

File No. **50,677** 15. Formation Code: Drainage Basin: **Medicine Lodge River** County: **KW** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK	37939	NE NE NE			3	29S	16W	1	4,898	294	99	0.02	99	0.02	33829

18. Storage: Rate --- NF Quantity --- ac/ft Additional Rate --- NF Additional Quantity --- ac/ft

19. Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s)
 Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s)

20. Meter Required? Yes No To be installed by **12/31/2023** Date Acceptable Meter Installed

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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	21814	3	29S	16W	1	PIPELINE STATION E2 NE NE											7a	NO	33829										

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 13, 2023

FROM: Jessica Engelbrecht

RE: Application, File No. 50,677

Mid America Pipeline LLC (Owned by Enterprise Products Operating LLC) has filed the referenced application to appropriate 20,000 gallons (0.06 acre-feet) of groundwater per calendar year at a rate of 99 gallons per minute for industrial use from an existing well authorized under File No. 33,829. The point of diversion is one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, more particularly described as being near a point 4,898- and 294-feet West of the Southeast corner of said section, in Township 29 South, Range 16 West, Kiowa County, Kansas within the Medicine Lodge River Basin. The place of use and point of diversion are both owned by the applicant. The application is a complete overlap of File No. 33,829.

The place of use is a processing plant located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, more particularly described as being near a point 4,898 feet North and 294 feet West of the Southeast corner of said section, in Township 29 South, Range 16 West, Kiowa County, Kansas.

Per the requirements in K.A.R. 5-4-4, minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells with the same source of supply. The applicant did not identify any nearby well owners within a half-mile of the proposed point of diversion. The nearest non-domestic well (File No. 32,331) is approximately 4,362 feet away. The nearest possible domestic well is approximately 800 feet away. The proposed well meets safe spacing per K.A.R. 5-4-4.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 1.5 inches, and 50% of recharge available for appropriation, safe yield was determined to be 502.65 acre-feet. Existing water rights have appropriated 388.02 acre-feet, providing a difference of 114.64 acre-feet. The application meets safe yield.

Jeff Lanterman, Water commissioner for the Stafford Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on May 9, 2023.

Based on the above discussion, the area is open to new appropriations, and the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, May 9, 2023 9:32 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: Memo File No. 50,677

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica.

I recommend approval of this application.

Thanks
Jeff

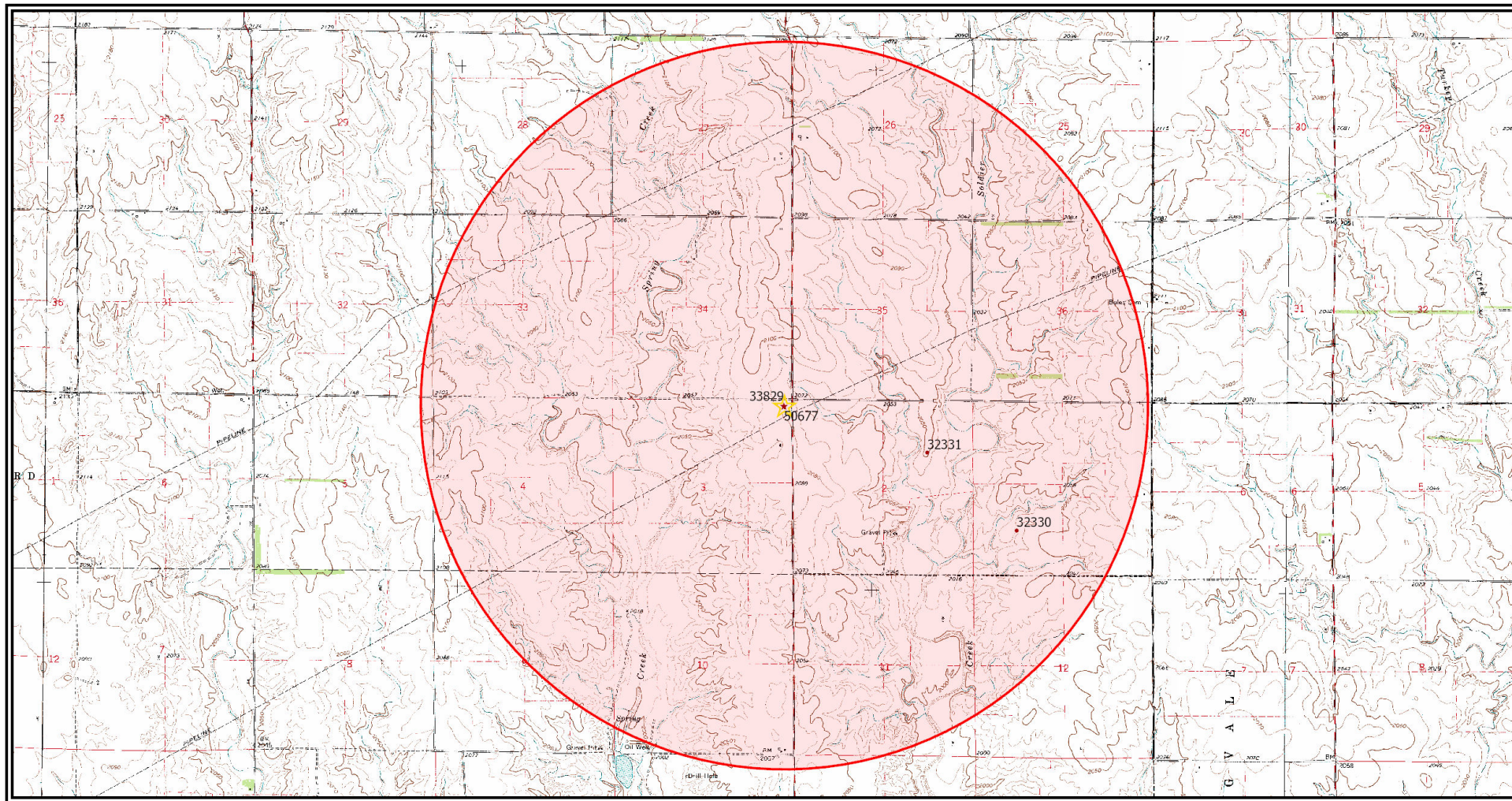
From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, November 1, 2022 10:58 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Memo File No. 50,677
Importance: High

Jeff,
Attached is the memo for 50,677. Outside of any GMDs and no nearby wells.
Industrial Use asking for additional quantity and rate.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
www.agriculture.ks.gov



Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 03-29S-16W
Footages from SE corner- 4,898 feet North 294 feet West



***MEETS SAFE YIELD**

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 502.65 AF.

Total prior appropriations in the circle is 388.08 AF – 0.06 AF = 388.02 AF

Total quantity of water available for appropriation is 114.58 AF + 0.06 = 114.64 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 1.5 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 13-MAR-2023 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 3 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 32330 00	IRR	NK	G			NC	SW	1377	4005	01	29	16W	2	WR	193.00	193.00	160.00	160.00
A 32331 00	IRR	NK	G			NC	NE	3705	1360	02	29	16W	2	WR	195.00	195.00	160.00	160.00
A 33829 00	IND	NK	G		NE	NE	NE	4898	294	03	29	16W	1	WR	0.02	0.02		
A 50677 00	IND	AY	G		NE	NE	NE	4898	294	03	29	16W	1	WR	0.06	0.06		

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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,677** of the applicant

**MID AMERICA PIPELINE CO
1426 FIFTH AVE
MCPHERSON KS 67460**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **November 8, 2021**.
2. That the water sought to be appropriated shall be used for industrial use at a pipeline station located in the East Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, Township 29 South, Range 16 West, in Kiowa County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,898 feet North and 294 feet West of the Southeast corner of said section, in Township 29 South, Range 16 West, Kiowa County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute** and to a quantity not to exceed **20,000 gallons (0.06 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

