

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
(Check one or more) Point of Diversion
 Use Made of Water

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11:21
KS DEPT OF AGRICULTURE

File No. 11294

2. Name of applicant: Oneok Hydrocarbon

Address: 777 Avenue Y

City, State and Zip: Bushton KS 67427-9502

Phone Number: (620)562-4280 E-mail address: alan.raupe@oneok.com

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

Name of water use correspondent: Oneok Hydrocarbon LP

Address: 777 Avenue Y

City, State and Zip: Bushton KS 67427-9502

Phone Number: (620-562-4292) E-mail address: tami.morton@oneok.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): This application proposes to redistribute the rate of diversion for each individual well in order to better serve the needs of the facility. This application is being filed in conjunction with three new applications for additional rate on Well #914 (DWR ID 6), Well #917 (DWR ID #7), & Well #918 (DWR ID #8)

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

For Office Use Only:					
F.O. <u>2</u>	<u>GMD</u>	Meets K.A.R. 5-5-1 <u>(YES / NO)</u>	Use <u>IND</u>	Source <u>G/S</u>	County <u>EW</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>8/11/18</u>	By <u>AW</u>	Date <u>8/9/18</u>
				Check # <u>501808</u>	

8/14/18 DAW

4. The presently authorized place of use is:

Owner of Land — NAME: Oneok Hydrocarbon

ADDRESS: 777 Avenue Y, Bushton KS 67427

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	
31	17S	9W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1390

List any other water rights that cover this place of use. 8589, 8735, 8826, 10509, & 31389. (pending new applications)

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: No Change

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. _____

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. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion are six wells, pumps, and motors
(Provide description and number of points)
7. The proposed point(s) of diversion are six wells, pumps, and motors
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Well #911 Pdiv 39276**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 5140 feet West of Southeast corner of section.
 Authorized Rate 240 GPM* Authorized Quantity 231,490,000 GAL (Combined)*
(DWR use only: Computer ID No. 1 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 SW Quarter of the SW Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 5140 feet West of Southeast corner of section.
 Proposed Rate 398 GPM Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point 8589

9. **Presently authorized point of diversion: Well #912 Pdiv 14646**
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 4140 feet West of Southeast corner of section.
 Authorized Rate 240 GPM* Authorized Quantity 231,490,000 GAL (Combined)*
(DWR use only: Computer ID No. 2 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 SE Quarter of the SW Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 4140 feet West of Southeast corner of section.
 Proposed Rate 398 GPM Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point 8589

10. **Presently authorized point of diversion: Well #913 Pdiv 32896**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 3100 feet West of Southeast corner of section.
 Authorized Rate 224 GPM* Authorized Quantity 231,490,000 GAL (Combined)*
(DWR use only: Computer ID No. 3 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 SE Quarter of the SE Quarter of the NW Quarter of Section 32, Township 17 South, Range 9 W, in Ellsworth County, Kansas, 2700 feet North 3100 feet West of Southeast corner of section.
 Proposed Rate 398 GPM Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point 8589

* Limited to 1250 GPM and 402,492,00 GAL when combined with File No. 8589

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. The application does not propose any new wells, only changes to rate of diversion for the individual wells. All wells will still be used.

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12. The presently authorized use of water is for industrial purposes.
It is proposed that the use be changed to --- purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No changes to the place of use or use made of water have been proposed.

- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to --- 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.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ 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 ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - 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.
- All of the wells involved in the proposed change are authorized by the same File No. 11294. No new wells are being proposed by this application, only rate is being moved. All wells involved are owned and operated by the applicant. Please note that the proposed locations for Well Nos. 917 & 918 (DWR ID's 7 & 8) have been better described using GPS footages. It may be necessary to correct the pd locations for File No. 8589 using a findings and order.
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.
- Since the wells are authorized to produce out of the Dakota formation, spacing to the nearby Term Permit No. 949148 may need to be evaluated. This term permit is owned and operated by the applicant.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 Clatsop, Kansas, this 31 day of July, 20 18.

[Signature]
(Owner)
ALAN KAUPE
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31st day of July, 20 18.



[Signature]
Notary Public

My Commission Expires 5-10-2022

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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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 11294

Presently authorized point of diversion: Well #914 Pdiv 51611

One in the SW Quarter of the SW Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2700 feet North 2120 feet West of Southeast corner of section.
Authorized Rate 286 GPM* Authorized Quantity 231,490,000 GAL (Combined)*

(DWR use only: Computer ID No. 6 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 SW Quarter of the SW Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2700 feet North 2120 feet West of Southeast corner of section.
Proposed Rate 50 GPM Proposed Quantity no change Proposed well depth (feet) existing

This point is: Additional Well Geo Center List other water rights that will use this point 8589, (pending new applications)

Presently authorized point of diversion: Well # 917 Pdiv 75311

One in the SW Quarter of the SE Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2700 feet North 1020 feet West of Southeast corner of section.
Authorized Rate 210 GPM* Authorized Quantity 231,490,000 GAL (Combined)*

(DWR use only: Computer ID No. 7 GPS 2680 feet North 1127 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 SW Quarter of the SE Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2680 feet North 1127 feet West of Southeast corner of section.
Proposed Rate 50 GPM Proposed Quantity no change Proposed well depth (feet) existing

This point is: Additional Well Geo Center List other water rights that will use this point 8589, (pending new applications)

Presently authorized point of diversion: Well #918 Pdiv 75312

One in the SE Quarter of the SE Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2700 feet North 80 feet West of Southeast corner of section.
Authorized Rate 144 GPM* Authorized Quantity 231,490,000 GAL (Combined)*

(DWR use only: Computer ID No. 8 GPS 2687 feet North 191 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 SE Quarter of the SE Quarter of the NE Quarter
of Section 32, Township 17 South, Range 9 W,
in Ellsworth County, Kansas, 2687 feet North 191 feet West of Southeast corner of section.
Proposed Rate 50 GPM Proposed Quantity no change Proposed well depth (feet) existing

This point is: Additional Well Geo Center List other water rights that will use this point 8589, (pending new applications)

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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

ONEOK HYDROCARBON, LP
777 AVENUE Y
BUSHTON, KS 67427

August 13, 2018

RE: File No 11294

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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...

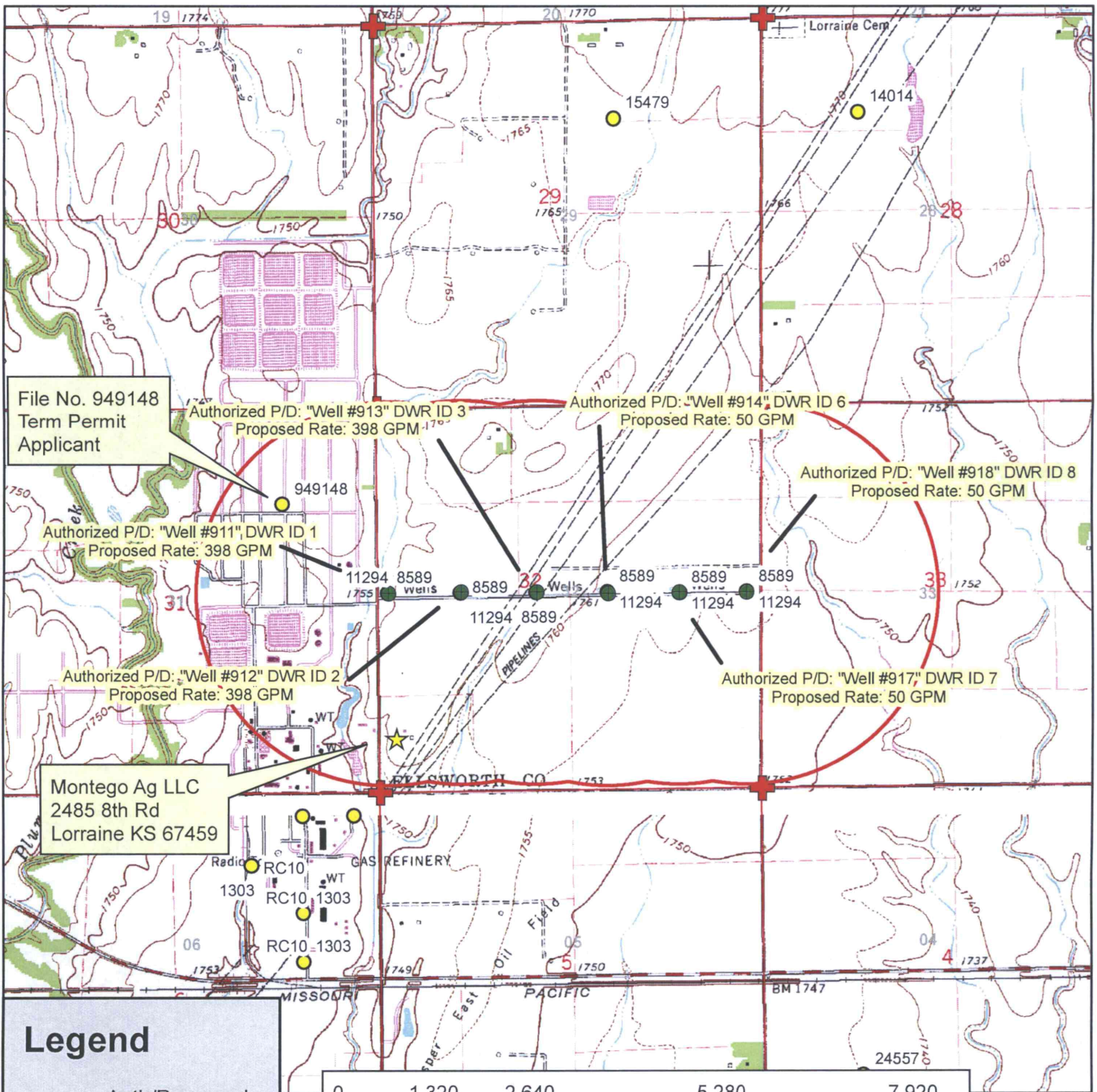
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD



File No. 949148
Term Permit
Applicant

Authorized P/D: "Well #911" DWR ID 1
Proposed Rate: 398 GPM

Authorized P/D: "Well #913" DWR ID 3
Proposed Rate: 398 GPM

Authorized P/D: "Well #914" DWR ID 6
Proposed Rate: 50 GPM

Authorized P/D: "Well #918" DWR ID 8
Proposed Rate: 50 GPM

Authorized P/D: "Well #912" DWR ID 2
Proposed Rate: 398 GPM

Authorized P/D: "Well #917" DWR ID 7
Proposed Rate: 50 GPM

Montego Ag LLC
2485 8th Rd
Lorraine KS 67459

Legend

- Auth/Proposed P/D
- Water Appropriations
- + Section Corner
- Section Line
- ★ Domestic Well
- 1/2 Mile Buffer



Water Right, File No. 11,294

Change in Point of Diversion, Application Map

Moving Rate Only

32-17S-9W // Ellsworth County

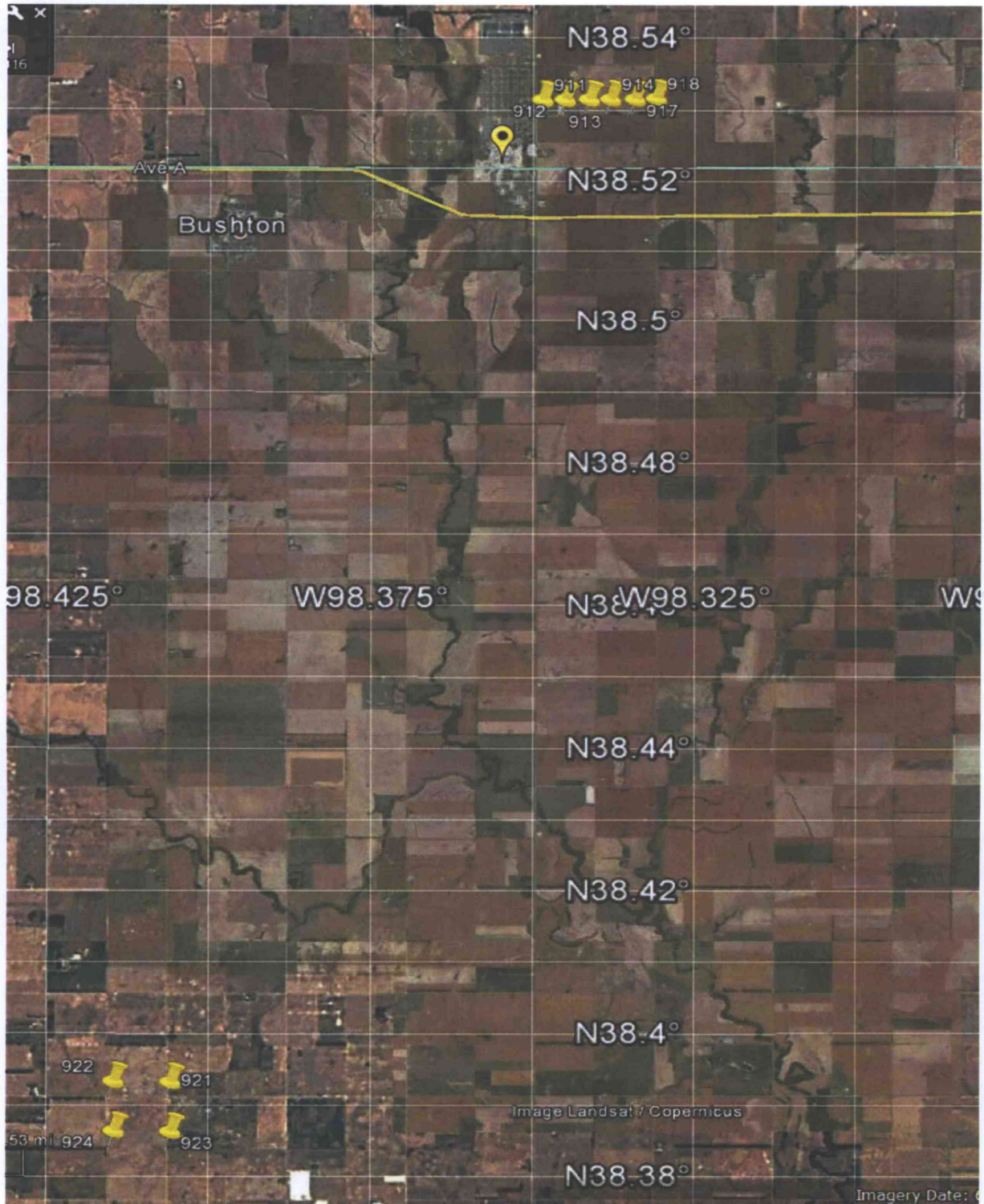
To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

AUG 09 2018

Signature



ONEOK Hydrocarbon, Bushton Fractionation and Storage – Location of Use 38.522716°, -98.354952°



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