TOPEKA KS 66612

(If there is more than one landowner, attach supplemental sheets as necessary.)

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHANGE IN PLACE OF USE: Industrial Use at the Jeffrey Energy Center of the Kansas Power and Light Company located in Section 7, Township 9 South, Range 12 East, Pottawatomie, Kansas.

ADDRESS: NO CHANGE IN PLACE OF USE

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code CTO Fee \$ 100 TR # PY00015622 Receipt Date 7/23/20 Check # CC

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 3, Township 10 South, Range 11 EAST (E/W), in PT County, Kansas, 2725 feet North 3992 feet West of Southeast corner of section.
 Authorized Rate 2,400 GPM Authorized Quantity 1,188 MGY Depth of well _____ (feet)
(DWR use only: Computer ID No. 32 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 3, Township 10 South, Range 11 EAST (E/W), in PT County, Kansas, 3163 feet North 5231 feet West of Southeast corner of section.
 Authorized Rate 2,600 GPM Authorized Quantity 1,213 MGY Depth of well _____ (feet)
(DWR use only: Computer ID No. 33 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the SW Quarter of the NW Quarter of Section 3, Township 10 South, Range 11 EAST (E/W), in PT County, Kansas, 3342 feet North 5166 feet West of Southeast corner of section.
 Proposed Rate 2,600 GPM Proposed Quantity 1,213 MGY Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) The well area has subsided.

8. If a well, is the test hole log attached? Yes No

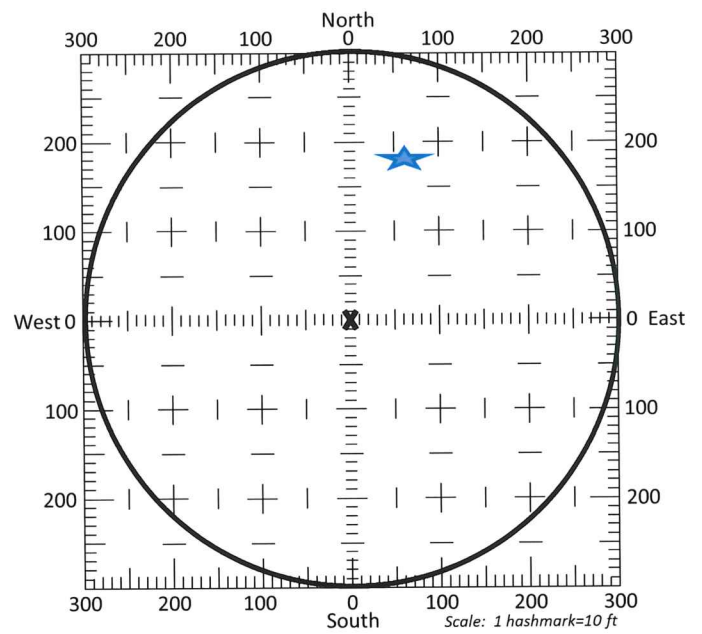
9. The change(s) (was)(will be) completed by?
Upon Approval.

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug it.
 (b) When will this be done? After completion of new well

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by KAT/WC/TFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

4. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at 9:43am July 23, 2020 Silver Lake BANK, Kansas, this 23rd day of July, 2020.

[Signature]

 (Owner)

 Jared Morrison
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)


 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Shawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of July, 2020.


Kimberly Acheson
 Notary Public
 State of Kansas
 My Commission Expires _____
 My Appointment Expires 01/16/22

[Signature]

 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 28,239.

1. A change application was received on July 23, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. The completed well log shall be submitted with the required notice. Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

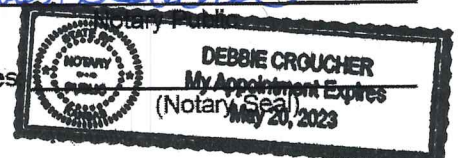
Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

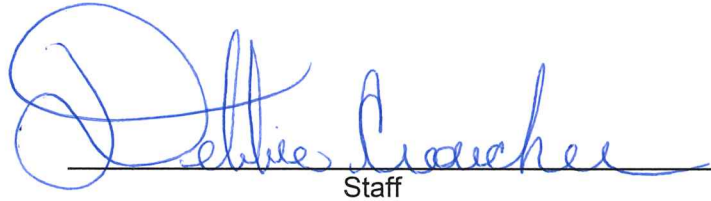
By: Katherine A. Tietsoert
Duly Authorized Designee of the Chief Engineer
(Print Name): Katherine A. Tietsoert
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: July 31, 2020
State of Kansas)
County of Shawnee) SS
Acknowledged before me on July 31, 2020
by Katherine Tietsoert
Signature: Debbie Croucher
My commission expires _____



CERTIFICATE OF SERVICE

On this 31st day of July, 2020, I hereby certify that the attached APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION, Water Right, File No. 28,239, dated July 31, 2020 was mailed postage prepaid, first class, US mail to the following:

EVERGY
Attn: JARED MORRISON TGO - 4 JEFFREY
818 S KANSAS AVE
TOPEKA, KS 66612



Staff

Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615



Phone: 785-296-5733
www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 23, 2020

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

Re: Pending Change Application, File No. 28,239

Dear Mr. Biery:

This is to advise you that Jared Morrison, on behalf of Evergy, has filed the change application referred to above for a permit to move the authorized location of one of two points of diversion (Well #25) authorized by Water Right, File No. 28,239. The proposed well location is in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¹/₄ SW¹/₄ NW¹/₄) of Section 3, more particularly described as being near a point 3,342 feet North and 5,166 feet West of the Southeast corner of said section, in Township 10 South, Range 11 East, Pottawatomie County, Kansas. This application will not change the authorized quantity or rate of diversion.

As you know, the Kansas River Water Assurance Program Operations Agreement states, in part, that “the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium”. Therefore, you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. You can find the application and site map posted by the file number referenced above under Topeka Field Office 2020 at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may contact me at (785) 207-1162 with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Lloyd Hemphill".

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, July 27, 2020 4:29 PM
To: Hemphill, Lloyd [KDA]; 'krwad@att.net'
Subject: RE: Change Application, File No. 28239

Hello,

I just talked to Galen, and the District has reviewed the request and it does not affect the District. Lloyd, you can proceed with the change application for the redrill.

Thanks, Katie

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

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Thursday, July 23, 2020 1:46 PM
To: 'krwad@att.net' <krwad@att.net>
Cc: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Change Application, File No. 28239

Good Afternoon Galen,

I hope you are doing well.

The attached notification is for a Point of Diversion Change Application for a well diverting water for industrial use at the Jeffrey Energy Center near the Kansas River.

Have a great day,
Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733
NOTE NEW ADDRESS