

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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MAY 04 2022

11:16

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State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

**Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions.** A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

Place of Use

(Check one or more)  Point of Diversion

Use Made of Water

File No. 5,388

2. Name of applicant: Mid Continent Fractionation & Storage, LLC

Address: 839 Kiowa Road

City, State and Zip: McPherson, Kansas 67460

Phone Number: ( 620 ) 834-2104

E-mail address: Randy.Heinrichs@williams.com

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

Name of water use correspondent: Randy Heinrichs

Address: 839 Kiowa Road

City, State and Zip: McPherson, Kansas 67460

Phone Number: ( 620 ) 834-2104

E-mail address: Randy.Heinrichs@williams.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): The addition of place of use acreage to existing water rights for potential new cavern development.

The change(s) (was) (will be) completed by April 1, 2022

(Date)

5/9/2022  
LMoody

For Office Use Only:

F.O. 2 GMD 2 Meets K.A.R. 5-5-1 (YES/NO) Use IND Source G/S County MP By BMM Date 5/4/22  
Code CPU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 5/4/22 Check # 020016130

2 of 5

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4. The presently authorized place of use is:

Owner of Land — NAME: Mid-Continent Fractionation & Storage, LLC

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ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
(See Attachment A and Map)																			

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
(See Attachment A and Map)																			

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion (is) (are) one point of diversion  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) one point of diversion  
(Provide description and number of points) KS DEPT OF AGRICULTURE

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
One in the NE Quarter of the NE Quarter of the NW Quarter of Section 34, Township 19 South, Range 4 (E/W), in McPherson County, Kansas, 5140 feet North 2660 feet West of Southeast corner of section. Authorized Rate 931 Authorized Quantity 134 MGY  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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12. The presently authorized use of water is for industrial purposes.  
It is proposed that the use be changed to (no change) purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
No additional consumptive use. Water is used for cavern development. The change in place of use allows flexibility in deploying wash water to specific cavern development locations.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Water use is primarily for development and operation of underground salt storage caverns.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at McPherson, Kansas, this 18 day of April, 2022.

Randy Heinsichs (Owner) \_\_\_\_\_ (Spouse)  
Paul Heinsichs (Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)  
(Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)  
(Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)  
(Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)  
(Please Print) \_\_\_\_\_ (Please Print)

State of Kansas }  
County of McPherson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of April, 2022.

Linda K McClintock  
Notary Public

My Commission Expires 02/04/2024

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

MAY 04 2022

## Attachment A

### **Current Authorized Place of Use for Water Right File No. 5,388:**

For development and operation of underground storage caverns in the Southeast Quarter (SE ¼) of Section 14 and in the North Half (N½) and the Southeast Quarter (SE¼) of Section 23, and in the Southwest Quarter (SW¼) of Section 24 and in the Northwest Quarter (NW¼) and the West Half of the Northeast Quarter (W½, NE¼) of Section 25, all in Township 19 South, Range 5 West, McPherson County, Kansas, and

The Southwest Quarter (SW¼) of Section 19, and 20 acres in the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) and 10 acres in the Southeast Quarter of the Southwest Quarter of (SE¼ SW¼) in Section 28, and the Northwest Quarter (NW¼) of and the South Half (S½) Section 29 and the East Half of the East Half of the Northeast Quarter (E½, E½, NE¼) of Section 32, all in Township 19 South, Range 4 West, McPherson County, Kansas, and

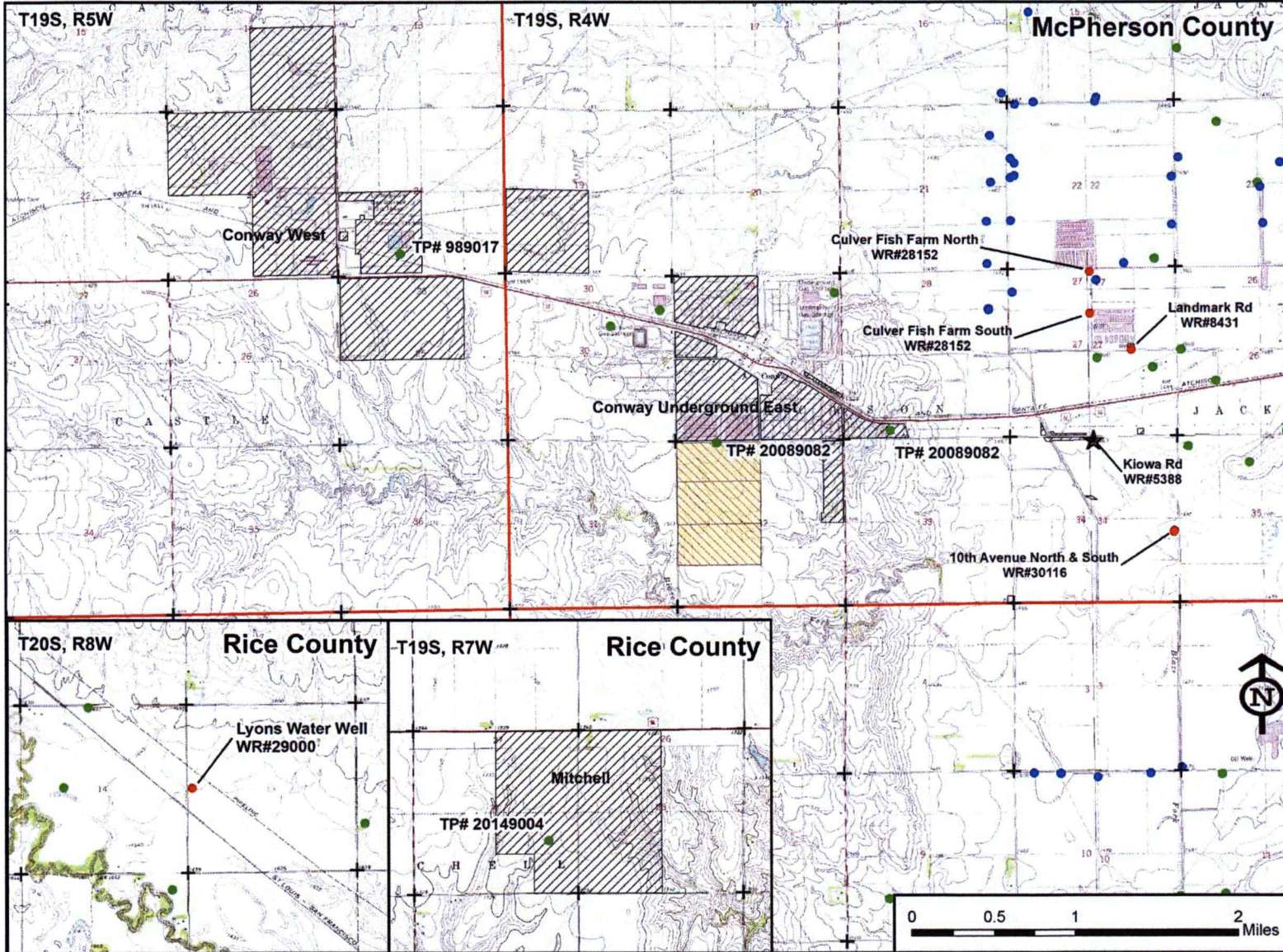
The Northwest Quarter (NW¼) and Southwest Quarter (SW¼) of Section 26, and the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½, SE¼) and the Southeast Quarter (SE¼, SE¼) of Section 27, all in Township 19 South, Range 7 West, Rice County, Kansas

### **Proposed Authorized Place of Use for Water Right File No. 5,388:**

For the development and operation of underground storage caverns in:

The Northwest Quarter (NW¼) and the North Half of Southwest Quarter (N½, SW¼) of Section 32 in Township 19 South and Range 4 West, McPherson County, Kansas.

The current and proposed place of use is shown on the map accompanying this application to change the place of use.



Application to Change  
Place of Use Under  
File No. 5,388



**Legend**

Mid Continent Frac & Storage  
Point of Diversion

- ★ 5388
- 8431
- 28152
- 29000
- 30116

Point of Diversion

- Groundwater
- Surface
- ▨ Requested Place of Use
- ▨ Approved Place of Use
- ⊕ Section Corner



900 N. Tyler Road  
Wichita, Kansas 67212

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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

May 10, 2022

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

RE: File No(s). **5388**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program