

# **EXHIBIT JJ**

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jamie Clover Adams, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

File Number \_\_\_\_\_  
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.)

*ASR Project RW-1*

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
109 SW 9<sup>th</sup> 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 # \_\_\_\_\_

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.

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.*

File No. \_\_\_\_\_

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	07-15-03			
Total depth of well	244			
Depth to water bearing formation	16			
Depth to static water level	30			
Depth to bottom of pump intake pipe	—			

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 3<sup>rd</sup> day of November, 2004  
(month) (year)

\_\_\_\_\_  
(Applicant Signature)

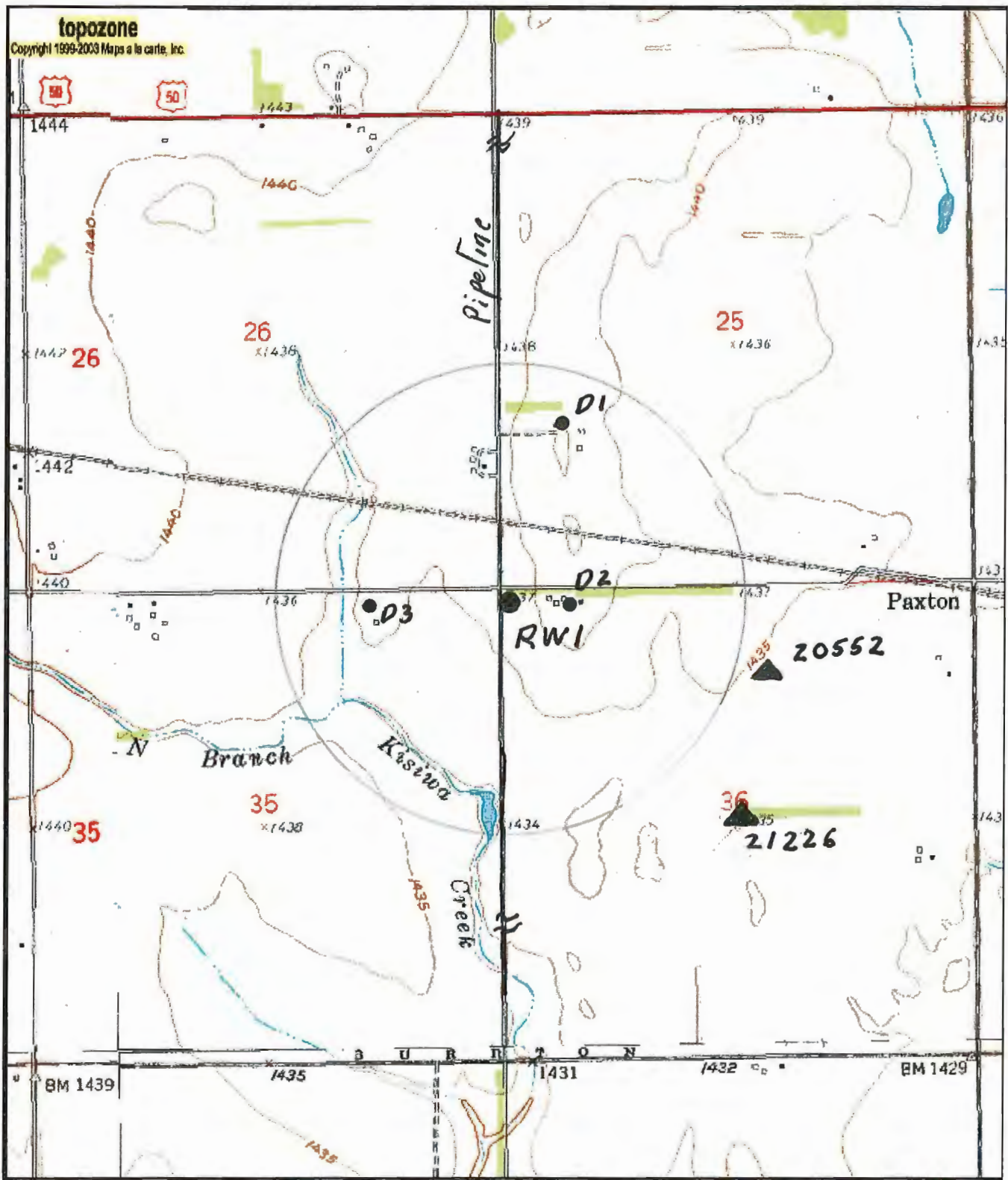
\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY  
IDENTIFICATION NUMBER(S)

By Gerald T. Blain  
(Agent or Officer Signature)

48-6000653  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

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



0 0.3 0.6 0.9 1.2 1.5 km  
 0 0.2 0.4 0.6 0.8 1 mi

**T 23 S**  
**R 3 W**

Map center is UTM 14 622012E 4208266N (WGS84/NAD83)  
**Halstead** quadrangle  
 Projection is UTM Zone 14 NAD83 Datum

M=5.381  
 G=0.856

**002043**

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 24<sup>th</sup> 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 24<sup>th</sup> St.  
Halstead, KS 67056

D3  
JC Welch  
18307 SW 24<sup>th</sup> St.  
Burrton, KS 67020

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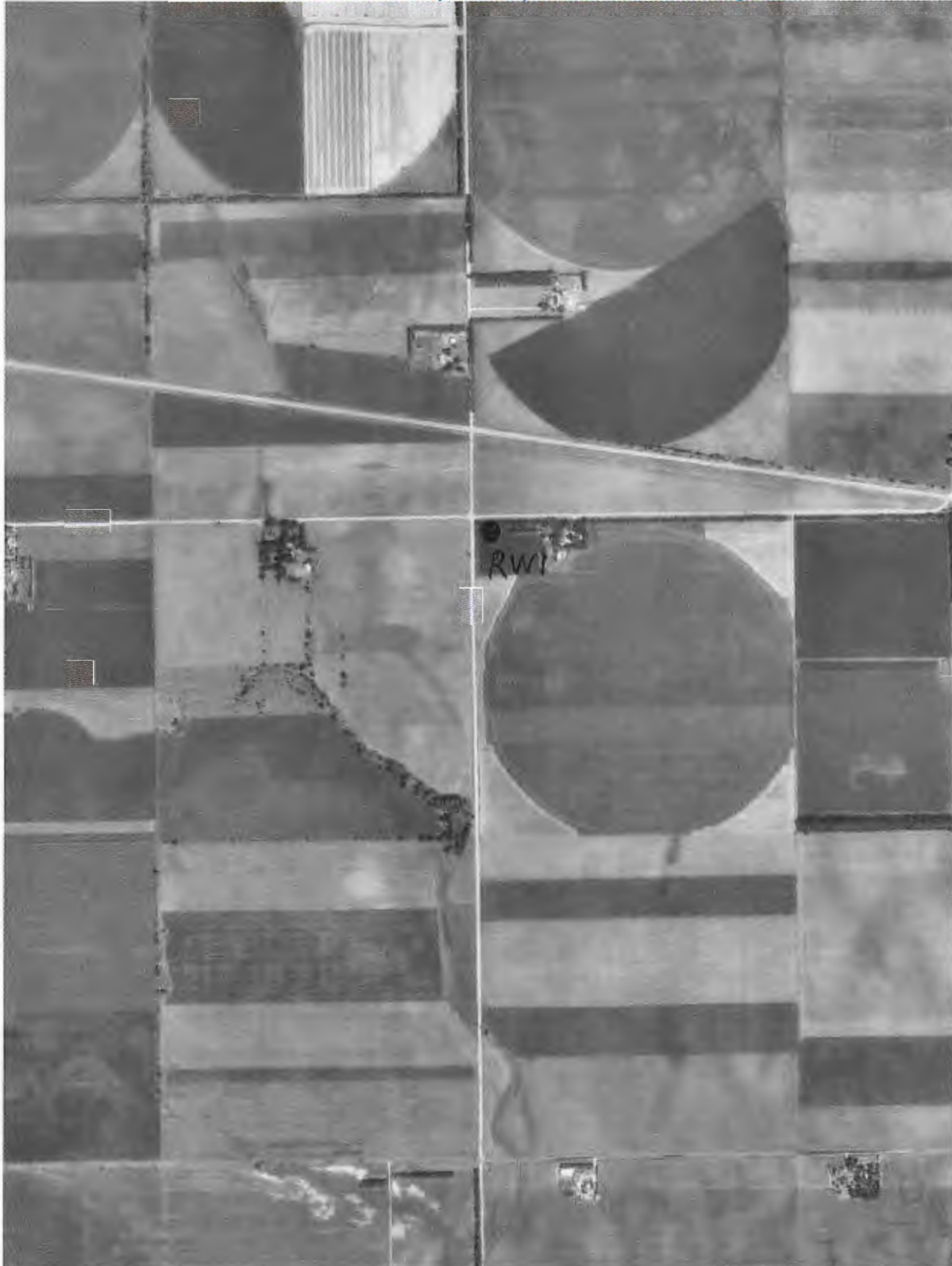
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**USGS 44 km NE of Wichita, Kansas, United States 17 Aug 1991**



0 ———— 0.5Km

0 ———— 0.25Mi

Image courtesy of the U.S. Geological Survey

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