

DWR EXHIBIT Z
Application, File No. 46,081



KANSAS DEPARTMENT OF AGRICULTURE
Jamiè Clover Adams, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

F.O. 2
GMD 2
MEETS _____
K.A.R.5 3
USE MUN
G/S G
Co. HV
By LI
Date 11/19/04

File Number 46,081

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

NOV 19 2004

ASR Project RW-1

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): City of Wichita, Water & Sewer Dept.
Address: 455 N. Main
City: Wichita State KS Zip Code 67202
Telephone Number: (316) 268-4504

2. The source of water is: G surface water in _____ (stream)
OR groundwater in Equus Beds, Arkansas 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 43 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 1,500 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) G Artificial Recharge (c) G Irrigation Use (e) G Recreational Use (g) G Water Power use
(b) G Industrial Use (d) Municipal Use (f) G Stockwatering Use

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: Code REG Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

WATER RESOURCES RECEIVED
NOV 19 2004 11:51 AM
1337
KS DEPT. OF AGRICULTURE

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 60 days in which to locate the site within a quarter section tract. Any request for an extension of time in which to locate the point of diversion shall include a contract with a well driller or a contractor for the necessary test holes.

- (A) One in the NW quarter of the NW quarter of the NW quarter of Section 36, more particularly described as being near a point 5170 feet North and 5170 feet West of the Southeast corner of said section, in Township 23 South, Range 3 East West (circle one), Harvey 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 and which are operated by means of submersible pumps.

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 proposed project for diversion of water will consist of one recharge well
(number of wells, pumps or dams, etc.)
and (was will be completed (by) November 30, 2005
(Month/Day/Year - each was or will be completed)
7. The first actual application of water for the proposed beneficial use was or is estimated to be 03/01/06
(Mo/Day/Year)
8. 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.

WATER RESOURCES
RECEIVED
NOV 19 2004 1238
KS DEPT. OF AGRICULTURE

9. 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? G Yes G No

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

10. 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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

11. 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.

Part of City of Wichita's ASR project. Water will be used to maintain recharge well and can only be withdrawn when recharge credits are available.

WATER RESOURCES
RECEIVED

1339 NOV 19 2004

KS DEPT. OF AGRICULTURE

12. 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	<u>07-15-03</u>			
Total depth of well	<u>244</u>			
Depth to water bearing formation	<u>15</u>			
Depth to static water level	<u>30</u>			
Depth to bottom of pump intake pipe	<u>—</u>			

13. The relationship of the applicant to the proposed place where the water will be used is that of agent
(owner, tenant, agent or otherwise)

14. 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)

15. 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:

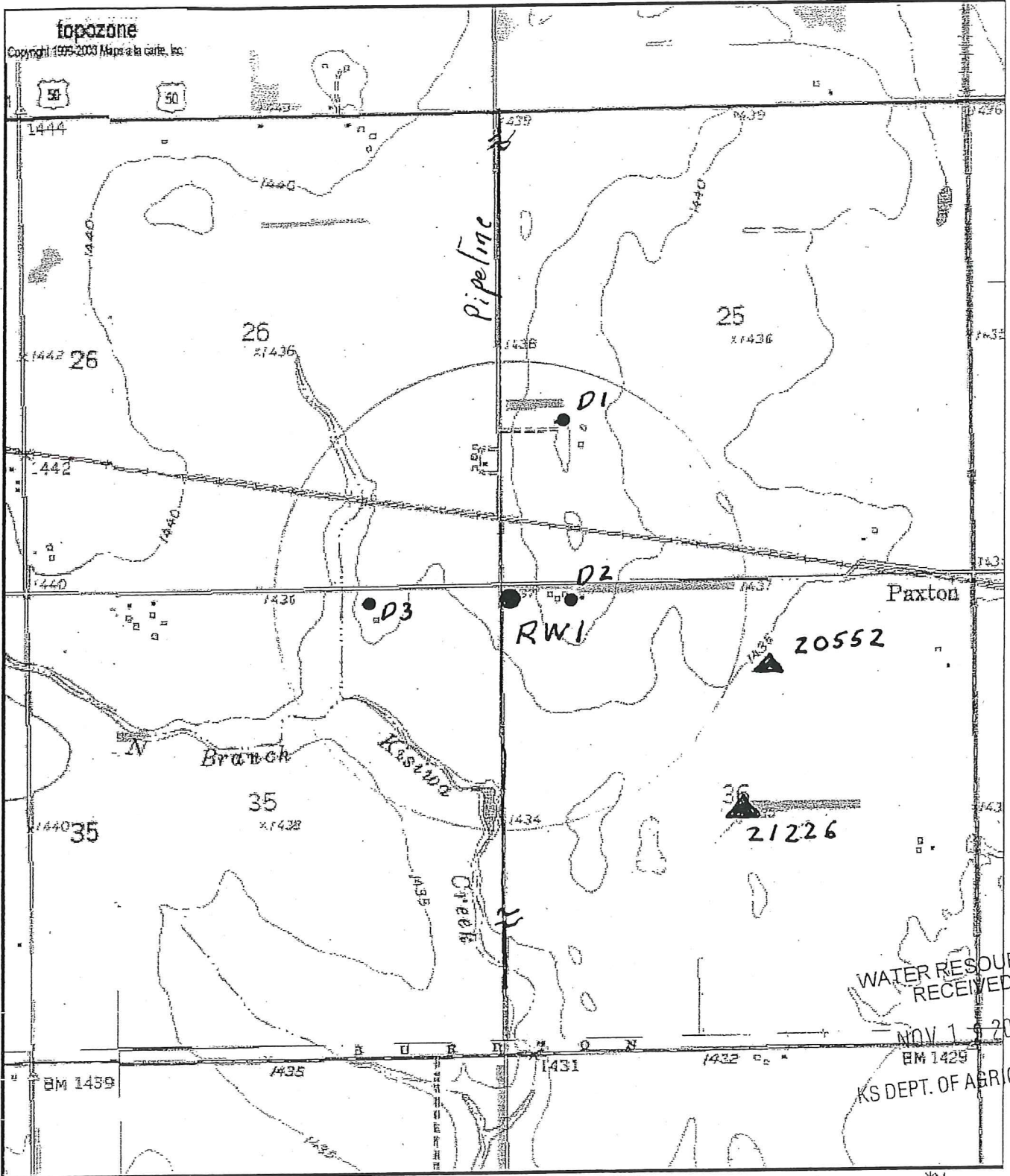
Dated at Wichita, Kansas, this 3rd day of November, 2004
(month) (year)

(Applicant Signature)
By Gerald T. Blain
(Agent or Officer Signature)
Gerald T. Blain
(Agent or Officer - Please Print)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)
48-6000653
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

Assisted by _____ Date: _____
(office/title)

WATER RESOURCES RECEIVED
NOV 19 2004
1340
KS DEPT. OF AGRICULTURE



Map center is UTM 14 622012E 4208266N (WGS84/NAD83)

Halstead quadrangle

Projection is UTM Zone 14 NAD83 Datum

T 23 S
R 3 W

M=5.381
G=0.856

1341

Recharge Well No. 1
5,170 ft. N. and 5,170 ft. W. of SE Corner of Sec. 36, T 23 S, R 3 W.

Diversions within 1/2 mile:

Irrigation Wells -

21226
Leo & Edna Koehn Trust
8935 SW 24th St.
Halstead, KS 67056

20552
Marvin and Betty Baehr
Address not available

Domestic Wells

D1
Joe and Joanna Bergkamp
2004 S. Willow Lake Rd.
Halstead, KS

D2
Larry Koehn
8935 SW 24th St.
Halstead, KS 67056

D3
JC Welch
18307 SW 24th St.
Burrton, KS 67020

WATER RESOURCES
RECEIVED

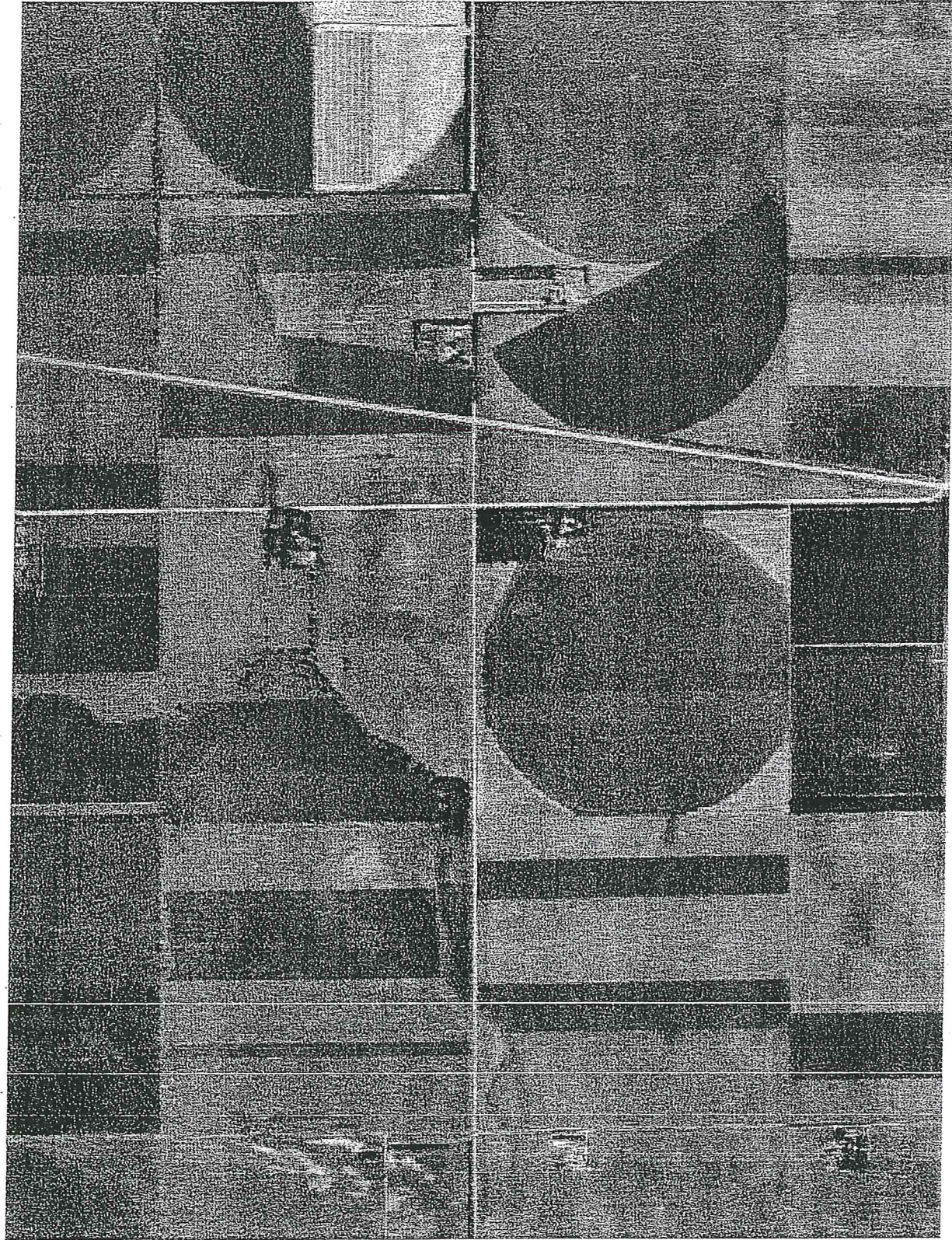
NOV 19 2004

1342
KS DEPT. OF AGRICULTURE

46,081

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 44 km NE of Wichita, Kansas, United States 17 Aug 1991



0 0.5Km

0 0.25Mi

WATER RESOURCES RECEIVED

Image courtesy of the U.S. Geological Survey
© 2004 Microsoft Corporation. Terms of Use Privacy Statement

NOV 19 2004

KS DEPT. OF AGRICULTURE

1343

GARY E. REBENSTORF
City Attorney
JOE ALLEN LANG
First Assistant City Attorney
JAY C. HINKEL
Assistant City Attorney
City Hall - 13th Floor
455 North Main
Wichita, Kansas 67202
(316) 268-4681

BEFORE THE CHIEF ENGINEER OF THE DIVISION OF WATER RESOURCES,
KANSAS DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE CITY) Case No. 04 WATER 2869
OF WICHITA'S APPLICATIONS) Application to Appropriate Water
TO OPERATE AN AQUIFER STORAGE) File No's 45,567; 45,568; 45,569;
RECOVERY PROJECT IN HARVEY) 45,570; 45,571; 45,572; 45,573; 45,574;
COUNTY, KANSAS.) 45,575; and 45,576

AND

WICHITA ASR PROJECT RW-1) Application to Appropriate Water
) File No. 46,081
)

MOTION OF THE CITY OF WICHITA
TO CONSOLIDATE APPLICATIONS

COMES NOW the City of Wichita, the applicant herein, and moves for consolidation of the Permit Application for Recharge Well 1 (RW-1) of the Wichita ASR Project with the applications in Case No. 04 WATER 2869. In support of its motion, the City of Wichita states as follows:

Filed simultaneously with this Motion is the original of the Application for Permit to Appropriate Water for Beneficial Use (ASR Project, RW-1) pursuant to K.A.R. 5-12-1. As stated in Section 3 of the City of Wichita's Motion for Modification of the Permit Applications (served November 5, 2004), the City of Wichita requests this permit to install a recharge well

WATER RESOURCES
RECEIVED

NOV 19 2004
1344
KS DEPT. OF AGRICULTURE

(tentatively labeled "RW-1") instead of a recharge basin in the Project. The City had originally intended to install a recharge basin in the southwest corner of Section 25, T23S. R3W.

Unfortunately, the City had problems acquiring that site, and the City now wants to install a recharge well on the northwest corner of Section 36, T23S. R3W, at a site just south of the proposed recharge basin. Unlike the other proposed wells in the recharge area, this well would only be a recharge well, and not a recharge and recovery well. It would add no additional recovery capacity to the system. In order to keep the well from plugging, the well must be operated periodically in order to "backwash" the well. Therefore, the well still needs a water appropriation permit for maintenance of the well. It is estimated that the maintenance of the well could use up to 43 acre-feet of water per year in a year with maximum recharge opportunity.

The proposed well in this instant Application is an integral part of the Aquifer Storage and Recovery Project. This Application should be considered with the previously filed applications in Case No. 04 WATER 2869 as a matter of efficiency and practicality. It is submitted that the consolidation of these applications for hearing is necessary because they present substantially the same issues of fact and law; the decision in one application will affect the rights of parties in the other applications; and consolidation will not substantially prejudice any party or the public.

WHEREFORE, the City of Wichita requests that its Motion for Consolidation of the Applications be granted as set forth herein.

Respectfully Submitted,

THE CITY OF WICHITA, KANSAS

By: 

Gary E. Rebenstorff
Director of Law and City Attorney
Joe Allen Lang
First Assistant City Attorney
Jay C. Hinkel
Assistant City Attorney
455 N. Main, 13th Floor
Wichita, Kansas 67202
316-268-4681
316-268-4335 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was sent on this 18th day of November, 2004, by U.S. Mail, postage prepaid, to the following:

Originals:

David L. Pope, P.E.
Hearing Officer, Chief Engineer and Director
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th St, 2nd Floor
Topeka, KS 66612-1283

Copies:

Mike Dealy
Equus Beds GMD No. 2
313 Spruce Street
Halstead, KS 67056

Leland E. Rolfs
Department of Agriculture
109 SW 9th St, 4th Floor
Topeka, KS 66612

WATER RESOURCES
RECEIVED


1346

NOV 19 2004

KS DEPT. OF AGRICULTURE

Joe Bergkamp
2004 South Willow Lake Rd
Halstead, KS 67056

Ronald Neuway
903 N. Willow Lake Rd
Burton, KS 67020


Joe Allen Lang

WATER RESOURCES
RECEIVED

NOV 19 2004

1347 KS DEPT. OF AGRICULTURE



CITY OF
WICHITA

Department of Law
City Hall • 13th Floor • 455 N. Main
Wichita, Kansas 67202-1635

Wichita
46081

David L. Pope, P.E.
Hearing Officer, Chief Engineer and Director
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th St, 2nd Floor
Topeka, KS 66612-1283



UNITED STATES POSTAGE
METRO
\$ 00.83
027A
004364221 NOV 18 12 00
MAILED FROM ZIP CODE 67200