



File No. **49,746**      15. Formation Code: **100**      Drainage Basin: **Ninnescah River**      County: **SG**      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 mgy	Rate gpm	Quantity mgy	Overlap PD Files
✓			9016	SWSWNE	33	28S	1W	3	2648	2505	240	83.756	45	0	34384 & 38491

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

19. Limitation: 83.756 mg (251.1 af/yr) at 240 gpm ( \_\_\_\_\_ cfs) when combined with file number(s) 34384 + 38491  
 Limitation: 121.1 mg (371.64 af/yr) at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) 34384, 38491, + 39797

20. Meter Required?  Yes     No      To be installed by 12/31/2019      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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								
✓			27443	33	28S	1W	2	Chemical Industrial Plant in SE¼-NE¼ (NE SE NE)																	7b		34384, 38491, 39797

Comments: **Application is for additional rate only**

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

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

**TO:** Files

**DATE:** July 5, 2018

**FROM:** Matt Meier

**RE:** Application File Nos. 49,746

Air Products Manufacturing has filed the above referenced application proposing to appropriate 83.766 million gallons (257.1 acre-feet), zero (0) of which will be additional quantity, of groundwater for industrial use at a proposed rate of 240 gallons per minute (45 gallon per minute additional). The proposed point of diversion is an existing well, covered by Files No. 34384 & 38491, located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW1/4 SW1/4 NE1/4) of section 33, more particularly described as being near a point 2,648 feet North and 2,505 feet West of the Southeast corner of said section, Township 28 South, Range 1 West, Sedgwick County, within the Ninnescah River drainage basin. The proposed place of use is a plant located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE ¼ SE¼ NE¼) of Section 33, Township 28 South, Range 1 West, Sedgwick County. The entire proposed place of use is owned by Evonik Corporation. Files No. 34384 & 38491 overlap the proposed point of diversion and Files No. 34384, 38491, and 39797 overlap the place of use. The application is requesting additional rate only.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, Division of Water Resources (DWR) suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

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 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.34 acre-feet. Existing water rights have appropriated 2,580.78 acre-feet, providing a difference of 131.56 acre-feet available for appropriation, and the application requesting 0 additional acre-feet complies with safe yield.

The drillers log obtained from the KGS website shows top soil from 0 to 2 feet, brown clay from 2 to 10 feet, sandy red clay from 10 to 20 feet, med. Sand and gravel from 20 to 30 feet, tan clay from 30 to 40 feet, fine sand from 40 to 45 feet, fine sand with clay streaks from 45 to 65 feet, gray and black clay from 65 to 110 feet, and Med. Sand and gravel from 110 to 131 feet below ground. The static water level was at 50 feet which provides a saturated thickness of approximately 81 feet.

The applicant identified zero domestic wells located within one-half mile of the proposed well and a WRIS search showed 3 non-domestic wells (2 of which form a PD overlap with the new application). Nearby well notification letters were sent out on March 27, 2017. Two phone calls were received from Mike Gannaway, representative for Oxy Chemical. The 1<sup>st</sup> call to request additional time to determine if the new application would have any impact on their remediation work in the area, the 2<sup>nd</sup> call to say they didn't have any objections and a rate only increase shouldn't impact their remediation work. Based on WRIS, the nearest water right (File No. 8936) is located 2500 feet away. The nearest domestic well is further than ½ mile away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on July 5, 2018.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on June 22, 2018. Based on the above discussion, well spacing and safe yield criteria are met, and 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.

Matthew J. Meier  
Environmental Scientist  
Permits Unit

# 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

July 30, 2011 **FILE COPY**

AIR PRODUCTS MANUFACTURING CORP  
ROSS M HUFFORD III  
PO BOX 12291  
WICHITA KS 67277-2291

RE: Application, File No. 49,746

Dear Water User:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this 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".

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, 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. **49,746** of the applicant

**AIR PRODUCTS MANUFACTURING CORP  
ROSS M HUFFORD III  
PO BOX 12291  
WICHITA KS 67277-2291**

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 **December 21, 2016**.
2. That the water sought to be appropriated shall be used for industrial use at a plant located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 33, Township 28 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a one (1) well, which is to located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 2,648 feet North and 2,505 feet West of the Southeast corner of said section, in Township 28 South, Range 1 West, Sedgwick County, 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 **240 gallons per minute (0.535 c.f.s.)** and to a quantity not to exceed **83.756 million gallons (257.1 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, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2023** 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, which is currently \$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 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 ending 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 failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. 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.

17. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File Nos. 34,384 and 38,491, will provide a total not to exceed **83.756 million gallons (257.1 acre-feet)** of water per calendar year to be diverted at a maximum rate not in excess of **240 gallons per minute (0.535 c.f.s.)** from the authorized point of diversion.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 34,384, 38,491 and 39,797, will provide a total not to exceed **121.1 million gallons (371.64 acre-feet)** of water per calendar year for industrial use on the land described herein.

**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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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.

Ordered this 26<sup>th</sup> day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public



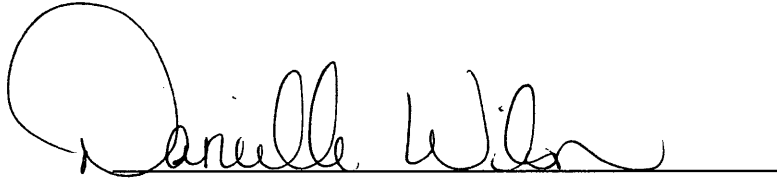
**CERTIFICATE OF SERVICE**

On this <sup>30<sup>th</sup></sup> day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,746, dated July 26, 2018 was mailed postage prepaid, first class, US mail to the following:

AIR PRODUCTS MANUFACTURING CORP  
ROSS M HUFFORD III  
PO BOX 12291  
WICHITA KS 67277-2291

With photocopies to:

Stafford Field Office



Division of Water Resources

WATER RESOURCES RECEIVED

DEC 21 2016

2:01  
KS DEPT OF AGRICULTURE

APPLICATION COMPLETE  
7/5/16  
Reviewer MJM

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49740  
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

UNACCEPTABLE FOR PRIORITY  
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DEC 09 2016  
12:31 PM  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Air Products Manufacturing Corporation  
Address: 6601 S. Ridge Road  
City: Haysville State KS Zip Code 67060  
Telephone Number: (316) 522-8181

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Ninnescah River Basin (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 257.1 <sup>(0 additional)</sup> acre-feet OR 83.756 MM <sup>MSR/SFPO, raise increase only</sup> gallons per calendar year, to be diverted at a maximum rate of 240 ~~\*\*\*~~ <sup>(45 add)</sup> gallons per minute OR 0.535 cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. GMD Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County 56 By MJM Date 12/21/16  
Code RE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 12/21/16 Check # 430

SCANNED

12/27/2016 UM KAB/DWR

\* limited to 83.756mg when combined with 34384 + 38491  
\* limited to 240 gpm when combined with 34384 + 38491

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 SW quarter of the SW quarter of the NE quarter of Section 33, more particularly described as being near a point 2,648 feet North and 2,505 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East/West (circle one), Sedgwick County, Kansas.
- (B) 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.
- (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.
- (D) 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):  
same

\_\_\_\_\_ (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 12/19, 2016. TR-um lb  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner.  
Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) March 21 1980  
(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 04/28/1982  
(Mo/Day/Year)

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY  
DEC 09 2016

DEC 21 2016

KS DEPT OF AGRICULTURE SCANNED

KS DEPT OF AGRICULTURE

- 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. Not Applicable

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

- 11. The application must 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 1/2 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 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 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.
- (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 38,491 is a modification, dated 11/6/2000, to file 34,384 ← same PD + PU

File 39,797, dated 06/28/2002 for Section 28 ← same PU

WATER RESOURCES RECEIVED

DEC 21 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

DEC 09 2016 UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	03/21/1980	_____	_____	_____
Total depth of well	132 ft	_____	_____	_____
Depth to water bearing formation	50 ft	_____	_____	_____
Depth to static water level	50 ft	_____	_____	_____
Depth to bottom of pump intake pipe	131 ft	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Not Applicable  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at 12/7/16, Kansas, this 7<sup>th</sup> day of Dec, 2016.  
Wichita (month) (year)

R. M. Ellis III  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

WATER RESOURCES RECEIVED

DEC 21 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 34,384 & 38,491

Name of Applicant (Please Print): Air Products Manufacturing Corporation

1. Please describe type of industry or product produced: Manufacturing amine products  
 Standard Industrial Classification Code Number: 2869

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	43,800,000	76,400,000	0.00478
Last year	52,600,000	94,200,000	0.0049
Present year	58,900,000	92,000,000	0.00428

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	55,000,000	93,500,000	0.00465
Year 2	43,800,000	74,500,000	0.00465
Year 3	51,600,000	87,800,000	0.00465
Year 4	55,300,000	94,100,000	0.00465
Year 5	58,100,000	98,800,000	0.00465

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	28	01W	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	17

You may attach any additional information you believe will assist in informing the Division of the need for your request.

DWR 1-100.22 (7-7-00)

WATER RESOURCES  
RECEIVED

DEC 21 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

UNACCEPTABLE FOR PRIORITY  
DEC 09 2016

KS DEPT OF AGRICULTURE

SCANNED

Draft

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 26, 2018

FROM: Matt Meier

RE: Application File Nos. 49,746

Air Products Manufacturing has filed the above referenced application proposing to appropriate 83.766 million gallons (257.1 acre-feet), zero (0) of which will be additional quantity, of groundwater for industrial use at a proposed rate of 240 gallons per minute (45 gallon per minute additional). The proposed point of diversion is an existing well, covered by Files No. 34384 & 38491, located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW1/4 SW1/4 NE1/4) of section 33, more particularly described as being near a point 2,648 feet North and 2,505 feet West of the Southeast corner of said section, Township 28 South, Range 1 West, Sedgwick County, within the Ninnescah River drainage basin. The proposed place of use is a plant located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE ¼ SE¼ NE¼) of Section 33, Township 28 South, Range 1 West, Sedgwick County. The entire proposed place of use is owned by Evonik Corporation. Files No. 34384 & 38491 overlap the proposed point of diversion and Files No. 34384, 38491, and 39797 overlap the place of use. The application is requesting additional rate only.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, Division of Water Resources (DWR) suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

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 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.34 acre-feet. Existing water rights have appropriated 2,580.78 acre-feet, providing a difference of 131.56 acre-feet available for appropriation, and the application requesting 0 additional acre-feet complies with safe yield.

The drillers log obtained from the KGS website shows top soil from 0 to 2 feet, brown clay from 2 to 10 feet, sandy red clay from 10 to 20 feet, med. Sand and gravel from 20 to 30 feet, tan clay from 30 to 40 feet, fine sand from 40 to 45 feet, fine sand with clay streaks from 45 to 65 feet, gray and black clay from 65 to 110 feet, and Med. Sand and gravel from 110 to 131 feet below ground. The static water level was at 50 feet which provides a saturated thickness of approximately 81 feet.

The applicant identified zero domestic wells located within one-half mile of the proposed well and a WRIS search showed 3 non-domestic wells (2 of which form a PD overlap with the new application). Nearby well notification letters were sent out on March 27, 2017. Two phone calls were received from Mike Gannaway, representative for Oxy Chemical. The 1<sup>st</sup> call to request additional time to determine if the new application would have any impact on their remediation work in the area, the 2<sup>nd</sup> call to say they didn't have any objections and a rate only increase shouldn't impact their remediation work. Based on WRIS, the nearest water right (File No. 8936) is located 2500 feet away. The nearest domestic well is further than ½ mile away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Based on the above discussion, well spacing and safe yield criteria are met, and 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.

6/22/16

Consent w/ Recommendation

Approve it

Jeff Kenton V.C.

Matthew J. Meier  
Environmental Scientist  
Permits Unit



Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2648 ft N and 2505 ft W of the SE Corner of Section 33, T 28S, R 1W

Located at: 97.433616 West Longitude and 37.571038 North Latitude

# 49746

Meets spacing

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 822	00	IND	NK	G	10445	--	SE	SW	SE	350	1550	22	28	1W	3	104.01	104.01	AF
A__ 8936	00	IND	NK	G	5914	--	NW	NW	SW	2550	5100	27	28	1W	2	104.96	104.96	AF
Same					5260	--	SW	SE	SW	100	3350	27	28	1W	4	101.58	101.58	AF
Same					5752	--	SE	SE	SW	150	2800	27	28	1W	5	103.12	103.12	AF
Same					4637	--	SE	SW	SW	50	4080	27	28	1W	7	80.71	80.71	AF
Same					4035	--	SW	SW	SW	25	4850	27	28	1W	8	101.58	101.58	AF
Same					4112	--	SW	SW	SW	375	5100	27	28	1W	9	120.91	120.91	AF
Same					2500	--	NW	NW	NE	5148	2522	33	28	1W	6	331.44	331.44	AF
A__ 34384	00	IND	NK	G	0	--	SW	SW	NE	2648	2505	33	28	1W	3	80.71	80.71	AF
A__ 35172	00	IRR	NK	G	8291	--	NW	NW	NW	5240	4860	28	28	1W	7	132.00	132.00	AF
A__ 36719	00	IRR	NK	G	3798	--	--	NC	NE	4780	510	4	29	1W	1	203.00	203.00	AF
A__ 37765	00	IRR	NK	G	10263	--	NW	SE	NW	3919	3648	2	29	1W	11	120.00	120.00	AF
A__ 37939	00	IRR	NK	G	5625	--	SE	SW	NW	2660	4070	28	28	1W	3	120.00	120.00	AF
A__ 38151	00	IRR	NK	G	7025	--	NC	W2	NW	3950	4620	28	28	1W	4	120.00	120.00	AF
A__ 38491	00	IND	NK	G	0	--	SW	SW	NE	2648	2505	33	28	1W	3	183.21	176.33	AF
A__ 39797	00	IND	LR	G	3672	--	SW	SW	SW	70	4808	28	28	1W	6	363.66	114.61	AF
A__ 41410	00	IRR	NK	G	8245	--	NE	NW	NE	5028	1885	9	29	1W	2	132.00	132.00	AF
A__ 41458	00	IRR	NK	G	6835	--	--	NC	SW	1268	3952	4	29	1W	2 G 4	197.00	197.00	AF
Same					6900	NC	E2	W2	SW	1269	4251	4	29	1W	3 B 4			
Same					6862	--	--	NC	SW	1269	4085	4	29	1W	4 B 4			
Same					6849	--	--	NC	SW	1248	3926	4	29	1W	5 B 4			
Same					6762	NC	W2	E2	SW	1288	3653	4	29	1W	6 B 4			
A__ 41472	00	IRR	NK	G	9431	--	--	NC	NW	3875	3838	9	29	1W	3	51.00	.00	AF
A__ 47513	00	IRR	KE	G	9963	--	SW	NE	NW	4100	3840	10	29	1W	3	60.03	60.03	AF
A__ 49689	00	IRR	GY	G	4874	--	SW	SE	NE	3300	1172	4	29	1W	7 G 4	198.80	198.80	AF
Same					4627	--	NE	SW	NE	3500	1372	4	29	1W	8 B 4			
Same					4747	--	NW	SE	NE	3500	972	4	29	1W	9 B 4			
Same					5014	--	SE	SW	NE	3100	1372	4	29	1W	10 B 4			
Same					5125	--	SW	SE	NE	3100	972	4	29	1W	11 B 4			
A__ 49746	00	IND	AY	G	0	--	SW	SW	NE	2648	2505	33	28	1W	3	257.04	257.04	AF
T__ 949088	00	CON	KE	G	4088	--	SW	SW	SW	403	5171	27	28	1W	1	241.98	241.98	AF
T__ 949112	00	CON	KE	G	3969	--	SW	SW	SW	50	4966	27	28	1W	11 G 2	257.97	257.97	AF
Same					3934	--	SW	SW	SW	50	5016	27	28	1W	13 B 2			
Same					4005	--	SW	SW	SW	50	4916	27	28	1W	14 B 2			
T__ 20039023	00	CON	GY	G	6314	--	NE	SE	SW	1084	2731	27	28	1W	16	242.00	242.00	AF
T__ 20109118	00	CON	GY	G	5555	--	SE	SE	SW	180	3029	27	28	1W	18	97.00	97.00	AF
T__ 20109127	00	CON	GY	G	6682	--	SW	NE	NE	4093	1316	34	28	1W	2	193.50	193.50	AF
T__ 20109128	00	CON	GY	G	6589	--	SW	SE	NE	2693	1234	34	28	1W	3	193.50	193.50	AF
T__ 20119841	00	CON	GY	G	4575	--	SE	SE	SW	52	4131	27	28	1W	19	161.00	161.00	AF
T__ 20129457	00	CON	GY	G	8211	--	SE	SE	SE	112	55	27	28	1W	15	242.00	242.00	AF
T__ 20139042	00	CON	GY	G	7475	--	SE	SE	NE	2692	347	34	28	1W	4	322.00	322.00	AF
T__ 20139043	00	CON	GY	G	9513	--	NW	NE	NW	4627	3809	35	28	1W	8	322.00	322.00	AF
T__ 20177122	MF	IRR	AY	G	9431	--	--	NC	NW	3875	3838	9	29	1W	3	255.00	.00	AF

=====  
 Total Net Quantities Authorized:    Direct                    Storage  
 Total Requested Amount (AF) =       257.04                    .00

Total Permitted Amount (AF) =	2531.78	.00
Total Inspected Amount (AF) =	114.61	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2329.35	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	5232.77	.00

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:  
 97.433616 West Longitude and 37.571038 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 822 00 IND NK G  
 > WESTAR ENERGY  
 > M GILL ENERGY CTR - TOPGO-LL- J MORRISON  
 > PO BOX 889  
 > TOPEKA KS 66601

>-----

A\_\_ 8936 00 IND NK G  
 > OCCIDENTAL CHEMICAL CORPORATION  
 > MIKE E GANNAWAY  
 > PO BOX 12283  
 > WICHITA KS 67277

>-----

A\_\_ 34384 00 IND NK G  
 > EVONIK CORPORATION  
 > ROSS M HUFFORD III  
 > PO BOX 12291  
 > WICHITA KS 67277

>-----

A\_\_ 35172 00 IRR NK G  
 > THOMAS G & FLORENCE A BERGKAMP  
 >  
 > 8231 W 55TH ST S  
 > CLEARWATER KS 67026

>-----

A\_\_ 36719 00 IRR NK G  
 > ROBERT D HAY REV TRUST  
 >  
 > 9171 S WEST ST  
 > HAYSVILLE KS 67060

>-----

A\_\_ 37765 00 IRR NK G  
 > ROBERT D HAY REV TRUST  
 >  
 > 9171 S WEST ST  
 > HAYSVILLE KS 67060

#49746

>-----  
A\_\_ 37939 00 IRR NK G  
> THOMAS G & FLORENCE A BERGKAMP  
>  
> 8231 W 55TH ST S  
> CLEARWATER KS 67026  
>-----  
A\_\_ 38151 00 IRR NK G  
> THOMAS G & FLORENCE A BERGKAMP  
>  
> 8231 W 55TH ST S  
> CLEARWATER KS 67026  
>-----  
A\_\_ 38491 00 IND NK G  
> EVONIK CORPORATION  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277  
>-----  
A\_\_ 39797 00 IND LR G  
> EVONIK CORPORATION  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277  
>-----  
A\_\_ 41410 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212  
>-----  
A\_\_ 41458 00 IRR NK G  
> JOHN E DUGAN FAMILY PARTNERSHIP LP  
>  
> 15810 W 47TH ST SOUTH  
> CLEARWATER KS 67026  
>-----  
A\_\_ 41472 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212  
>-----  
A\_\_ 47513 00 IRR KE G  
> ROBERT D HAY REV TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060  
>-----  
A\_\_ 49689 00 IRR GY G  
> ROBERT D HAY REV TRUST  
>

> 9171 S WEST ST  
> HAYSVILLE, KS 67060

-----  
A\_\_ 49746 00 IND AY G  
> EVONIK CORPORATION  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277

-----  
T\_\_ 949088 00 CON KE G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_ 949112 00 CON KE G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20039023 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20109118 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20109127 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20109128 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20119841 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

-----  
T\_\_20129457 00 CON GY G

#49746

> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20139042 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

-----

T\_\_20139043 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_20177122 MF IRR AY G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212

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#49746

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	GY	G		NW	SE	NE	3500	972	04	29	01W	9	WR				
Same	IRR	GY	G		SE	SW	NE	3100	1372	04	29	01W	10	WR				
Same	IRR	GY	G		SW	SE	NE	3100	972	04	29	01W	11	WR				
A 49746 00	IND	AY	G		SW	SW	NE	2648	2505	33	28	01W	3	WR	257.04	<del>257.04</del> 0		

### Limitations

File Number	Seq Num	Limitations
A 38491 00	1	83.756MGY @195GPM COM/W #34,384 <sup>sq ft</sup> <i>12 1/2 mi overlap</i>
A 39797 00	1	SEE JKT FOR LIMITATIONS
A 41472 00	1	132AF/YR COM/W #41410

*Total 371,64 AF*

# STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
STAFFORD FIELD OFFICE  
300 S. MAIN STREET  
STAFFORD, KS 67578-1521

PHONE: (620) 234-5311  
FAX: (620) 234-6900  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 27, 2018

OCCIDENTAL CHEMICAL CORPORATION  
MIKE E GANNAWAY  
PO BOX 12283  
WICHITA KS 67277

Re: Pending Application, File No. 49,746

Dear Sir or Madam:

This is to advise you that Air Products Manufacturing Corporation has filed the application referred to above for a permit to appropriate an additional rate of diversion of 45 gallons per minute from an existing well for industrial use. No additional water will be pumped beyond what is currently authorized from an existing water right. The proposed point of diversion for 49,746 is an existing well located as follows:

Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 33, Township 28 South, Range 1 West, Sedgwick County, Kansas.

A map is enclosed indicating the location of the existing well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

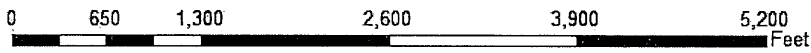
STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
STAFFORD FIELD OFFICE  
300 S. MAIN STREET  
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311  
FAX: (620) 234-6900  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE



**Legend**

- Section Corners
- Section Lines

MJM-DWR 3/27/18

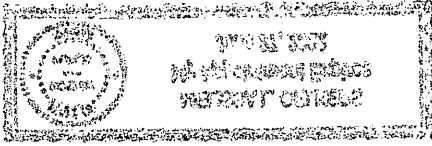
Proposed Water Appropriation, File No. 49,746  
33-28S-1W  
Sedgwick County







RECEIVED





1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

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

December 23, 2016

**FILE COPY**

AIR PRODUCTS MANUFACTURING CORPORATION  
6601 S RIDGE ROAD  
HAYSVILLE KS 67060

RE: Application  
File No. 49746

Dear Sir or Madam:

Your application for permit to appropriate water in 33-28S-1W in Sedgwick 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
GMD 0

SCANNED

WR NUMBER	PD	USE	OWNER
8936-00	27-28S-1W 5	IND	OCCIDENTAL CHEMICAL CORPORATION
8936-00	27-28S-1W 4	IND	OCCIDENTAL CHEMICAL CORPORATION
949089-00	27-28S-1W 3	CON	
8936-00	27-28S-1W 3	IND	
949087-00	27-28S-1W 6	CON	
8936-00	27-28S-1W 6	IND	
8936-00	27-28S-1W 7	IND	OCCIDENTAL CHEMICAL CORPORATION
8936-00	27-28S-1W 8	IND	OCCIDENTAL CHEMICAL CORPORATION
8936-00	27-28S-1W 9	IND	OCCIDENTAL CHEMICAL CORPORATION
949088-00	27-28S-1W 1	CON	OCCIDENTAL CHEMICAL CORPORATION
8936-00	27-28S-1W 1	IND	OCCIDENTAL CHEMICAL CORPORATION
8936-00	33-28S-1W 1	IND	
8936-00	33-28S-1W 6	IND	OCCIDENTAL CHEMICAL CORPORATION
8936-00	33-28S-1W 2	IND	
39797-00	33-28S-1W 5	IND	
34384-00	33-28S-1W 3	IND	AIR PRODUCTS MANUFACTURING CORPORATION
38491-00	33-28S-1W 3	IND	AIR PRODUCTS MANUFACTURING CORPORATION
38491-00	33-28S-1W 3	IRR	AIR PRODUCTS MANUFACTURING CORPORATION
36174-00	33-28S-1W 3	IND	AIR PRODUCTS MANUFACTURING CORPORATION
809001-00	33-28S-1W 4	CON	URS CORPORATION
34548-00	33-28S-1W 4	IND	URS CORPORATION
34548-00	33-28S-1W 4	CON	URS CORPORATION
809002-00	34-28S-1W 1	CON	URS CORPORATION
35393-00	34-28S-1W 1	IND	URS CORPORATION
35393-00	34-28S-1W 1	CON	URS CORPORATION

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Air Products Internal Use Only

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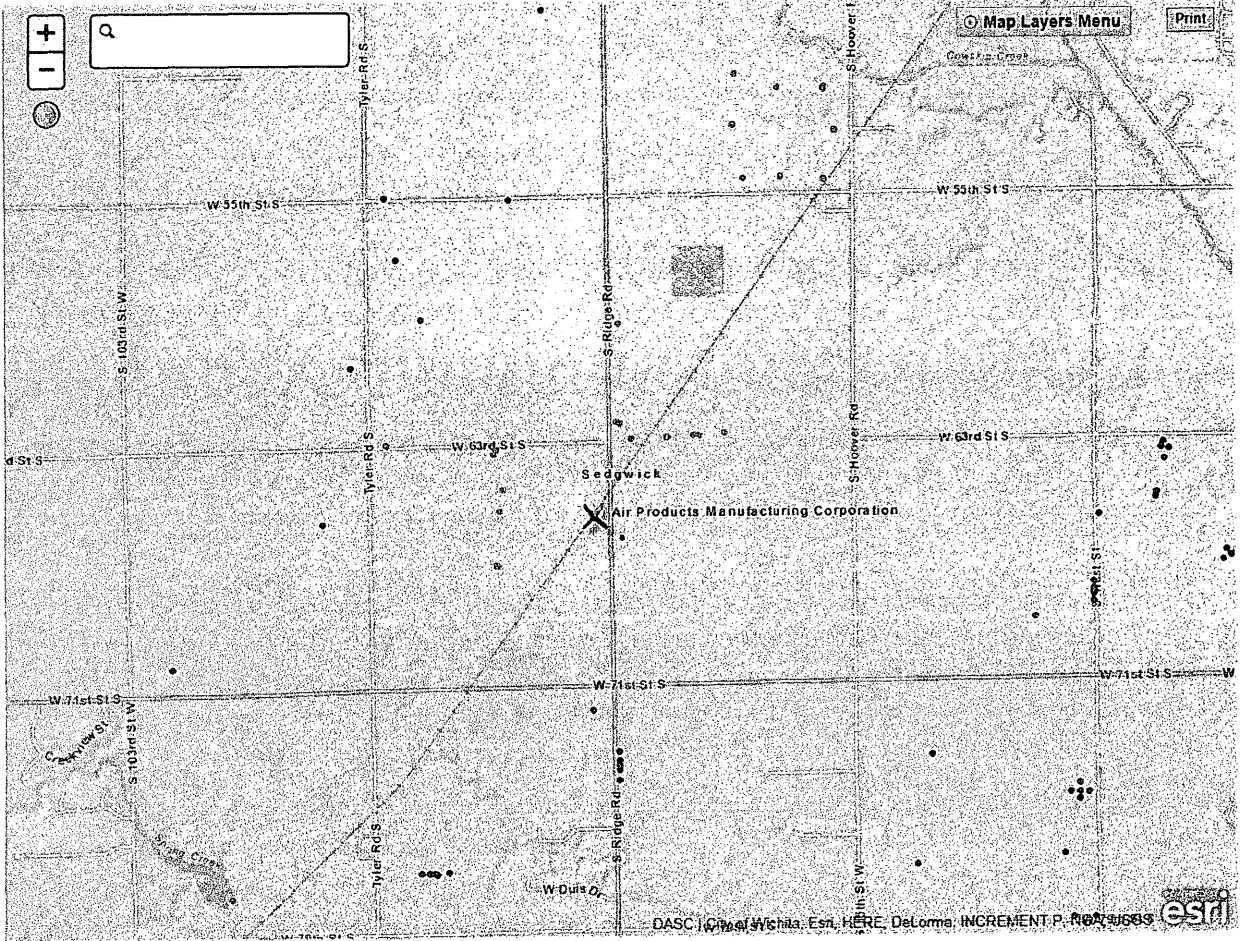
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**Legend**

- Domestic
- Industrial
- Irrigation
- Municipal
- Recreation
- Stock Watering
- Other

- Partial Tract
- Whole Tract



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USE TYPEWRITER OR BALL POINT PEN-PRESS FIRMLY, PRINT CLEARLY.

WATER WELL RECORD  
KSA 82a-1201-1215

Kansas Department of Health and Environment-Division of Environment  
(Water well Contractors)  
Topeka, Kansas 66620

1. Location of well:		County <b>Sedgwick</b>	Fraction <b>SW 1/4 SW 1/4 NE 1/4</b>	Section number <b>33</b>	Township number <b>T 28 S R 1 NW</b>	Range number <b>1 NW</b>
2. Distance and direction from nearest town or city: <b>3 Mi West of Haysville</b> Street address of well location if in city:				3. Owner of well: <b>Abbott Laboratories</b> R.R. or street: <b>6601 S. 71 West</b> City, state, zip code: <b>Wichita, Kansas 67215</b>		
4. Locate with "X" in section below:		Sketch map:		6. Bore hole dia. <u>18</u> in. Completion date <u>4/22/80</u> Well depth <u>131</u> ft.		
		Well No. 3		7. <input type="checkbox"/> Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input checked="" type="checkbox"/> Reverse rotary		
				8. Use: <input type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input checked="" type="checkbox"/> Industry <input type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other		
5. Type and color of material		From	To	9. Casing: Material <u>steel</u> Height: Above <u>12</u> in. Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface <u>12</u> in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight <u>24.7</u> lbs./ft. Dia. <u>8</u> in. <u>112</u> ft. depth Wall Thickness: inches or Dia. <u>   </u> in. to <u>   </u> ft. depth gage No. <u>.277</u>		
Top soil		0	2	10. Screen: Manufacturer's name <u>Mustang</u> Type <u>Wire Wrap</u> Dia. <u>8"</u> Slot/gauze <u>#70-#60</u> Length <u>20'</u> Set between <u>111</u> ft. and <u>131</u> ft. Gravel pack? <u>Yes</u> Size range of material <u>1/8 x 1/2</u>		
Brown clay		2	10	11. Static water level: <u>50' 2"</u> ft. below land surface Date <u>3/21/80</u> mo./day/yr.		
Sandy red clay		10	20	12. Pumping level below land surfaces: <u>57</u> ft. after <u>1</u> hrs. pumping <u>178</u> g.p.m. <u>   </u> ft. after <u>   </u> hrs. pumping <u>   </u> g.p.m. Estimated maximum yield <u>250</u> g.p.m.		
Med. sand & gravel		20	30	13. Water sample submitted: <u>   </u> mo./day/yr. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date <u>   </u>		
Tan clay		30	40	14. Well head completion: <input checked="" type="checkbox"/> Pitless adapter <u>   </u> inches above grade		
Fine sand		40	45	15. Well grouted? <u>yes</u> With: <input type="checkbox"/> Neat cement <input type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Concrete Depth: From <u>21</u> ft. to <u>3</u> ft.		
Fine sand w/clay streaks		45	65	16. Nearest source of possible contamination: ft. <u>2000</u> Direction <u>East</u> Type <u>Pond</u> Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Gray-black clay		65	110	17. Pump: <input type="checkbox"/> Not installed Manufacturer's name <u>Layne &amp; Bowler</u> Model number <u>6DRELMG 5</u> Volts <u>480</u> Length of drop pipe <u>105</u> ft. capacity <u>100</u> g.p.m. Type: <input checked="" type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
(Use a second sheet if needed)				20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. <b>Layne Western Co. 102</b> Business name <u>Wichita, Kansas</u> License No. <u>   </u> Address <u>   </u> Signed <u>[Signature]</u> Date <u>4/23/80</u> Authorized representative		
18. Elevation:	19. Remarks:		20. Water well contractor's certification:			
Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input checked="" type="checkbox"/> Upland <input type="checkbox"/> Valley						

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5



**Air Products Manufacturing Corporation**  
PO Box 12291  
Wichita, KS 67277-2291  
Ph: (316) 522-8181  
Fax: (316) 522-1938

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December 2, 2016

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Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502

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**KS DEPT OF AGRICULTURE**

Subject: Air Products Manufacturing Corporation  
File Numbers: 34,384 and 38491  
Request to Increase Pump Rate

To Whom It May Concern,

Attached are a 1) Application form, 2) the Industrial Use Supplemental sheet, 3) maps, and 4) a list of nearby wells, to request an increase in the pump rate for File Number 38491. The water appropriation well in question is used as a backup to the plant's main well (File Number 39,797). However, the well operating at the current pump rate cannot provide a sufficient quantity of water to the plant if and when the main well is down for repairs or maintenance. As a result, the plant or portions thereof, must shut down. The requested pump rate will enable the plant to continue operations when the main well is down.

If you have any questions regarding this request, please contact Brent Inkelaar, Environmental, Health & Safety Manager at (316) 529-9636.

Thank you.

Ross M. Hufford III  
Plant Manager

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## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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# Analysis Results

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

The safe yield based on the variables listed below is 2,714.34 AF.

Total prior appropriations in the circle is 2,839.82 AF.

Total quantity of water available for appropriation is 0.00 AF.

*-2582.79 = 13156 AF available*  
*-257.04 = 2582.78*

*#49846*  
*meets S.Y.*

## 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 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 27-MAR-2018 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 15 water rights and 27 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 822 00	IND	NK	G		SE	SW	SE	350	1550	22	28	01W	3	PD	104.01	104.01		
A 8936 00	IND	NK	G		SE	SE	SW	150	2800	27	28	01W	5	PD	103.12	103.12		
Same	IND	NK	G		NW	NW	SW	2550	5100	27	28	01W	2	PD	104.96	104.96		
Same	IND	NK	G		SW	SW	SW	375	5100	27	28	01W	9	PD	120.91	120.91		
Same	IND	NK	G		SE	SW	SW	50	4080	27	28	01W	7	PD	80.71	80.71		
Same	IND	NK	G		SW	SW	SW	25	4850	27	28	01W	8	PD	101.58	101.58		
Same	IND	NK	G		SW	SE	SW	100	3350	27	28	01W	4	PD	101.58	101.58		
Same	IND	NK	G		NW	NW	NE	5148	2522	33	28	01W	6	PD	331.44	331.44		
A 34384 00	IND	NK	G		SW	SW	NE	2648	2505	33	28	01W	3	WR	80.71	80.71		
A 35172 00	IRR	NK	G		NW	NW	NW	5240	4860	28	28	01W	7	WR	132.00	132.00	317.00	317.00
A 36719 00	IRR	NK	G			NC	NE	4780	510	04	29	01W	1	WR	203.00	203.00	161.30	161.30
A 37939 00	IRR	NK	G		SE	SW	NW	2660	4070	28	28	01W	3	WR	120.00	120.00	317.00	0.00
A 38151 00	IRR	NK	G		NC	W2	NW	3950	4620	28	28	01W	4	WR	120.00	120.00	317.00	0.00
A 38491 00	IND	NK	G		SW	SW	NE	2648	2505	33	28	01W	3	WR	183.21	176.33		
A 39797 00	IND	LR	G		SW	SW	SW	70	4808	28	28	01W	6	WR	363.66	114.61		
A 41410 00	IRR	NK	G		NE	NW	NE	5028	1885	09	29	01W	2	WR	132.00	132.00	128.00	128.00
A 41458 00	IRR	NK	G			NC	SW	1268	3952	04	29	01W	2	WR	197.00	197.00	131.00	131.00
Same	IRR	NK	G	NC	E2	W2	SW	1269	4251	04	29	01W	3	WR				
Same	IRR	NK	G			NC	SW	1269	4085	04	29	01W	4	WR				
Same	IRR	NK	G	NC	W2	E2	SW	1288	3653	04	29	01W	6	WR				
Same	IRR	NK	G			NC	SW	1248	3926	04	29	01W	5	WR				
A 41472 00	IRR	NK	G			NC	NW	3875	3838	09	29	01W	3	WR	51.00	0.00	128.00	0.00
A 47513 00	IRR	KE	G		SW	NE	NW	4100	3840	10	29	01W	3	WR	60.03	60.03	57.17	57.17
A 49689 00	IRR	GY	G		SW	SE	NE	3300	1172	04	29	01W	7	WR	198.80	198.80	152.16	152.16
Same	IRR	GY	G		NE	SW	NE	3500	1372	04	29	01W	8	WR				

*2582.79*  
~~*22835*~~  
*appropriated*



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