

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

1. File Number: <b>29000</b>	2. Status Change Date: <b>4/3/2023</b>	3. Change Num: <b>C5</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>5/4/2022</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>MID-CONTINENT FRAC &amp; STORAGE LLC RANDY HEINRICHS 839 KIOWA RD MCPHERSON KS 67460</b>		8c. Landowner(s) New to system <input type="checkbox"/>    		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>MID-CONTINENT FRAC &amp; STORAGE LLC ONE WILLIAMS CENTER WRCZ-C TULSA OK 74172</b>		8e. WUC New to system <input type="checkbox"/>  <b>MID-CONTINENT FRAC &amp; STORAGE LLC 839 KIOWA RD MCPHERSON KS 67460</b>  <b>No change</b>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2023</b> <input type="checkbox"/> N & P Date to Comply: _____ <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>3/29/2023</b> By: <b>LI</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>4/5/2023</b></span> By: <span style="border: 1px solid blue; padding: 2px;"><b>LMoody</b></span>				

File No. **29000**      11. County: **MP**      Basin: **LITTLE ARKANSAS RIVER**      Stream:      Formation Code      Special Use: 018

12. Points of Diversion										Rate and Quantity Authorized		Additional				
MOD	DEL	PDIV	ENT	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( cfs) when combined with file number(s) **NO CHANGE NONE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK 61073	19	19	4W	1		UNDERGROUND STORAGE (SW4)																8B	NO	5388; 8431; 28152; 30116	
CHK 31071	29	19	4W	1		UNDERGROUND STORAGE (NW4) and (S2)																8B	NO	5388; 8431; 28152; 30116	
CHK 61075	32	19	4W	1		UNDERGROUND STORAGE (E2 E2 NE4)																8B	NO	5388; 8431; 28152; 30116	
CHL 61070	14	19	5W	1		UNDERGROUND STORAGE (SE4)																8B	NO	5388; 8431; 28152; 30116	
CHK 27861	23	19	5W	1		UNDERGROUND STORAGE (N2 and SE4)																8B	NO	5388; 8431; 28152; 30116	
CHK 40103	24	19	5W	2		UNDERGROUND STORAGE (SW4)																8B	NO	5388; 8431; 28152; 30116	
CHK 61071	25	19	5W	1		UNDERGROUND STORAGE (NW4) & (W2 NE4)																8B	NO	5388; 8431; 28152; 30116	
CHK 60624	26	19	7W	2		UNDERGROUND STORAGE (W2)																8B	NO	5388; 8431; 28152; 30116	
CHK 19579	27	19	7W	1		UNDERGROUND STORAGE (NE4); (N2SE4) and (SE4SE4)																8B	NO	5388; 8431; 28152; 30116	
ENT 13987	28	19	4W	1		RESCUE SITE FP - 20 AC (SW SW) & 10 AC (SE SW)																8B	NO	5388; 8431; 28152; 30116	
ENT	32	19	4W			UNDERGROUND STORAGE (NW4) and (N2 SW4)																8B	NO	5388; 8431; 28152; 30116	

Comments: SIC: 4922 - NATURAL GAS TRANSMISSION

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 29, 2023

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 5,388; 8,431; 28,152; 29,000 &  
30,116

Randy Heinrichs with the Conway Station on behalf of Mid-Continent Frac and Storage, LLC, has filed applications to change the place of use authorized for industrial use under the above referenced files. The applications were received on May 4, 2022, there was a delay due to a clarification needed for the reduction in points of diversion under File No. 5,338. It appears the larger fire suppression well is no longer utilized and has been plugged.

The referenced water rights appear to be not to be abandoned as per KSA 82a-718 and in compliance with KSA 82a-732. The files are mostly located within the McPherson IGUCA, McPherson County and Groundwater Management District No. 2, except for File No. 29,000, located in Rice County and Groundwater Management District No. 5.

These industrial water rights are used to develop and operate underground gas storage caverns. The applications are proposing to add additional land (underground caverns) to the place of use. The addition of new acres for solution mining has historically been completed every several years with the portions already mined held for storage. The proposed new acres have not been previously authorized under any rights. The cavern area to be added to the place of use is in the (NW<sup>1</sup>/<sub>4</sub>) and the (N<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>) of Section 32, Township 19 South, Range 4W McPherson County. Review of ownership records found Mid-Continent Frac and Storage, LLC, is the owner of the new acres. It appears the applications are in compliance with K.A.R. 5- 5-2a, *Complete change application*.

The notifications per K.S.A.82a-1906 were completed on November 7, 2022. No comments of any kind were received.

The last updated place of use was in 2012. This change will add a portion of the West Half of Section 32, but will add the rescuer site all of the referenced files to authorize:

development and operation of underground storage caverns in the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 14 and in the North Half (N<sup>1</sup>/<sub>2</sub>) and the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 23, and in the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 24 and in the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) and the West Half of the Northeast Quarter (W<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub>) of Section 25, all in Township 19 South, Range 5 West, McPherson County, Kansas, and

the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 19, and 20 acres in the Southwest Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) and 10 acres in the Southeast Quarter of the Southwest Quarter of (SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) in Section 28, and the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of and the South Half (S<sup>1</sup>/<sub>2</sub>) Section 29 and the East Half of the East Half of the Northeast Quarter (E<sup>1</sup>/<sub>2</sub> E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub>) and the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) and the North Half of Southwest Quarter (N<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>) of Section 32, all in Township 19 South, Range 4 West, McPherson County, Kansas, and

the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section 26, and the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>) and the North Half of the Southeast Quarter (N<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub>) of Section 27, all in Township 19 South, Range 7 West, Rice County, Kansas.

The combined total authorized quantity of the referenced files is 77.836 million gallons (2,387 acre-feet) of water. A portion is proposed to be used to develop 240 acres of new storage with the remaining for maintenance of the existing caverns for gas storage. The proposed changes comply with K.A.R. 5-5-3, *Change in consumptive use*, and K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and a change in the use made of water*, because the water pumped for the current and proposed industrial use is disposed of by deep well injection therefore, it is considered to be fully consumed. Once the development of a cavern area is completed water is only used to control the storage of gas.

The application for File No. 5,888 lists only one (1) of the two(2) authorized points of diversion. A review of the water use reports found it listed as plugged. The applicant was contacted by email to confirm the points of diversion will be reduced as only one well was listed. The approval will update the wells to one (1) well located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, approximately 5,140' North & 2,712' West, in Township 19, Range 34 West, McPherson County.

In a letter dated December 22, 2022, Tim Boese, Manager of the Equus Bend Groundwater management District No. 2, recommended approval of the applications along with a letter requiring the instillation of meters meeting the requirements of their District.

As a portion of the place of use will continue to authorize an overlap with File No. 29,000 that is located in the Big Bend Groundwater Management District No. 5, Orrin Feril was sent the applications. He indicated that he had no objections to the change per his letter dated December 8, 2022.

Meters will be required on the diversion works as a condition of the change approvals.

Jeff Lanterman, Water Commissioner, Stafford Field Office was informed of the referenced applications for change. His email dated March 29, 2023, he stated no objections to the changes.

Based on the above discussion, that the change in place of use is reasonable, impairment of existing water rights is unlikely, that no change in the local source of supply will occur, and that there will be no increase in the consumptive use, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Wednesday, March 29, 2023 8:39 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Change Review Mid -Continent Frac/Storage CONWAY STATION File Nos. 5,388; 8,431; 28,152; 29,000 & 30,116

Leslie;

I looked through these applications in docuware. I agree with the changes along with the reduction of the fire protection well.

Approve them.

Thanks for your work on these.

Might be doing some dual use changes to irrigation rights to create caverns in Kiowa county soon in my FO. The caverns will be used for compressed air or hydrogen. Exciting project! Chad Milligan with Strata is working on those as well.

Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Tuesday, March 28, 2023 10:09 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** Change Review Mid -Continent Frac/Storage CONWAY STATION File Nos. 5,388; 8,431; 28,152; 29,000 & 30,116

Jeff,

Finally got the acknowledgement of the PD reduction with the change for File No. 5388 to remove the fire protection well and make the rescue site part of all of he WR. .. then the real biz to expand into the W/2 of Sec 32..

Please let me know if you recommend approval of the changes & PD reduction.

Thank you,

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



## Ireland, Leslie [KDA]

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**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, December 29, 2022 11:36 AM  
**To:** Lanterman, Jeff [KDA]; Conant, Cameron [KDA]  
**Subject:** Review and Recommendation PU Changes, File Nos. 5388, 8,431; 28,152; 29,000 & 30,116  
**Attachments:** 5388\_8431xxx\_PU\_ind frac\_gas storedevlp\_2\_2\_2\_5.docx

The operation is expanding, but would appear to be like previous expansions... with the exception of the change application for File No. 5,888 lists only one (1) of the two(2) authorized points of diversion. A review of the water use reports found it listed as plugged. The applicant was contacted by email to confirm the points of diversion will be reduced as only one well was listed. He did not indicate the reduction was in error, so the order will reduce the wells to one (1) well.

Please let me know if you would recommend the changes and PD reduction to File No. 5388.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 29,000**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Randy Heinrichs on behalf of Mid-Continent Fractionation & Storage LLC, 839 Kiowa Road, McPherson, Kansas 674602, received in this office on May 4, 2022, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer issued March 23, 2011 and September 20, 2012, approving the applications to change the place of use, the Order of the Chief Engineer issued February 7, 2012, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 19,  
20 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 10 acres  
in the Southeast Quarter of the Southwest Quarter of (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) in Section 28,  
the Northwest Quarter (NW $\frac{1}{4}$ ) of and the South Half (S $\frac{1}{2}$ ) Section 29,  
the East Half of the East Half of the Northeast Quarter (E $\frac{1}{2}$  E $\frac{1}{2}$  NE $\frac{1}{4}$ ), the Northwest  
Quarter (NW $\frac{1}{4}$ ) and the North Half of Southwest Quarter (N $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 32,

all in Township 19 South, Range 4 West, McPherson County, Kansas,

the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 14,  
the North Half (N $\frac{1}{2}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 23,  
the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 24,  
the Northwest Quarter (NW $\frac{1}{4}$ ) and the West Half of the Northeast Quarter (W $\frac{1}{2}$  NE $\frac{1}{4}$ ) of  
Section 25,

all in Township 19 South, Range 5 West, McPherson County, Kansas,

the West Half (W $\frac{1}{2}$ ) of Section 26,  
the Northeast Quarter (NE $\frac{1}{4}$ ), the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ) and the  
Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 27,

all in Township 19 South, Range 7 West, Rice County, Kansas,

located substantially as shown on the maps accompanying the application to change the place of use.

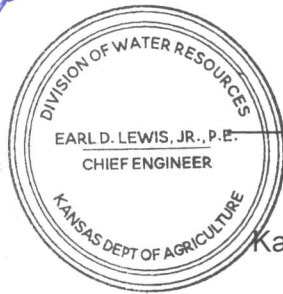


All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 29,000, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 5, 1988, as modified and amended by the aforementioned orders.

Ordered this 3<sup>rd</sup> day of April, 2023, in Manhattan, Riley County, Kansas.

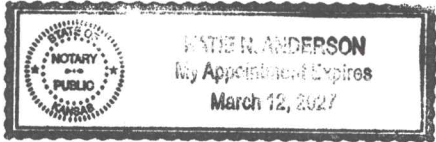


Earl D. Lewis Jr.  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of April, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Kate Anderson  
Notary Public





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

April 7, 2023

MID-CONTINENT FRACTIONATION & STORAGE LLC  
RANDY HEINRICHS  
839 KIOWA ROAD  
MCPHERSON, KS 67460

RE: Water Right, File Nos. 5,388; 8,431; 28,152; 29,000 & 30,116

Dear Mr. Heinrichs:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. All diversions of water require a water flowmeter meeting 5-1-4 through 5-1-12 be installed on the diversion works authorized. Records in this office indicate that meters are installed for the referenced files, however if the meter has been updated or changed, please contact your area field office.

Since these orders modify the original water right documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

If you have any questions, regarding the enclosed approval documents please contact us at 785-564-6640. Should you have questions regarding the meter requirement or additional requirements please contact our staff at the Stafford Field Office at 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:

Enclosures

pc: Stafford Field Office  
Groundwater Management District No. 2 , File Nos. 5,388; 8,431; 28,152 & 30,116  
Groundwater Management District No. 5 , File No. 29,000

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

## CERTIFICATE OF SERVICE

On this 7 day of April, 2023, I hereby certify that the foregoing Approval of Applications for Change under File Nos. 5,388; 28,152; 29,000 & 30,116, dated April 3, 2023 were mailed postage prepaid, first class, US mail to the following:

MID-CONTINENT FRACTIONATION & STORAGE LLC  
RANDY HEINRICHS  
839 KIOWA ROAD  
MCPHERSON, KS 67460

With photocopies to:

Stafford Field Office  
Groundwater Management District No. 2, File Nos. 5,388; 8,431; 28,152 & 30,116  
Groundwater Management District No. 5, File No. 29,000



Division of Water Resources