

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,665</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><i>12/6/2016</i></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID 36941 Add Seq# <u> 1 </u>		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
PANHANDLE EASTERN PIPELINE CO LP 1300 MAIN ST HOUSTON TX 77002-6803			
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# <u>36941</u> <u>Seq 2</u>		7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
7a.			
8. WUR Correspondent New to system <input type="checkbox"/> Person ID <u>36941</u> Overlap File (s) WUC Add Seq# <u> 1 </u> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input checked="" type="checkbox"/> IND SIC: <u>1389</u> <input type="checkbox"/> OTHER: _____	
7a.			
10. Completion Date: <u>12/31/2017</u> 11. Perfection Date: <u>12/31/2021</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 8/16/2016 By: DWS Date Entered: <i>12/7/2016</i> By: <i>LLM</i>			

File No. **49,665** 15. Formation Code: Drainage Basin: COTTONWOOD RIVER County: LY Special Use: Stream: COAL CREEK TRIB 1 (COTTONWOOD)

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		MOD BASIN NAME and Stream name		
										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
√			85413								3000	60	3000	60	NONE

18. Storage: Rate _____ NF Quantity **77** ac/ft Additional Rate _____ NF Additional Quantity **77** 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 **12/31/2017** 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				
√			64642																		7a.	No	Multiple Terms and Temps

Comments: **NEED TO CHANGE DRAINAGE BASIN AND STREAM NAME in WRIS.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 16, 2016

FROM: Doug Schemm

RE: Application, File No. 49,665

Panhandle Eastern Pipeline Company LP has filed the application referred to above for a permit to appropriate 77 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Southeast Quarter of Section 21, in Township 20 South, Range 11 East, Lyon County, Kansas. The dam is located on Coal Creek Trib 1 (Cottonwood). The point of diversion is located on property owned by the applicant, and a representative of the applicant has signed the application form stating they have legal access to the point of diversion. There are no overlapping permanent water rights in point of diversion or place of use. However, the applicant has utilized multiple temporary and term permits to conduct hydrostatic line testing at this same facility (referred to as the Olpe Compressor Station) dating back to 1989. Due to the recurring use of water at this facility, the length of time water use has occurred (over 25 years), and that water will continue to be used in the foreseeable future, it was determined that a permanent water right for this facility would be more appropriate. DWR staff assisted the applicant in filing this application, which upon approval will eliminate future cost and effort related to applying for temporary and term permits.

Runoff computations are not necessary to determine if the 94 acre drainage area will provide in excess of the requested storage quantity of 77 acre-feet in 1 out of every five (5) years (a 20% chance). In this area of the state, historical precedent has determined that inches of runoff per acre are typically 17 inches or greater. Therefore, per K.A.R. 5-6-5, the annual runoff quantity is not the limiting factor. The requested storage quantity was based on 1 year of direct use (60 AF) + capacity (15 AF) + 1 year of evaporation (2 AF). The quantity of water for direct IND use (rediversion) was based on historical use at this facility for hydrostatic testing.

A list of nearby property owners names and addresses was obtained from the Lyon County appraiser's website, which complies with K.A.R. 5-3-4(b)(6). Based on the topographic map, the stream does not extend upstream of the applicant's property, and the reservoir has a limited drainage area. As noted above, this is an existing reservoir that has been utilized for industrial use for many years. In addition, water pumped from the pond is discharged back into the pond after line testing is completed, making this use of water essentially non-consumptive. There is no need to inform downstream landowners of this on-going, established use of water. There is only one other surface water right within a two-mile radius according to the WRIS database, which is a sediment control reservoir in the Neosho River basin. There is no indication that any senior water right would be impacted in any way, and historical use supports this determination.

The existing structure was determined to be non-jurisdictional for permitting by the DWR Water Structures Program (see August 16, 2016 e-mail from Hakim Saadi). The applicant has submitted a signed and notarized Minimum Desirable Streamflow (MDS) statement. By completing this statement, the applicant affirms her knowledge that there could be times when the diversion of water may not be allowed under this permit.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an August 10, 2016 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the structure is non-jurisdictional for structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved for this permanent use of water.

Doug Schemm
Environmental Scientist
Topeka Field Office



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 7, 2016

PANHANDLE EASTERN PIPELINE CO LP
% KERRY ASTERIS
1300 MAIN ST
HOUSTON TX 77002-6803

FILE COPY

Re: Appropriation of Water, File No. 49,665

Dear Ms. Asteris:

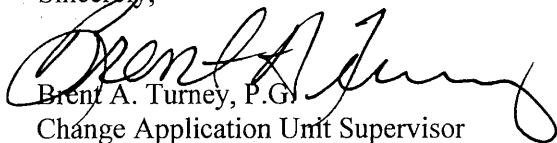
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 these approval documents. A water meter is required on the proposed re-diversion works 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,


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

BAT:dws
Enclosures

pc: Topeka Field Office



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. 49,665** of the applicant

**PANHANDLE EASTERN PIPELINE CO LP
1300 MAIN ST
HOUSTON TX 77002-6803**

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 **July 5, 2016**.
2. That the water sought to be appropriated shall be used for industrial use at the Olpe compressor station located in the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 21, in Township 20 South, Range 11 East, Lyon County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Coal Creek, designated in the office of the Chief Engineer as Coal Creek Trib 1 (Cottonwood), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **77 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 531 feet North and 80 feet West of the Southeast corner of said section, in Township 20 South, Range 11 East, Lyon County, Kansas, to provide **60 acre-feet** of water as needed for direct industrial use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **3,000 gallons per minute (6.68 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2017** 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.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-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 re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-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).

12. 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.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. 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.

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.

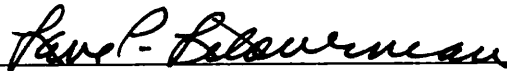
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

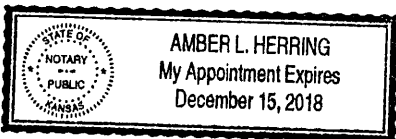
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

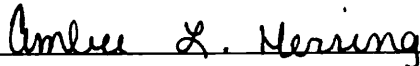
Ordered this 6th day of December, 2016, in Topeka, Shawnee County, Kansas.


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 6th day of December, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.




Notary Public

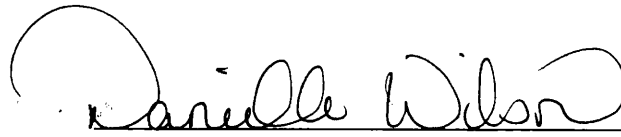
CERTIFICATE OF SERVICE

On this 7th day of December, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,665, dated December 6, 2016 was mailed postage prepaid, first class, US mail to the following:

PANHANDLE EASTERN PIPELINE CO LP
1300 MAIN ST
HOUSTON TX 77002-6803

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

7/5/2016

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,665

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.)

WATER RESOURCES
RECEIVED

JUL 05 2016
11:27 am

KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): PANHANDLE EASTERN PIPELINE CO LP
Address: 1300 MAIN ST
City: HOUSTON State: TX Zip Code 77002-6803
Telephone Number: (713) 989-7472 email: kerry.asteris@energytransfer.com

2. The source of water is: surface water in COAL CREEK TRIB 1 Cottonwood * (stream) NEOSHO
OR groundwater in Cottonwood * NEOSHO RIVER (drainage basin)
Per previous term files. DWS/DWR 8/10/16

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. **REDIVERSION OF 60 AF @ 3,000 GPM**

3. The maximum quantity of water desired is 77 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County LY By AJW Date 7/5/16
Code _____ REG _____ Fee \$ 200 TR # _____ Receipt Date 7/5/16 Check # 311

SCANNED
7/6/2016 ULM

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 SE quarter of the SE quarter of the SE quarter of Section 21, more particularly described as being near a point 531 feet North and 80 feet West of the Southeast corner of said section, in Township 20 South, Range 11 EAST, LYON 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):

APPLICANT

 (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 June 30, 2016, Kerry Asteris

 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
 (number of wells, pumps or dams, etc.)
 and was completed (by) late 1980's
 (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 SUMMER 2016.
 (Mo/Day/Year)

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.

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 _____

To be determined by Structures Review - Determined to be non-jurisdictional
DWS DWR

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:

8/16/16

(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.

NONE. The applicant has utilized multiple term and temporary permits for many years to conduct hydrostatic testing of pipe lines. Due to the more permanent nature of this use, it was determined that a regular appropriation of water would be more efficient and justified.

WATER RESOURCES
RECEIVED

Storage quantity based on 1 year direct use = 60 AF; capacity = 15 AF; and 1 year of indirect use = 8 AF

JUL 15 2016

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	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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):

(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 _____, Kansas, this ____ day of _____, 2016
(month) (year)

Kerry Asteris

(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 44605

Name of Applicant (Please Print): Panhandle Eastern Pipe Line Co., LP

1. Please describe type of industry or product produced: Hydrostatic Line Testing
 _____ Standard Industrial Classification Code Number: _____

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

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

Year	Production	Water Diverted
5 years ago		5 million
Last year		8 million
Present year		8 million

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

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

Year	Production	Water Diverted
Year 1		8 million
Year 2		8 million
Year 3		12 million
Year 4		15 million
Year 5		19 million

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	
21	20S	11E	Booster Station in the South Half of the SE ¼.																

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

JUL 05 2016

KS DEPT OF AGRICULTURE

June 30, 2016

(Date)

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

Re: Application
File No. 49445

Minimum Desirable Streamflow

*DWR *
8/10/16* Cottonwood River Basin

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

State of ^{Texas} ~~Kansas~~)
County of Harris) ss

Kerry Asteris
Signature of Applicant

Kerry Asteris
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 30 day of June, 2016.

Brenda E. Pedraza
Notary Public

My Commission Expires: October 09, 2018

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JUL 05 2016



**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Section 21 - Upstream
 NO Landowners adjacent
 to Stream



Results

4 Results

Show Property Photos

Parcel ID ↕	Owner ↕	Property Address ↕	Legal Description ↕
2252100000001000	DAVIS, JOHN ANDREW & MARILYN SUE; REVOCABLE TRUST (Prim)	900 ROAD K	S21, T20S, R11E, ACRES 50.6, SW1/4 SE1/4 & E396 SE1/4 SW1/4 LESS ROW
2252100000001010	DAVIS, JOHN ANDREW & MARILYN SUE; REVOCABLE TRUST (Prim) DAVIS, ANDREW DAVID	900 ROAD 90	S21, T20S, R11E, ACRES 541.2, SEC EXC BEG NW COR E75 S100 W75 N100 TO POB & EXC BEG SE COR W3036 N1320 E3036 S1320 TO POB LESS ROW
2252100000002000	CITIES SERVICE GAS CO (Prim)	900 ROAD 100	S21, T20S, R11E, ACRES 0.1, BEG NW COR E75 S100 W75 N100 TO POB LESS ROW
2252100000003000	PANHANDLE EASTERN PIPELINE COMPANY (Prim)	900 ROAD K	S21, T20S, R11E, ACRES 38.5, SE1/4 SE1/4 LESS ROW

No warranty, express or implied, is provided for the data herein, or its use.

Developed by
 The Schneider Corporation

Section 22

Downstream
Landowners



Results

6 Results

Show Property Photos

Parcel ID ↕	Owner ↕	Property Address ↕	Legal Description ↕
225220000001000	DIEKER, ROBERT L II & EMILY L (Prim)	977 ROAD L	S22, T20S, R11E, ACRES 150.1, NE1/4 EXC BEG 60E & 797.13S NW COR E312 S258.52 W312 N258.52 TO POB LESS ROW
225220000002000	SCHIERLING, MICHAEL D & BRENDA L; REV LIV TRUST (Prim)	982 SHWY 99	S22, T20S, R11E, ACRES 1.8, BEG 60E & 797.13S NW COR NE1/4 E312 S258.52 W312 N258.52 TO POB
225220000003000	BROWN, DONALD L (Prim) BROWN, LEO J BROWN, GARY L & JUANITA R	956 ROAD K	S22, T20S, R11E, ACRES 153.2, NW1/4 LESS ROW
225220000004000	WECKER, STEPHEN M & LIESA A (Prim)	1028 ROAD 90	S22, T20S, R11E, ACRES 155.4, SW1/4 LESS ROW
225220000005000	REDEKER, JEROME N; REV LIV TRUST (Prim) REDEKER, DORIS A; REV LIV TRUST	1086 ROAD 90	S22, T20S, R11E, ACRES 115.7, SE1/4 EXC NE1/4 SE1/4 LESS ROW
225220000005010	REDEKER, KEVIN J & MICHELLE L (Prim)	961 ROAD L	S22, T20S, R11E, ACRES 39.2, NE1/4 SE1/4 LESS ROW

No warranty, express or implied, is provided for the data herein, or its use.

Developed by
The Schneider Corporation

Schemm, Doug

Subject: Panhandle Eastern Pipeline File No. 49,665

From: Tietsort, Katie
Sent: Wednesday, August 10, 2016 12:02 PM
To: Schemm, Doug
Subject: RE: Panhandle Eastern Pipeline File No. 49,665

Doug,

As we discussed previously, I agree this is a long-term use of water and is appropriately permitted now.

Thanks for working this file, please move it forward for approval,
Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Schemm, Doug
Sent: Wednesday, August 10, 2016 10:49 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Panhandle Testing

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49665 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49665 00 IND

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

531 Feet North and 80 Feet West of the Southeast Corner of Section 21 T 20S R 11E

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 46246 00 SED NK S      9476 -- SE NW SW 1690 4565 34 20 11E 1      .00      .00 AF
***** Authorized storage =      12.00 AF Additional storage =      12.00 AF
A__ 49665 00 IND AY S        0 -- SE SE SE  531   80 21 20 11E 9      60.00    60.00 AF
P__20150075 00 IND GY S     137 -- SE SE SE  400   40 21 20 11E 5      11.97    11.97 AF
T__20169047 00 IND GY S     191 -- SE SE SE  635  240 21 20 11E 8      15.00    15.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      60.00      77.00
Total Permitted Amount (AF) =      26.97       .00
Total Inspected Amount (AF) =         .00       .00
Total Pro_Cert Amount (AF) =         .00       .00
Total Certified Amount (AF) =         .00      12.00
Total Vested Amount (AF) =          .00       .00
TOTAL AMOUNT (AF) =      86.97      89.00
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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:

531 Feet North and 80 Feet West of the Southeast Corner of Section 21 T 20S R 11E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 46246 00 SED NK S
> EAGLE CREEK WATERSHED DIST #77
> GERALD HAAG
> PO BOX 207
> OLPE KS 66865
-----
A__ 49665 00 IND AY S
> PANHANDLE EASTERN PIPELINE CO LP
>
> 1300 MAIN ST
> HOUSTON TX 77002
-----
P__20150075 00 IND GY S
> PANHANDLE EASTERN PIPELINE CO LP
>
> 1300 MAIN ST
> HOUSTON TX 77002
-----
T__20169047 00 IND GY S
    
```

> PANHANDLE EASTERN PIPELINE CO LP

>

> 1300 MAIN ST

> HOUSTON TX 77002

>-----

=====

#####

Schemm, Doug

Subject: Panhandle Eastern Pipe Line: WR 49,662
Attachments: 49,665.pdf

From: Saadi, Hakim
Sent: Tuesday, August 16, 2016 8:23 AM
To: Schemm, Doug
Subject: Panhandle Eastern Pipe Line: WR 49,662

Doug,

I have completed the permit and approval determinations review of the subject point of diversion, WR 49,665.

The pond in question will be located in the SE SE of Section 21, Township 20 South Range 11 East Lyon County, Kansas. The subject pond:

- 1) Is not located in zone A flood hazard area or a FEMA defined flood plain, therefore no floodplain fill approval is required.
- 2) Is not located in across or along a **Designated Stream** as shown on the quad map (drainage area is about 75 acres), therefore no stream obstruction permit is needed.

Please let me know if further assistance is needed or if you have any questions.

Please note that my e-mail address has changed: Hakim.saadi@ks.gov

Hakim Saadi, P.E.
Watershed Program Manager
Kansas Department of Agriculture
Division Of Conservation
Building 282, Forbes Field
6531 SE Forbes Ave, Suite B
Topeka, KS 66619
(785) 291-3099
hakim.saadi@ks.gov
<http://agriculture.ks.gov/>

From: Schemm, Doug
Sent: Thursday, August 04, 2016 12:32 PM
To: Saadi, Hakim
Subject: Existing Reservoir

Hakim,

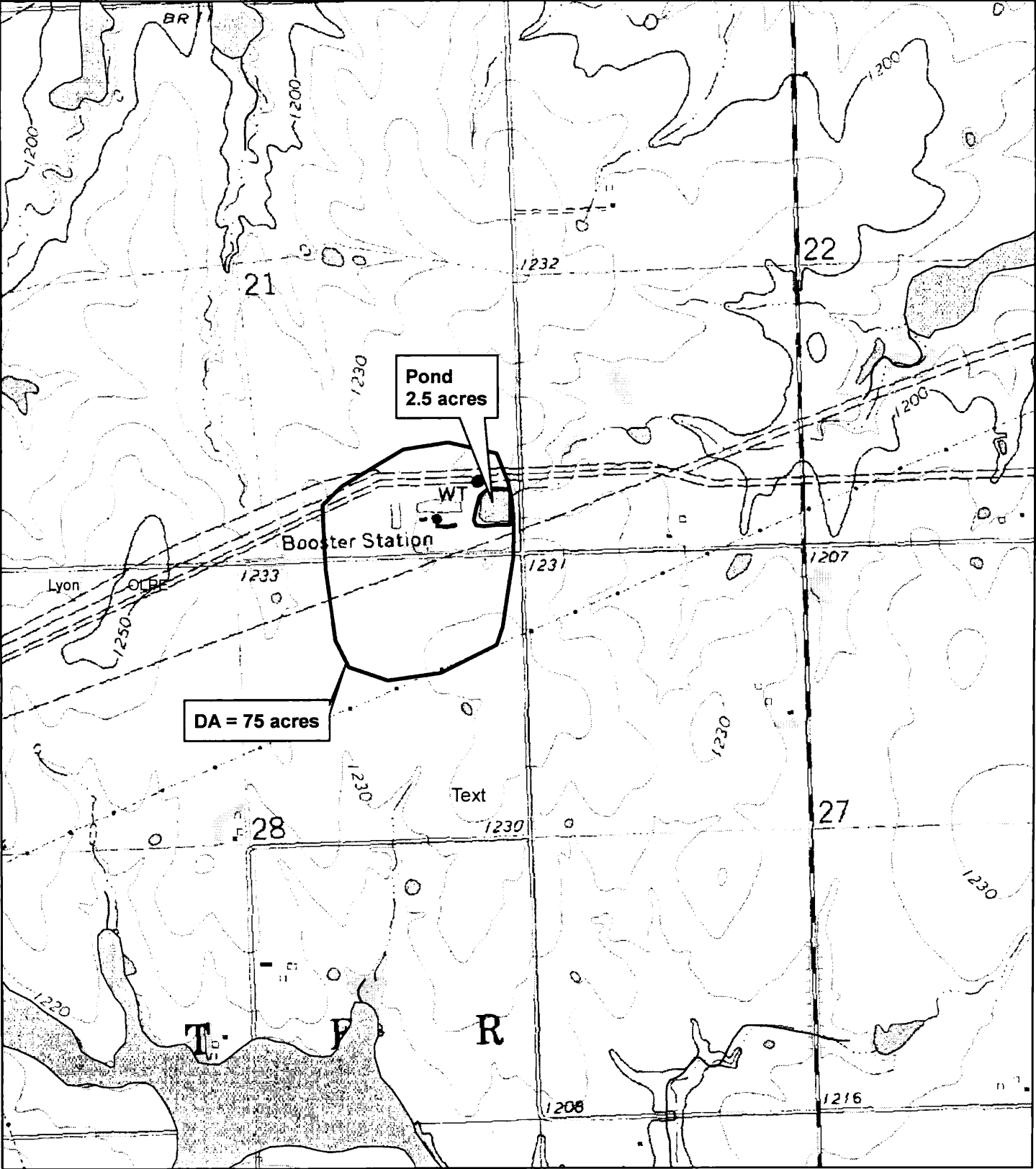
This is pretty small pond. Located in Section 16, 13S, 15E. Only about 45 acres of drainage. Pond is less than 3 surface acres, and capacity is less than 25 acre-feet.

I would think it to be exempt. Please review.

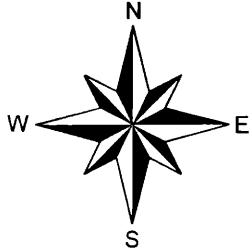
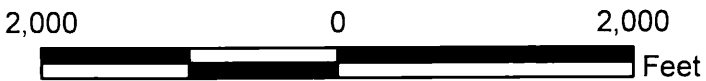
Thanks,

Doug

**Panhandle Eastern Pipe Line
WR 49,665**



**Lyon County
SE 21-20-11E**





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

July 5, 2016

PANHANDLE EASTERN PIPELINE CO LP
1300 MAIN ST
HOUSTON TX 77002

RE: Application
File No. 49665

Dear Sir or Madam:

Your application for permit to appropriate water in 21-20S-11E in Lyon 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,

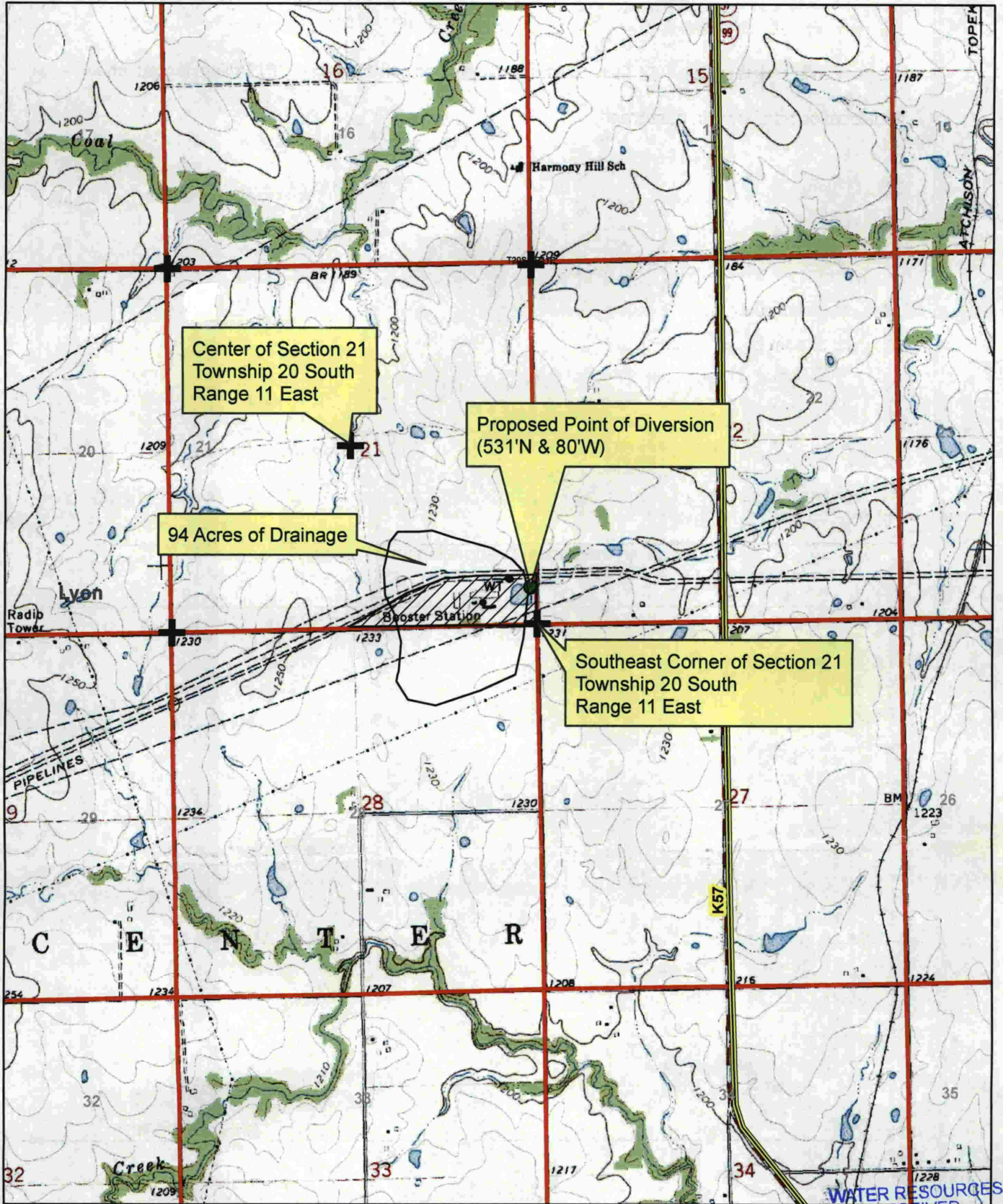
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: TOPEKA Field Office
GMD

SCANNED

Panhandle Eastern Pipe Line Company, LP
 Section 21, Township 20 South, Range 11 East
 Lyon County

496005

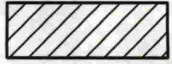



Center of Section 21
 Township 20 South
 Range 11 East

Proposed Point of Diversion
 (531'N & 80'W)

94 Acres of Drainage

Southeast Corner of Section 21
 Township 20 South
 Range 11 East

-  Proposed Place of Use
-  Proposed Point of Diversion

All known land owners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

*See attached List KS DEPT OF AGRICULTURE

SCANNED

1:24,000

WATER RESOURCES RECEIVED

11/15/2016