

POSTED 10-30-86 KX

o/k

DR 86-12 - City of Bel Aire, KS. requests Special Use Permit to Establish Water Well Pump Sites on Property Zoned "AA" between Arkansas Ave. & Flood Control ROW in an area south of 45th Street North.

ACTION

DATE

COMMITTEE

Approved only to construction 11/14/86

M.A.P.C.

B.C.C./B.C.C.C. Deny based 12-23-86

on legal opinion from
Law Dept

DATA SHEET

Z- _____
 SCZ- _____
 CU- _____
 DR- 86-12
 DP- _____

Amend
 Case Filed: 10-24-86
 Associated Case: _____

APPLICATION DATA: Map No. 5452 D

1. General Location: Between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North
2. From _____ to _____
3. Proposed Use: Special Use Permit to Establish Water wells for the City of BelAire
4. DP Name: _____
5. Applicant: City of Bel Aire, Kansas, a Municipal Corporation
 Address 4345 North Woodlawn, Wichita, KS. 67220 Phone 744-2451
6. Agent: Patrick L. Connolly, Attorney
 Address 1712 Beaumont, Wichita, KS. 67219 Phone 744-3584
7. Applicant: Maurice J., Jr. and Isabelle M. Edwards
 Address 14031 North Point Court, Wichita, KS. 67230 Phone 733-1442
8. Applicant: Maurice J. Edwards, III
 Address 14031 North Point Court, Wichita, KS. 67230 Phone 733-1442
311 S. Lorraine 67211
9. Agent: V. Lee Garrett, Attorney at Law
 Address 310 Century Plaza Building, Wichita, KS. 67202 Phone 262-3415

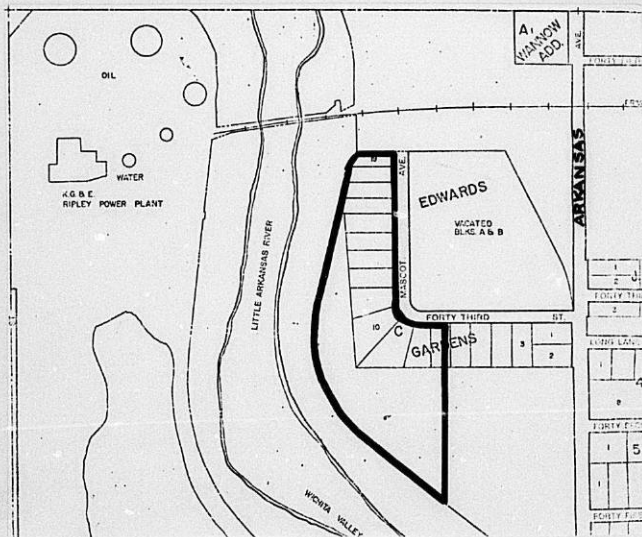
AREA DATA:

1. Acres: 14.7 (_____ ft. by _____ ft.)
2. Adjoining Zoning: N "AA" S "AA" E "AA" W "AA"
3. Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

Survey
 No. 2-153C
 HARTING, AN
 LOS ANGELES-CHICAGO-LOGAN, OH
 MORRISON, TOLACIUSI GROUP, OF
 ILL.

COMMISSIONERS PROCEEDINGS

JOURNAL 140

DECEMBER 23, 1986

PAGE 106

- Z-2817**
(Item No. 7) Z-2817 - Request for Zone Change from "AA" Single-Family Dwelling District to "G" Mobile Home District Located East of West Street in an Area North of 47th Street South. (Cottonwood Grove Associates)
- MAPC Recommendation: Approve. (9-0)
- Agenda Report No. 86-703.
- Jack Galbraith Chief Planner reviewed the Item for the Commission.
- Motion -- Casado moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with Zone Case No. 3-2817, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Commission. Motion carried 5 to 0.
- carried
- DR 86-12**
(Item No. 8) DR 86-12 - Request for Special Use Permit to Establish Water Well Pump Sites for the City of Bel Aire on Property Zoned "AA" One-Family Dwelling District Located Between Arkansas Avenue and the Flood Control Right-of-Way in an Area South of 45th Street South. (City of Bel Aire, Kansas)
- MAPC Recommendation: Approve. (9-0)
- Agenda Report No. 86-704.
- Jack Galbraith Chief Planner reviewed the Item for the Commission.
- Motion -- carried Casado moved that Bel Aire be permitted to speak. Motion carried 5 to 0.
- Pat Connolly Pat Connolly, a representative of Bel Aire, spoke requesting that the Special Use Permit be approved as their other wells were in close proximity and it would save them money.
- Tom Powell Acting City Attorney stated that granting the request would not be proper as the code excluded other Cities and in his opinion it would be illegal to grant the request.
- Motion -- Casado moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with DR 86-12, the request be denied based on the fact that the request of the City of Bel Aire was not permitted under the Ordinances of the City of Wichita. Motion carried 5 to 0.
- carried
- Z-1806/DP-77** Request for Platting Time Extension for Z-1806 ("AA" and "LC" to "R-5," "BB," and "LC") and DP-77 (Hedgecliff Community Unit Plan) Located North of Pawnee and West of Webb Road.
- Agenda Report No. 86-705.
- Motion -- Brown moved that a two-year extension to December 7, 1988, be granted.
-- carried Motion carried 4 to 0. (Mayor Casado absent)
- D-1413** D-1413 - Dedication of Utility Easement Located East of Cypress in an Area South of 29th Street North. (Slawson Investment Corporation)
- Agenda Report No. 86-706.
- Motion -- Brown moved that the Dedication be accepted and the document be recorded with the Register of Deeds. Motion carried 4 to 0. (Mayor Casado absent)
-- carried
- D-1414** D-1414 - Dedication of Utility Easement Located South of Central and West

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
December 23, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: DR 86-12 - REQUEST FOR SPECIAL USE PERMIT TO ESTABLISH
WATER WELL PUMP SITES FOR THE CITY OF BEL AIRE ON
PROPERTY ZONED "AA" ONE-FAMILY DWELLING DISTRICT,
LOCATED BETWEEN ARKANSAS AVENUE AND THE FLOOD CONTROL
R.O.W. IN AN AREA SOUTH OF 45TH STREET NORTH,
(City of Bel Aire, Kansas)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve (9-0)

Staff Recommendation: Approve

Background: On November 24, 1986, the MAPC held a public hearing to consider a special use request from the City of Bel Aire for water well pump sites for Bel Aire on 1.7 acres of undeveloped land located in the Wichita city limits east east of the Little Arkansas River, west of Arkansas Avenue and south of 45th Street North. Part of the property has been platted into residential lots since 1952. All of the property was included in a 117-lot single family residential plat known as Edwards Whitchurch Village Addition which received preliminary approval in 1982 but has never proceeded beyond that stage. No one spoke in opposition to the request. The Planning Commission unanimously recommended approval of the application subject to several conditions as outlined in the minutes.

CPO Council "J" voted 8-0 to recommend approval of the request.

Analysis: To the north of this application area is undeveloped land and a private K.C.E.E. spur track leading to the Ripley power plant. To the east is the Earhart elementary school within USD 259. Also to the east is undeveloped land. To the south and west is the Little Arkansas River and flood control right-of-way.

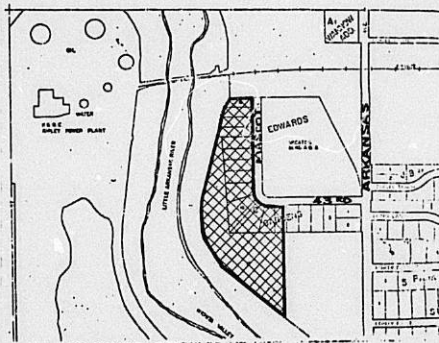
The application indicates that a minimum of three water wells and pump stations are proposed on this site. The type of pumps intended to be utilized on the wells are underground discharge units. Transmission lines will carry the water to the existing chlorination facilities located east of Arkansas north of 45th Street North. Approval of Application and Permit to Proceed has been obtained from the State Board of Agriculture's Division of Water Resources for three wells to pump 303 acre feet of water per calendar year at the maximum rate of 1100 gallons per minute. A

report has been submitted by Ground Water Associates, Inc. offering the opinion that the proposed new wells will not impair any existing water user's rights.

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the approval of this special use permit.

- Actions:
1. Concur with the findings of the MAPC and approve the special use permit subject to the recommended conditions; adopt the resolution authorizing the special use permit; or
 2. Take appropriate action stating reasons.

Attachments: Area map
11-24-86 MAPC Minutes
CPO Memorandum
Report from Ground Water Associates, inc.



DR 86-12 - REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH WATER WELL PUMP SITES FOR THE CITY OF BEL AIRE ON PROPERTY ZONED "AA" ONE-FAMILY DWELLING DISTRICT, LOCATED BETWEEN ARKANSAS AVENUE AND THE FLOOD CONTROL R.O.W IN AN AREA SOUTH OF 45TH STREET NORTH.

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 24, 1986

LEGAL:

6. Case No. DR 86-12 - City of Bel Aire, Kansas requests special use permit to establish water well pump sites for the City of Bel Aire on Lots 7 to 19, Block C, Edwards Gardens, Sedgwick County, Kansas, except the east 27 feet of said Lot 7; AND The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338 and except the east 625 feet thereof; AND All that portion of the following described land lying north and east of the Wichita-Valley Center Flood Control Right-of-Way as condemned in District Court Case No. A-39338: The South 44 rods of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the east 625 feet thereof; AND A tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the southwest corner of Lot 10, Block C, Edwards Gardens, thence northwest to the northwest corner of Lot 15, Block C, Edwards Gardens; thence west 33.31 feet; thence southwesterly along the easterly line of the Wichita-Valley Center Flood Control R.O.W. to a point 191.18 feet west of beginning; thence east to beginning. Generally located between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

GALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

Background: The City of Bel Aire and the property owner (Maurice J. Edwards, Jr., et.al.) are requesting a special use permit to establish water well pump sites for Bel Aire on 14.7 acres of undeveloped land located in the Wichita city limits east of the Little Arkansas River, west of Arkansas Avenue and south of 45th Street North. Part of the property has been platted into residential lots since 1952. All of the property was included in a 117-lot single family residential plat known as Edwards Whitchurch Village Addition which received preliminary approval in 1982 but has never proceeded beyond that stage.

Analysis: To the north of this application area is undeveloped land and a private K.G.&E. spur track leading to the Ripley power plant. To the east is the Earhart elementary school within USD 259. Also to the east is undeveloped land. To the south and west is the Little Arkansas River and flood control right-of-way.

The application indicates that a minimum of three water wells and pump stations are proposed on this site. The type of pumps intended to be utilized on the wells are underground discharge units. Transmission lines will carry the water to the existing chlorination facilities located east of Arkansas north of 45th Street North. Application has been made to the State Board of Agriculture's Division of Water Resources for three wells to pump 303 acre feet of water per calendar year at the maximum rate of 1100 gallons per minute. As of the date of this report, word has not been received from the State as to

whether the permit will be granted by them. Their review of an application for water allocation takes into consideration the amount of water available from the source and the amount already allocated to other users.

Forty-third Street is passable but not improved to urban standards. Mascot Avenue north of 43rd Street is non-existent. The owner of the site should be prepared to discuss his plans for continuing with the platting of this land. The plat file should be closed or a revised plat taking into consideration the water well sites should be submitted for review.

The concern with this proposal is what effect the location of these wells will have on other existing private wells in the area. No information has been submitted as to what is expected to happen to the water table. Will it be lowered so that existing wells will have to be deepened? Until that information is provided, consideration should be given to deferring this request and the applicant should be requested to provide a written report from an independent groundwater specialist addressing this issue.

Should the Planning Commission determine that this is an appropriate use, a recommendation of approval of this special use permit should be subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.

DISCUSSION:

GALBRAITH recalled that a few years ago staff worked with the present owner of the property in the development of a plat for his area that still is an open case in the files. He was interested in platting part of his land that was unplatted and then having a rearrangement of lots in the platted portion.

GALBRAITH said that when this current application was filed, staff asked for a proposed site development plan of the location of wells and how the distribution of lines would go into the site to serve the City of Bel Aire. Staff questioned whether or not a State Board of Water Resources permit had been granted, and they believe now that it has been granted since the writing of the staff report. GALBRAITH said that in staff's deliberation of this request, they questioned what the pumps that might take 1100 gallons of water per minute out of this area might do to existing wells in the area, and staff suggested that the applicants do an independent analysis on this matter, and

they were able to contact someone almost immediately. GALBRAITH mentioned that the Commission has been provided copies of that report today. He said that in some recent discussions with the Water Department, they are interested in discussing with the City of Bel Aire the potential of Wichita furnishing them water, and would hope that that type of conversation could go on in the next few days or weeks before this matter goes on to the City Commission. GALBRAITH said that he called Mr. Connolly earlier, suggesting that the Planning Commission might defer this case for two weeks so that those negotiations and discussions could occur, and was advised that Bel Aire has a purchase contract on this property and that it was imperative that some action be taken before the first of the year. GALBRAITH mentioned that if the Planning Commission recommended approval of this case today, it would go on to the City Commission by December 23, and that meets their deadline.

PAT CONNOLLY, attorney representing the City of Bel Aire, said that the City of Bel Aire needs this area to establish water wells and pump stations and the necessary water transmission line in order to assure and secure Bel Aire's present and future need for municipal use of water. He went on to further explain why this particular site was chosen. He said that an advantage of obtaining a special use permit for this land on which the proposed well sites could be located is the close proximity of this land to the location of the existing well site and chlorination facilities now supplying water to the City of Bel Aire. The close proximity of the two well fields would allow a better system for maintenance and inspection of all water wells, pumps and transmission lines. CONNOLLY said that analysis of the test holes recently drilled on the property which is within this special permit application indicates the water is very similar to the water now being obtained from existing water wells for the City of Bel Aire.

CONNOLLY continued with his presentation by reviewing the report prepared by Ground Water Associates and noting that the consultant found that there is an adequate supply of water available in the proposed new well field for the city to pump 303 acre feet per year without impairing any existing water user's rights. (One acre foot of water equals approximately 326,000 gallons.) Also, the consultant's report showed that, in his opinion, the general water quality available from the new area would be as good as, and possibly better than, the water from the existing field and that the new area is located better than the existing field in regards to potential contamination hazards. CONNOLLY went on to say that the report by Ground Water Associates indicates that there is enough water in the aquifer, and that wells are close enough to the Little Arkansas River that they will not de-water the river nor deplete the water in the aquifer. The domestic wells are from 800-feet to over 1000 feet away.

CONNOLLY said that Bel Aire was interested in providing water for their city, and to complete the business transactions prior to the end of 1986 due to the new tax laws next year. The city has already contacted KG&E and already have the necessary easements. This site would serve as an ideal location for the pipes to be alternating between the existing well site and chlorination facilities and another close-by water well site. CONNOLLY said that with the existing field, it certainly takes care of, at the moment, the supply and needs

of the City of Bel Aire, but to do so in peak periods, they have to overload the pumps and it is hard on their equipment. With the alternate field, they could sort of smooth it out and have the pumps alternating and take some of the pressure off.

CONNOLLY, addressing the matter of platting, said that their position was that they did not know what they were going to do with the balance of the area because they only need three sites out of all of that area. However, he has indications that the Wichita Park Department and Amelia Earhart School were rather interested in developing native park land in this area. He said that Bel Aire would be willing to explore this possibility with the Park Department and possibly enter into negotiations. CONNOLLY reiterated that they needed very little land, but have to buy the whole parcel to get their well sites.

GARDNER asked Connolly who on the City of Wichita's staff had he discussed this matter with regarding enhancing Bel Aire's water supply.

CONNOLLY said that as he understands it, since it was not his discussion but members of the governing body, they were directly with Mr. Wynkoop.

GARDNER said that he would like to convey for the Planning Commission's perspective that there could have been a more receptive attitude put forth by the Water Department regarding the ability to coordinate a supply system with Bel Aire. He said that there have been some discussion about some revisions or reconsideration of water policies in that regard. GARDNER said that he would appreciate further input as to what transpired in those conversations.

CONNOLLY felt that the attitude of Bel Aire would be open to some negotiations. They want to maintain the system themselves and that is why they wanted a new field. He felt that something mutually could be worked out that would be beneficial to both of the cities in case of any particular emergency.

MILES asked how deep will the wells be.

JIM JACKSON, Reiss and Goodness, stated that the projection of the wells based on the test information shows the depth of the wells will be 45 feet. He said that in general this is the same depth as the wells that are in the existing Bel Aire field.

MILES stated that he happened to be in the neighborhood when the Interstate was built and the bridges and it drew the field down about 2½ to 3 feet. He said that he did not agree with the finding that it won't bring the water level down.

JACKSON said that the findings were not his company's findings. They are the findings of the Division of Water Resources. He said that what they had found, as far as they are concerned, in a similar well built at Park City, is that the cone of influence that is discussed in the report from Mr. Vinson actually had a diameter of 12 feet. This means that a short distance below the

surface of the ground out six feet from the center of the well is the point of influence that was felt at that time. He said that the water table would go up and down depending upon the usage that occurs. He felt that Miles was talking about a de-watering situation where the amount of water that was being withdrawn was certainly in excess of that which any individual well would draw in this case.

MILES said that the report states that the quality of the water in the river was applicable for public use. MILES said that he knew the water would shrivel a plant. The water in the Little Arkansas River is not that good.

JACKSON stated that tests had been run on the water at individual levels and while it is not the greatest water in the world, it is a little better quality than the water that is coming from the present well field.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this special use permit be approved subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.
5. Submission of a report from an independent groundwater specialist addressing the issue of what is expected to happen to the ground water table and its effects on existing wells in the area.

Bayouth moved, Parsons seconded and it carried unanimously. Banzer was absent.

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE November 19, 1986

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DR 86-12: Between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North

On November 5, CPO Council Area "J" considered the above captioned case, a request for a "special use permit" by the City of Bel Aire, to establish well pump sites on property zoned "AA" One-Family District. Council members were provided a copy of the public notice and a map of the area. Following an extensive discussion, the Council voted 8-0 to recommend approval of the request.

Patrick L. Connolly, Attorney, was present to explain the specifics of the request to Council members and the four area residents present. Mr. Connolly explained that the State Division of Water Resources would also have to approve this request.

The area residents voiced concerns that the water table in the area might drop as a result of these wells. Mr. Connolly stated that based upon current research, the proposed wells would not adversely affect neighborhood wells. However, Mr. Connolly, noted that there are no "guarantees" that the water table would not actually drop.

Following the discussion, Council members surveyed the area residents regarding this request. The area residents stated that, after hearing the explanation, they were no longer opposed to the request.

Please forward these comments regarding DR 86-12 to the MAPC and Board of City Commissioners when this case is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

NOV 19 1986

METROPOLITAN PLANNING
ROUTE _____

Ground Water Associates, Inc.

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67202 • 316-262-3322

November 22, 1986

Dale E. Walter, Mayor
City of Bel Aire
4343 N. Woodland
Wichita, Kansas 67220

Subject: Proposed Water Supply

Dear Mr. Walter:

This letter is written in response to your request that I provide the City of Bel Aire with my opinion concerning the feasibility of establishing a new city water well field in the Earhart School area. Specifically, it is proposed to construct three municipal water wells in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec 29, T 26S, R1E, Sedgwick County, Kansas. (See attached map.)

I understand the following situation exists:

- (1) This new well field would not replace your existing well field (located in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 20, T 26S, R1E), but would operate in conjunction with it. Basically, this would mean that you would not have to pump your existing wells quite so hard, and thus would relieve some of the excessive drawdown that occurs there now during your peak water use periods;
- (2) The City of Bel Aire has received three permits to proceed (38,317, 38,318 and 38,319) from the Kansas Division of Water Resources, which is the state agency responsible for allocating and protecting water rights within Kansas. They have authorized the city to construct three wells capable of pumping up to a total of 303 acre feet per year. (One acre foot of water equals approximately 326,000 gallons.);
- (3) The three new wells would be constructed in a north-south line parallel to the Little Arkansas River, and they would be approximately 400' east of the river. The wells would be a little over 800' west from the nearest domestic wells and over 1,000' away from the vast majority of domestic wells (east of Arkansas Avenue).



EXPERTISE IN WATER & WELLS

Dale E. Walter
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November 22, 1986

Conclusion

It is my opinion there is an adequate supply of water available in the proposed new well field area for the city to pump 303 acre feet per year without impairing any existing water user's rights. The general water quality available will be as good as, and possibly better, than the water from the existing field. Further, the new area is actually located better than the existing well field is when consideration is given to potential contamination hazards. I will explain.

General Geology and Hydrology of the Area

The formation and aquifer present in this area is alluvial deposits associated with the Little Arkansas River. These are gravels, sands, silts and clays that are from 38' to 45' thick. They lay unconformably on the Wellington Shale which serves as the bottom for the aquifer. The water level varies from 6.5' to 14.5' below ground level, which means that there is from 30.5' to 31.5' of saturated sand and gravel available for water production. The water table in this area slopes from the northwest to the southeast at approximately 6.5' per mile, and the recharge comes to the area from the northwest and north.

The amount of water that can be pumped from an aquifer depends on the amount of water in storage and the amount of recharge to the area. The amount of water in storage is dependent upon the saturated thickness of the formation and the specific yield of that formation. In this area, the saturated thickness is approximately 31' and the specific yield (the percent of water that can be drained from a given volume of formation) is 0.20. Therefore, the amount of water in storage under only the NW $\frac{1}{4}$ of Section 29 would be; 31' X 0.20 X 160 acres = 992 acre feet.

The amount of recharge to this area is approximately 20 percent of the average annual precipitation of 30 inches or six inches per year. Again, considering only the NW $\frac{1}{4}$ of section 29, the recharge would be; 0.5' X 160 acres = 80 acre feet per year. Of course, pumped wells induce recharge from outside their immediate area, and therefore the water level stays relatively stable.

The overall water level throughout Wichita and the area six to seven miles northwest of Wichita has not shown any water level decline. In fact all of the streams in this area are gaining or effluent streams; that is, the ground water in the area bleeds out to the surface streams.

The water quality available in the existing well field and proposed new well field area is very similar. The water is hard (approximately 400 mg/l) and contains objectionable amounts of iron and manganese. Other than the iron and manganese, the water meets the requirements of the Kansas Department of Health and Environment for a public water supply. And, these two constituents can be

Dale E. Walter
Page 3
November 22, 1986

sequestered to make the water acceptable to the public.

Proposed New Well Field

Concern has been expressed that pumping from the proposed new well field might impair existing water users' rights. This will not occur due to the amount of water in the aquifer and the proximity of the wells to the Little Arkansas River. As the wells pump, they will develop a cone of drawdown in the aquifer, which will extend out under the river since it is only 400' away. This in turn will induce recharge to the aquifer which will stop the growth of the cone of depression. The domestic wells are from 800' to over 1,000' away.

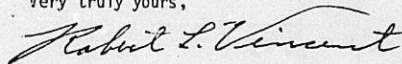
There is little chance of de-watering the Little Arkansas River since its average flow is 188,000 acre-feet per year at Valley Center, and its minimum volume of flow has been 11,000 acre-feet (in 1956). The water quality in the river is very acceptable for public water supply use.

The existing well field is approximately 3,000' away from the Little Arkansas River and is not close to another source of additional recharge. Therefore, during peak use period (the summer months), a temporary cone of depression develops and limits the production from these wells. By pumping part of your water needs from the new well field area, you will alleviate this situation.

Recently the Kansas Department of Health and Environment has issued warnings concerning some contamination (volatile organic chemicals) that exists in the ground water in the area of 5300 to 6200 north Broadway. The new well field is much better situated to avoid problems from these contaminants due to the distance involved and its proximity to the Little Arkansas River.

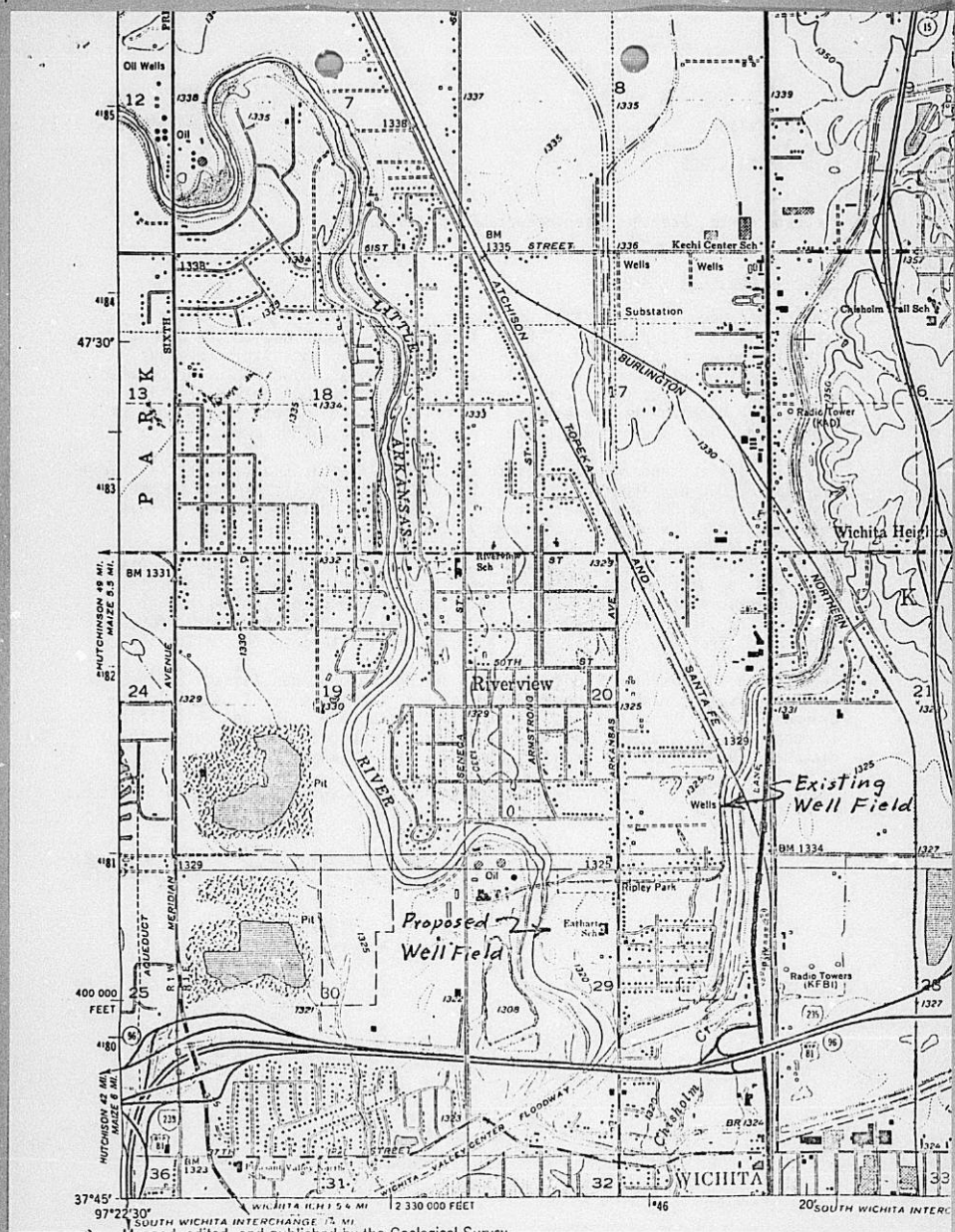
Please advise if I need to elaborate on any of the points covered in this letter.

Very truly yours,



Robert L. Vincent, C.P.G.
Ground Water Associates, Inc.

RLV/jv



WICHITA, KANSAS
 SOUTH WICHITA INTERCHANGE 7.1 MI.
 20 SOUTH WICHITA INTERCHANGE 1.5 MI.
 WICHITA H.H. 1.54 MI.
 2 330 000 FEET
 1946

THE CITY OF WICHITA
OFFICE OF MAPD-DESIGN

DATE November 24, 1986

TO Chris Cherches, City Manager
FROM Mike Lindebak, City Engineer/Acting Director of Planning
SUBJECT Special Use Permit - Bel-Aire
Water Well Site

John Wynkoop is to schedule a meeting with Bel-Aire officials to discuss Wichita supplying Bel-Aire with water.

Based on Pat Conlee's presentation before the Planning Commission this date, Bel-Aire previously attempted to obtain water from Wichita. After some conversation with John Wynkoop, I found out that they only attempted to utilize Wichita as a back up supply of water. There was no discussion about Wichita being a supplemental water supply.

As presented to the MAPC, Bel-Aire thought the only option available to them would be for Wichita to take over their water system. Bel-Aire appears to fear loss of control if they depend on Wichita for its water supply.

Another option would be to supply water to Bel-Aire similar to the recent agreement with Park City.

Planning staff will continue to work with Mr. Wynkoop and keep you and the City Commission apprised of any developments with Bel-Aire officials.

ML:gr

cc: John Wynkoop, Director of Water and Water Pollution Control
Jack Galbraith, Chief Planner - Current Plans ✓

RECEIVED

NOV 26 1986

METROPOLITAN PLANNING

ROUTE _____

November 25, 1986

Patrick L. Connolly, Attorney
1712 Beaumont
Wichita, Kansas 67219

Re: DR 86-12 Special Use Permit to Establish Water Wells for the City of Bel Aire.

Dear Mr. Connolly:

At its regular meeting on November 24, 1986, the Metropolitan Area Planning Commission considered the above-captioned special use permit. The action of the Planning Commission was to recommend approval of this special use permit subject to the following conditions:

- received*
1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
 2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
 3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
 4. Closure of the plat file that has been open since 1982.
 5. Submission of a report from an independent groundwater specialist addressing the issue of what is expected to happen to the ground water table and its effects on existing wells in the area.

In further discussion, the Planning Commission recommended that you contact the Water Department and discuss the possibility of obtaining water from Wichita so that a report can be furnished to the Board of City Commissioners. This case will be scheduled for consideration by the Board

DR 86-12
November 25, 1986
Page 2

of City Commissioners at their regular meeting on December 23, 1986. The meeting will be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Jim Jackson, Reiss & Goodness, 2160 West 21st Street, Wichita, KS
City of Bel Aire, Kansas, a Municipal Corporation, 4345 N. Woodlawn,
Wichita, KS 67220
Maurice J., Jr. and Isabelle M. Edwards, 14031 North Point Court,
Wichita, KS 67230
Maurice J. Edwards, III, 311 S. Lorraine, Wichita, KS 67211
V. Lee Garrett, Attorney, 310 Century Plaza Bldg., Wichita, KS 67202
John Wynkoop, Director of Water and Water Pollution

Ground Water Associates, Inc.

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67202 • 316-262-3322

November 22, 1986

Dale E. Walter, Mayor
City of Bel Aire
4343 N. Woodland
Wichita, Kansas 67220

Subject: Proposed Water Supply

Dear Mr. Walter:

This letter is written in response to your request that I provide the City of Bel Aire with my opinion concerning the feasibility of establishing a new city water well field in the Earhart School area. Specifically, it is proposed to construct three municipal water wells in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec 29, T 26S, R1E, Sedgwick County, Kansas. (See attached map.)

I understand the following situation exists:

- (1) This new well field would not replace your existing well field (located in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 20, T 26S, R1E), but would operate in conjunction with it. Basically, this would mean that you would not have to pump your existing wells quite so hard, and thus would relieve some of the excessive drawdown that occurs there now during your peak water use periods;
- (2) The City of Bel Aire has received three permits to proceed (38,317, 38,318 and 38,319) from the Kansas Division of Water Resources, which is the state agency responsible for allocating and protecting water rights within Kansas. They have authorized the city to construct three wells capable of pumping up to a total of 303 acre feet per year. (One acre foot of water equals approximately 326,000 gallons.);
- (3) The three new wells would be constructed in a north-south line parallel to the Little Arkansas River, and they would be approximately 400' east of the river. The wells would be a little over 800' west from the nearest domestic wells and over 1,000' away from the vast majority of domestic wells (east of Arkansas Avenue).



EXPERTISE IN WATER & WELLS

Dale E. Walter
Page 2
November 22, 1986

Conclusion

It is my opinion there is an adequate supply of water available in the proposed new well field area for the city to pump 303 acre feet per year without impairing any existing water user's rights. The general water quality available will be as good as, and possibly better, than the water from the existing field. Further, the new area is actually located better than the existing well field is when consideration is given to potential contamination hazards. I will explain.

General Geology and Hydrology of the Area

The formation and aquifer present in this area is alluvial deposits associated with the Little Arkansas River. These are gravels, sands, silts and clays that are from 38' to 45' thick. They lay unconformably on the Wellington Shale which serves as the bottom for the aquifer. The water level varies from 6.5' to 14.5' below ground level, which means that there is from 30.5' to 31.5' of saturated sand and gravel available for water production. The water table in this area slopes from the northwest to the southeast at approximately 6.5' per mile, and the recharge comes to the area from the northwest and north.

The amount of water that can be pumped from an aquifer depends on the amount of water in storage and the amount of recharge to the area. The amount of water in storage is dependent upon the saturated thickness of the formation and the specific yield of that formation. In this area, the saturated thickness is approximately 31' and the specific yield (the percent of water that can be drained from a given volume of formation) is 0.20. Therefore, the amount of water in storage under only the NW $\frac{1}{4}$ of Section 29 would be; 31' X 0.20 X 160 acres = 992 acre feet.

The amount of recharge to this area is approximately 20 percent of the average annual precipitation of 30 inches or six inches per year. Again, considering only the NW $\frac{1}{4}$ of section 29, the recharge would be; 0.5' X 160 acres = 80 acre feet per year. Of course, pumped wells induce recharge from outside their immediate area, and therefore the water level stays relatively stable.

The overall water level throughout Wichita and the area six to seven miles northwest of Wichita has not shown any water level decline. In fact all of the streams in this area are gaining or effluent streams; that is, the ground water in the area bleeds out to the surface streams.

The water quality available in the existing well field and proposed new well field area is very similar. The water is hard (approximately 400 mg/l) and contains objectionable amounts of iron and manganese. Other than the iron and manganese, the water meets the requirements of the Kansas Department of Health and Environment for a public water supply. And, these two constituents can be

Dale E. Walter
Page 3
November 22, 1986

sequestered to make the water acceptable to the public.

Proposed New Well Field

Concern has been expressed that pumping from the proposed new well field might impair existing water users' rights. This will not occur due to the amount of water in the aquifer and the proximity of the wells to the Little Arkansas River. As the wells pump, they will develop a cone of drawdown in the aquifer, which will extend out under the river since it is only 400' away. This in turn will induce recharge to the aquifer which will stop the growth of the cone of depression. The domestic wells are from 800' to over 1,000' away.

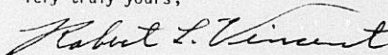
There is little chance of de-watering the Little Arkansas River since its average flow is 188,000 acre-feet per year at Valley Center, and its minimum volume of flow has been 11,000 acre-feet (in 1956). The water quality in the river is very acceptable for public water supply use.

The existing well field is approximately 3,000' away from the Little Arkansas River and is not close to another source of additional recharge. Therefore, during peak use period (the summer months), a temporary cone of depression develops and limits the production from these wells. By pumping part of your water needs from the new well field area, you will alleviate this situation.

Recently the Kansas Department of Health and Environment has issued warnings concerning some contamination (volatile organic chemicals) that exists in the ground water in the area of 5300 to 6200 north Broadway. The new well field is much better situated to avoid problems from these contaminants due to the distance involved and its proximity to the Little Arkansas River.

Please advise if I need to elaborate on any of the points covered in this letter.

Very truly yours,



Robert L. Vincent, C.P.G.
Ground Water Associates, Inc.

RLV/jv



37°45' 97°22'30" WICHITA 1:54 MI 2 330 000 FEET
 SOUTH WICHITA INTERCHANGE 1:1 MI
 Mapped, edited, and published by the Geological Survey



KANSAS STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
DAVID L. POPE, Chief Engineer-Director
109 SW Ninth Street, Suite 202
TOPEKA, KANSAS 66612-1283
(913) 296-3717

SAM BROWNBACK
Secretary

November 18, 1986

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

Attention: Dale E. Walter, Mayor

Re: Appropriation of Water
File No. 38,317

Dear Mr. Walter:

There is enclosed the approval of application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval of application.

It also should be noted that your permit is subject to the provisions of the minimum streamflow requirements of the State of Kansas. The Neosho, Cottonwood, Marais des Cygnes, Little Arkansas, Arkansas, North Fork Ninnescah, South Fork Ninnescah and Ninnescah Rivers and Rattlesnake Creek are presently streams upon which minimum streamflow standards have been set. Your particular attention is called to Paragraph No. 16 of this permit.

Failure to notify the Chief Engineer-Director 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-Director that the proposed diversion works are completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer-Director before

DWR 1-200.6
(Rev. 2/18/86)

The Division of Water Resources administers laws relating to water supply conservation, management and utilization of the water resources of Kansas.

November 18, 1986

The City of Bel Aire, Kansas
Re: File No. 38,317
Page 2

the expiration of time originally set forth in the approval of application to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, please be sure to request it before the expiration of time set forth in this approval. Complying with this regulation will help protect your water right.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water right.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Paul C. Clark
Paul C. Clark
Hydrologist

PCC:RFL:aru
Enc.
cc: Stafford Field Office

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, 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. 38,317 of the applicant

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

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 August 27, 1986.
2. That the water sought to be appropriated shall be used for municipal purposes in the City of Bel Aire, Kansas, the immediate vicinity and within 660 feet of either side of the water supply line.
3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Little Arkansas River to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 3,385 feet North and 3,760 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East, Sedgwick County, Kansas, 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
300 gallons per minute (0.67 c.f.s.)
and to a quantity of not to exceed 27 million gallons (83 acre-feet) for any calendar year.
5. That installation of works for diversion of water shall be completed on or before December 31, 19 87 or any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the fee will result in revocation of the permit.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 19 91 or any authorized extension thereof.

(OVER)



7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

8. 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 or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. 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.

11. That this permit does not constitute authority under K.S.A. 82a-301 to 305a to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. 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.

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

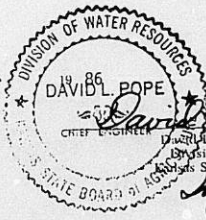
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 law on or before July 1, 1990, for the source of supply to which this water right applies.

17. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

Dated this 18th day of November



David L. Pope
 David L. Pope, Chief Engineer by
 Division of Water Resources
 Kansas State Board of Agriculture
Wayland J. Anderson



KANSAS STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
DAVID L. POPE, Chief Engineer-Director
109 SW Ninth Street, Suite 202
TOPEKA, KANSAS 66612-1283
(913) 296-3717

SAM BROWNBACK
Secretary

November 18, 1986

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

Attention: Dale E. Walter, Mayor

Re: Appropriation of Water
File No. 38,318

Dear Mr. Walter:

There is enclosed the approval of application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval of application.

It also should be noted that your permit is subject to the provisions of the minimum streamflow requirements of the State of Kansas. The Neosho, Cottonwood, Marais des Cygnes, Little Arkansas, Arkansas, North Fork Ninnescah, South Fork Ninnescah and Ninnescah Rivers and Rattlesnake Creek are presently streams upon which minimum streamflow standards have been set. Your particular attention is called to Paragraph No. 16 of this permit.

Failure to notify the Chief Engineer-Director 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-Director that the proposed diversion works are completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer-Director before

DWR 1-200.6
(Rev. 2/10/85)

The Division of Water Resources administers laws relating to water supply, conservation, management and utilization of the water resources of

November 18, 1986

The City of Bel Aire, Kansas
Re: File No. 38,318
Page 2

the expiration of time originally set forth in the approval of application to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, please be sure to request it before the expiration of time set forth in this approval. Complying with this regulation will help protect your water right.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water right.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Paul C. Clark
Paul C. Clark
Hydrologist

PCC:RFL:aru
Enc.
cc: Stafford Field Office

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, 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. 38,318 of the applicant

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

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 August 27, 1986.
2. That the water sought to be appropriated shall be used for municipal purposes in the City of Bel Aire, Kansas, the immediate vicinity and within 660 feet of either side of the water supply line.
3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Little Arkansas River to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 3,900 feet North and 3,450 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East, Sedgwick County, Kansas, 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
300 gallons per minute (0.67 c.f.s.)
and to a quantity of not to exceed 27 million gallons (83 acre-feet) for any calendar year.
5. That installation of works for diversion of water shall be completed on or before December 31, 19 87 or any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the fee will result in revocation of the permit.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 19 91 or any authorized extension thereof.

(OVER)

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

8. 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 or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. 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.

11. That this permit does not constitute authority under K.S.A. 82a-301 to 305a to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. 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.

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

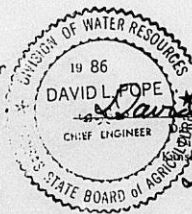
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 law on or before July 1, 1990, for the source of supply to which this water right applies.

17. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

Dated this 18th day of November



David L. Pope, Chief Engineer
Division of Water Resources
State Board of Agriculture

by
Howard J. Anderson



KANSAS STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
DAVID L. POPE, Chief Engineer-Director
109 SW Ninth Street, Suite 202
TOPEKA, KANSAS 66612-1283
(913) 296-3717

SAM BROWNBACK
Secretary

November 18, 1986

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

Attention: Dale E. Walter, Mayor

Re: Appropriation of Water
File No. 38,319

Dear Mr. Walter:

There is enclosed the approval of application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval of application.

It also should be noted that your permit is subject to the provisions of the minimum streamflow requirements of the State of Kansas. The Neosho, Cottonwood, Marais des Cygnes, Little Arkansas, Arkansas, North Fork Ninnescah, South Fork Ninnescah and Ninnescah Rivers and Rattlesnake Creek are presently streams upon which minimum streamflow standards have been set. Your particular attention is called to Paragraph No. 16 of this permit.

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November 18, 1986

The City of Bel Aire, Kansas
Re: File No. 38,319
Page 2

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If for any reason, you require an extension of time, please be sure to request it before the expiration of time set forth in this approval. Complying with this regulation will help protect your water right.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Paul C. Clark
Paul C. Clark
Hydrologist

PCC:RFL:aru
Enc.
cc: Stafford Field Office

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, 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. 38,319 of the applicant

The City of Bel Aire, Kansas
City Hall
4343 N. Woodlawn
Wichita, Kansas 67220

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 August 27, 1986.
2. That the water sought to be appropriated shall be used for municipal purposes in the City of Bel Aire, Kansas, the immediate vicinity and within 660 feet of either side of the water supply line.
3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Little Arkansas River to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 4,415 feet North and 3,740 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East, Sedgwick County, Kansas, 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 500 gallons per minute (1.11 c.f.s.) and to a quantity of not to exceed 44.6 million gallons (137 acre-feet) for any calendar year.
5. That installation of works for diversion of water shall be completed on or before December 31, 19 87 or any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the fee will result in revocation of the permit.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 19 91 or any authorized extension thereof.

(OVER)

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

8. 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 or any authorized extension thereof.

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12. 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.

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

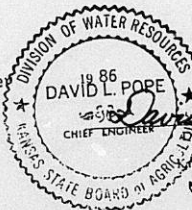
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 law on or before July 1, 1990, for the source of supply to which this water right applies.

17. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

Dated this 18th day of November



David L. Pope, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

by
Wayland J. Anderson

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE November 19, 1986

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DR 86-12: Between Arkansas
Avenue and the Flood Control
R.O.W. in an area south of
45th Street North

On November 5, CPO Council Area "J" considered the above captioned case, a request for a "special use permit" by the City of Bel Aire, to establish well pump sites on property zoned "AA" One-Family District. Council members were provided a copy of the public notice and a map of the area. Following an extensive discussion, the Council voted 8-0 to recommend approval of the request.

Patrick L. Connolly, Attorney, was present to explain the specifics of the request to Council members and the four area residents present. Mr. Connolly explained that the State Division of Water Resources would also have to approve this request.

The area residents voiced concerns that the water table in the area might drop as a result of these wells. Mr. Connolly stated that based upon current research, the proposed wells would not adversely affect neighborhood wells. However, Mr. Connolly, noted that there are no "guarantees" that the water table would not actually drop.

Following the discussion, Council members surveyed the area residents regarding this request. The area residents stated that, after hearing the explanation, they were no longer opposed to the request.

Please forward these comments regarding DR 86-12 to the MAPC and Board of City Commissioners when this case is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

NOV 19 1986

METROPOLITAN PLANNING

ROUTE _____

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: November 18, 1986

TO: Jack Brown, Chief, Environmental Quality

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: DR 86-12 - Request for Special Use Permit to Establish Water Well Pump Sites for the City of Bel Aire on Property within the Wichita City Limits.

I understand you are already aware of Bel Aire's request for water well pump sites west of Arkansas Avenue and south of 45th Street North within Wichita's city limits. This request will be reviewed by the Metropolitan Area Planning Commission at their next meeting which, due to the Thanksgiving holiday, will be held on Monday, November 24, 1986, beginning at 1:30 pm in the City Commission Meeting Room.

Attached is a copy of our staff report. If you have any comments about Bel Aire's request, we would appreciate hearing from you prior to the MAPC meeting. The Planning Commission's recommendation will be forwarded to the Board of City Commissioners for final action.

JHG:LO:dik

Attachment

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: November 18, 1986

TO: John Wynkoop, Director of Water and Water Pollution Control

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: DR 86-12 - Request for Special Use Permit to Establish Water Well Pump Sites for the City of Bel Aire on Property within the Wichita City Limits.

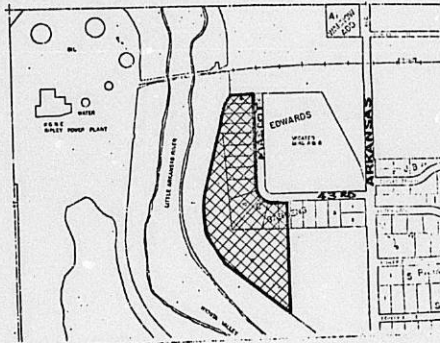
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Attached is a copy of our staff report. If you have any comments about Bel Aire's request, we would appreciate hearing from you prior to the MAPC meeting. The Planning Commission's recommendation will be forwarded to the Board of City Commissioners for final action.

JHG:LO:dlk

Attachment

STAFF REPORT



DR 86-12 - REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH WATER WELL PUMP SITES FOR THE CITY OF BEL AIRE ON PROPERTY ZONED "AA" ONE-FAMILY DWELLING DISTRICT, LOCATED BETWEEN ARKANSAS AVENUE AND THE FLOOD CONTROL R.O.W IN AN AREA SOUTH OF 45TH STREET NORTH.

Applicant: City of Bel Aire, Kansas, 4345 North Woodlawn, 67220

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Undeveloped	"AA"	14.7 acres
North	Undeveloped	"AA"	
South	Flood control r.o.w.	n/a	
East	School & undeveloped	"AA"	
West	Flood control r.o.w.	n/a	

History: S/D 82-70 Edwards Whitchurch Village Addition approved by S/D Committee in preliminary form December, 1982.

Background: The City of Bel Aire and the property owner (Maurice J. Edwards, Jr., et.al.) are requesting a special use permit to establish water well pump sites for Bel Aire on 14.7 acres of undeveloped land located in the Wichita city limits east of the Little Arkansas River, west of Arkansas Avenue and south of 45th Street North. Part of the property has been platted into residential lots since 1952. All of the property was included in a 117-lot single family residential plat known as Edwards Whitchurch Village Addition which received preliminary approval in 1982 but has never proceeded beyond that stage.

Analysis: To the north of this application area is undeveloped land and a private K.C.&E. spur track leading to the Ripley power plant. To the east is the Earhart elementary school within USD 259. Also to the east is undeveloped land. To the south and west is the Little Arkansas River and flood control right-of-way.

The application indicates that a minimum of three water wells and pump stations are proposed on this site. The type of pumps intended to be utilized on the wells are underground discharge units. Transmission lines will carry the water to the existing chlorination facilities located east of Arkansas north of 45th Street North. Application has been made to the State Board of Agriculture's Division of Water Resources for three wells to pump 303 acre feet of water per calendar year at the maximum rate of 1100 gallons per minute. As of the date of this report, word has not been received from the State as to whether the permit will be granted by them. Their review of an application for water allocation takes into consideration the amount of water available from the source and the amount already allocated to other users.

Forty-third Street is passable but not improved to urban standards. Mascot Avenue north of 43rd Street is non-existent. The owner of the site should be prepared to discuss his plans for continuing with the platting of this land. The plat file should be closed or a revised plat taking into consideration the water well sites should be submitted for review.

The concern with this proposal is what effect the location of these wells will have on other existing private wells in the area. No information has been submitted as to what is expected to happen to the water table. Will it be lowered so that existing wells will have to be deepened? Until that information is provided, consideration should be given to deferring this request and the applicant should be requested to provide a written report from an independent groundwater specialist addressing this issue.

Should the Planning Commission determine that this is an appropriate use, a recommendation of approval of this special use permit should be subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.

IMPORTANT MESSAGE

FOR Barb
DATE 1/1/7 TIME 10:05 ^{A.M.}/_{P.M.}

WHILE YOU WERE AWAY

Judy Conley

OF

PHONE No. 838-4100

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE re: DR-86-12

(lives on east side of Arkansas and owns property on west side of Arkansas) called to ask question on what effect this

SIGNED case will have on nearby homeowner's wells. I referred her to Pat Conolley since we

FORM 009-017

have not yet received the
State water report. She
said she'd be copying
the notice & sending it
to other property owners
in the area (approx. 50)

Barb

11-17-86

11⁰⁰ am

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

November 7, 1986

TO: Chris Cherches, City Manager

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: DR 86-12 - Special Use Request from the City of Bel Aire for Water Well Sites in Wichita

Just wanted you to be aware that the City of Bel Aire has filed an application with the planning department for a special use permit to establish water well pump sites on property within Wichita's city limits west of Arkansas in the vicinity of 43rd Street North. The property is zoned for single-family use but has never been developed. It is situated west and southwest of Earhart School.

The MAPC will review this request at their meeting on Monday, November 24, 1986, and make a recommendation to the City Commission. In accordance with Section 28.04.180.4 of the Zoning Ordinance, the City Commission has the authority to grant special use permits for any governmental use within any zoning district subject to such protective restrictions as it deems necessary.

Attached is a location map. Additional information can be provided upon request.

Jack H. Galbraith
Chief Planner

APPROVED BY:

Michael E. Lindebak
Interim Director of
Planning

JHG/LO:blw
Attachment

CASE NO. DR 86-12

4	Notices to adjoining property owners mailed on 10-30-86 for CPO meeting on 11-5-86 and for MAPC meeting on 11-24-86.
3	One each to Applicants and Agent.
3	One each to CPO, Carl Gipson and Karen Crook.
3	One each to Louise, Barbara and Glen.

13	TOTAL
----	-------

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

October 30, 1986

NOTICE OF PUBLIC HEARING

Case No.: DR 86-12.

Location: Between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

Address: N/A.

Request: Special Use Permit to Establish Water Well Pump Sites for the City of Bel Aire, Kansas on Property Zoned "AA" One-Family Dwelling District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Monday,

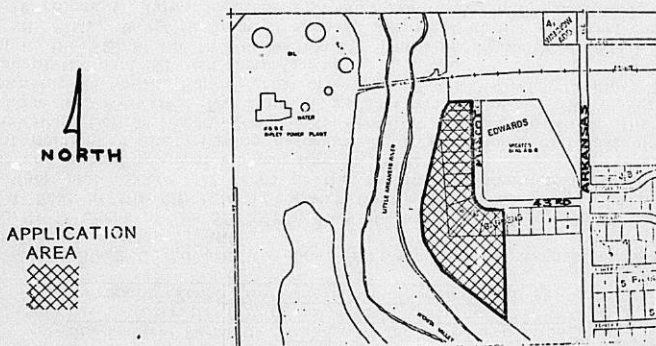
NOVEMBER 24, 1986

The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information about this case, please call the Planning Office at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "J" will consider this case at their meeting to be held on Wednesday, November 5, 1986, at 7:00 p.m., at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

DR 86-12
 Special Use Permit to Establish Water Well Pump Sites
 for the City of Bel Aire, Kansas on
 Property Zoned "AA" One-Family Dwelling District

Lots 7 to 19, Block C, Edwards Gardens, Sedgwick County, Kansas, except the east 27 feet of said Lot 7; AND

The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338 and except the east 625 feet thereof; AND

All that portion of the following described land lying north and east of the Wichita-Valley Center Flood Control Right-of-Way as condemned in District Court Case No. A-39338: The South 44 rods of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the east 625 feet thereof; AND

A tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the southwest corner of Lot 15, Block C, Edwards Gardens; thence northwest to the northwest corner of Lot 15, Block C, Edwards Gardens; thence west 33.31 feet; thence southwesterly along the easterly line of the Wichita-Valley Center Flood Control R.O.W. to a point 191.18 feet west of beginning; thence east to beginning. Generally located between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

DISTRICT	NAME OF DISTRICT AND USES PERMITTED (FOR COMPLETE REGULATIONS AND EXCEPTIONS - SEE TEXT OF ORDINANCE)	
AA	ONE FAMILY DWELLINGS	One family dwellings, parks, schools, libraries, golf courses, nurseries, churches
A	TWO FAMILY DWELLINGS	Uses permitted in "AA" district and two family dwellings, care homes (5 or less)
RB	FOUR FAMILY DWELLINGS	Any use permitted in "AA" or "A" districts and four family dwellings
R-5	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 17.5 dwelling units per acre
R-8	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 29 dwelling units per acre
B	MULTIPLE FAMILY DWELLING	Any use permitted in more restrictive districts and multiple family dwellings, boarding houses, medical offices, hospitals, greenhouses, parking lots. Density: 75 dwelling units per acre
BB	OFFICE DISTRICT	Any uses permitted in more restrictive districts any general offices, medical laboratories
OC	OFFICE COMMERCIAL DISTRICT	Offices, limited retail and service uses operating within a building, and residential uses as permitted in the "R-5" district
LC	LIGHT COMMERCIAL DISTRICT	Any use permitted in more restrictive districts and purely retail business operated in a building
C	COMMERCIAL DISTRICT	Uses permitted in more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
E	LIGHT INDUSTRIAL DISTRICT	All industrial and commercial uses except those most offensive because of noise, dust, odors and smoke; and except residential uses
F	HEAVY INDUSTRIAL DISTRICT	Any use, some conditional upon specific approval of City Commission; except residential uses
Special Districts		
D	CENTRAL BUSINESS DISTRICT	Those uses permitted in the "C" district and more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
G	MOBILE HOME	Mobile home park when comply with Title 28 of the City Code, schools, churches, parks, day nurseries, home occupations
U	UNIVERSITY	Universities, colleges, seminaries and other institutions of learning and related uses
CUP	COMMUNITY UNIT PLAN	Commercial residential, Professional office uses approved as part of a total development plan

Most Restrictive

Least Restrictive

Special Districts

DR 86-12

Special Use Permit to Establish Water Well Pump Sites
for the City of Bel Aire, Kansas on
Property Zoned "AA" One-Family Dwelling District

Lots 7 to 19, Block C, Edwards Gardens, Sedgwick County, Kansas, except the east 27 feet of said Lot 7; AND

The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338 and except the east 625 feet thereof; AND

All that portion of the following described land lying north and east of the Wichita-Valley Center Flood Control Right-of-Way as condemned in District Court Case No. A-39338: The South 44 rods of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the east 625 feet thereof; AND

A tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the southwest corner of Lot 10, Block C, Edwards Gardens, thence northwest to the northwest corner of Lot 15, Block C, Edwards Gardens; thence west 33.31 feet; thence southwesterly along the easterly line of the Wichita-Valley Center Flood Control R.O.W. to a point 191.18 feet west of beginning; thence east to beginning.

Generally located between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

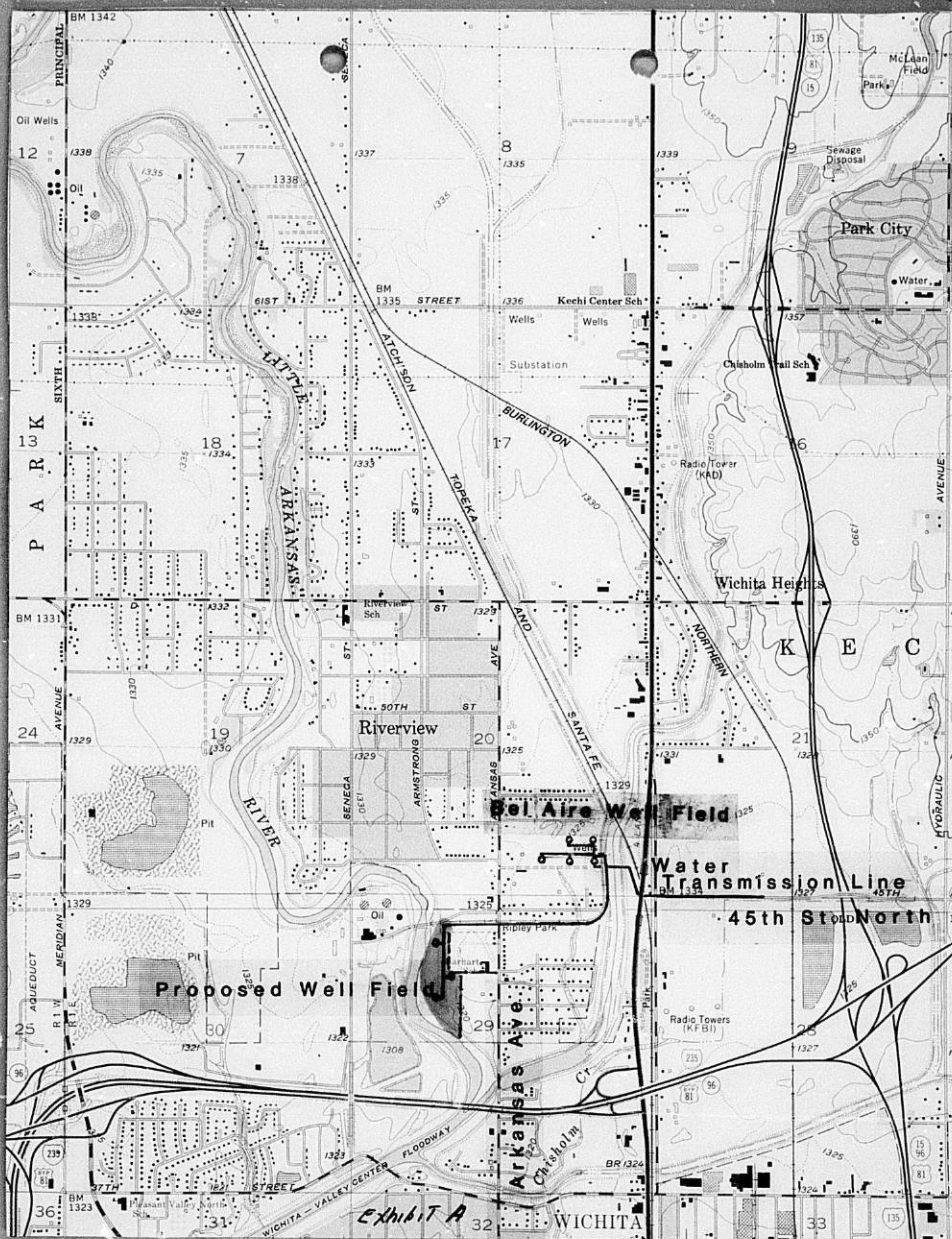


Exhibit A

DR-12

APPLICATION FOR SPECIAL PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Special Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Maurice J. Edwards, Jr. X
ADDRESS 14031 N. Point Ct. Wichita Zip Code 67230 PHONE 733-1442
AGENT V. Lee Garrett, Attorney at Law X
ADDRESS 310 Century Plaza Bldg. Wichita Zip Code 67202 PHONE 262-3415

B. APPLICANT Isabelle M. Edwards X
ADDRESS 14031 N. Point Ct., Wichita Zip Code 67230 PHONE 733-1442
AGENT V. Lee Garrett, Attorney at Law dup
ADDRESS 310 Century Plaza Bldg. Wichita Zip Code 67202 PHONE 162-3415

C. APPLICANT Maurice J. Edwards, III X
ADDRESS 311 South Dornane 67211 14031 N. Point Ct., Wichita Zip Code 67230 PHONE 733-1442
AGENT V. Lee Garrett, Attorney at Law dup
ADDRESS 310 Century Plaza Bldg. Wichita Zip Code 67202 PHONE 262-3415

D. (see attached)
(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a
See attachment # 1 (use)
on property zoned AA and legally described as Lot(s)
Block(s)
of the Addition.
(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

See Attachment # 1

B. There are 14.7 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5452D Zoning (N) AA (S) AA (E) AA (W) AA MAPC 11-24-86 Monday

Between Arkansas Ave. and the flood control r.o.w. in an area south of 45th St. North

3. This property is located at (address) None available.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. Commencing approximately At the 585' West of the corner of 43rd St. North and Arkansas Avenue ~~XXXXX~~

~~B~~ On the South side of 43rd St. North (Ave.) Street between Arkansas (Ave.) ~~Street~~ and Mascot (Ave.) ~~Street~~ and on the west side of Mascot Avenue and all east of the flood control ditch.

The property included in this application is zoned "AA"-one-family dwelling (ZONING DISTRICT CLASSIFICATION).

4. We request this special permit for the following reasons:

See attachment # 1

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF CITY OR COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Maurice J. Edwards, Jr.
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

Maurice J. Edwards, Jr.
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

Maurice J. Edwards, Jr.
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

City of Bel Aire, Kansas, Applicant

By Patrick L. Connolly
PATRICK L. CONNOLLY, City Attorney

OFFICE USE ONLY

This application was received at the Planning Department at 3145 (AM, PM) on 10-24-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 150⁰⁰.

Louise Olivarez Name
Sr. Planner Title

APPLICATION FOR SPECIAL PERMIT
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

ATTACHMENT # 1

1. D. Continued

main applicant → Applicant: City of Bel Aire, Kansas, A Municipal Corporation
Address: 4345 North Woodlawn, Wichita, Kansas 67220
Phone: 744-2451
Agent: Patrick L. Connolly, Attorney
Address: 1712 Beaumont, Wichita, Kansas 67219
Phone: 744-3584

2. A. Continued

The applicant, the City of Bel Aire, Kansas proposes to establish at least three (3) water wells-pump sites and necessary transmission line to appropriate for beneficial use for the City of Bel Aire, Kansas and it's citizens, ground water as permitted by the Division of Water Resources, Kansas State Board of Agriculture.

LAND LEGALLY DESCRIBED AS:

Tract 1

⁷
Lots 1 to 19, ~~odd and even, inclusive~~, Block C, Edwards Gardens, Sedgwick County, Kansas, ~~(except the east 505'; AND~~

Tract 2

The North 18 acres of the of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338, ~~except the east 625'; AND~~ *27 feet of said Lot 7;*

Tract 3

All that portion of the following described land lying north and east of the Wichita Flood Control Right-of-Way as condemned in District Court Case No. A-39338; The South Forty four (44) rods of the Southeast Quarter (SE1/4) ^{of the NW1/4} Section 29, Township 26 South, Range 1 East of the 6th P.M. ^{of the NW1/4} Sedgwick County, Kansas, except the east 625'; ~~AND~~

Tract 4

A Tract in the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the Southwest corner of Lot 10, Block C, Edwards Gardens, thence Northwest to the Northwest corner of Lot 15, Block C, Edwards Gardens, thence West 33.31 feet, ^{thence} Southwesterly to a point 191.18 feet west of beginning; thence east to beginning.

4. We request this special permit for the following reasons:

The City of Bel Aire, Kansas, in order to assure and secure it's present and future need for municipal use of water for the City and it's citizens, desires to establish at least three (3) water wells and pump stations on the land which is the subject of this application and establish the necessary water transmission line. Test holes recently drilled on the property which is the subject of the application and analysis of the water obtained indicates that the water is very similar to the water now being obtained from existing wells supplying water to the City of Bel Aire, Kansas. The total quantity of water for which permit has been made to the Division of Water Resources, State Board of Agriculture for three (3) wells is in the amount of 303 acre feet per calendar year at the maximum rate of 1100 G.P.M.

An advantage of obtaining a special use permit for this land on which the proposed well sites could be located is the close proximity of this land to the location of the existing well site and chlorination facilities now supplying water to the City of Bel Aire. (see Exhibit A attached) Water will be pumped from this proposed well site to the existing chlorination facilities and existing transmission water line and/or over existing supply line easements. A minimum amount of new supply lines and/or new supply line easements would be required. The closeness of the two "well fields" would simplify inspection and maintenance of all wells, pumps and transmission lines.

The type of pumps intended to be utilized on the wells, if a special permit is granted, are underground discharge units which are unobtrusive and non-offensive to the surrounding property. The City of Bel Aire shall maintain the well sites in a neat and orderly manner and if required, will provide any screening that is felt necessary in the way of shrubs or fencing.

NOTE: Aerial map of the general area and proposed and existing sites is also submitted with this application for your convenience.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 1-5, inclusive, and 44th Street on South, now vacated.	Block A	Edward's Gardens	North Riverside School District #170 c/o USD #259 428 S. Broadway Wichita, KS 67202
Lots 1-10, inclusive, and 44th Street on South and Interurban Street, now vacated.	Block B	"	Same As Above
Lots 11-15, inclusive, and 44th Street on North, now vacated.	Block B	"	Same As Above
Lots 1-19, inclusive	Block C	"	Maurice J. Edwards Jr. 14031 N. Point Ct. Wichita, KS 67230

tract 1

AND

dup Maurice J. Edwards III
311 S. Lorraine
Wichita, KS 67211

Tract Description

The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East except the North 376.46 feet and except .77 acres for floodway condemnation in Case A-39338 AND a tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East, beginning at the SW/c of Lot 10, Block C, Edwards Gardens; th. NW'ly to the NW/c of Lot 15, Block C, Edwards Gardens; th. West 33.31 feet; SW'ly to a point 191.18 feet West of beginning; th. East to beginning.

tract 2

tract 4

Same As Above

All that portion of the following described land lying North and East of Wichita Valley Flood Control r/o/w as condemned in Case A-39228; the South 44 rods of the SE $\frac{1}{4}$ of of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East.

tract 3

Maurice J. Edwards III
311 S. Lorraine
Wichita, KS 67211

The E $\frac{1}{2}$ of the Government Lot 2 in the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East, except part taken for flood control r/o/w in condemnation Case A-39338 and except that part platted as Wannow Addition.

X

Norman R. Wannow
2133 Cornhusker
Lincoln, NE 68521

The North 52 feet of the South 20 acres of Lot 5 in Section 29, Township 26 South, Range 1 East lying East of the E'ly r/o/w of abandoned Ark Valley Railroad r/o/w.

X

Earnest D. Conley
Judy K. Conley
4502 Arkansas
Wichita, KS 67204

<u>Tract Description</u>	<u>Property Owner</u>
The North 12.65 acres of Lot 5 in the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East except that part taken by condemnation Case A-39338 for floodway.	K G & E c/o Harry Pilkington Box 208 Wichita, KS 67201

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 500 foot radius:

Lots 1 to 19, odd and even, inclusive, Block C, Edwards Gardens, Sedgwick County, Kansas, EXCEPT the East 585 feet; and

The North 18 acres of the Southeast Quarter of the Northwest Quarter of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case A-39338, EXCEPT the East 625 feet; and

All that portion of the following described land lying North and East of the Wichita Flood Control Right of Way as condemned in District Court Case No. A-39338; The South 44 rods of the Southeast Quarter in Section 29, Township 26 South, Range 1 East of the 6th P.M., in Sedgwick County, Kansas, EXCEPT the East 625 feet; and

A tract in the Southeast Quarter of the Northwest Quarter of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the Southwest corner of Lot 10, Block C, Edwards Gardens; thence Northwest to the Northwest corner of Lot 15, Block C, Edwards Gardens; thence West 33.31 feet Southwesterly to a point 191.18 feet West of beginning; thence East to beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of October, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By

Sr. Vice-President

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 24, 1986

LEGAL:

6. Case No. DR 86-12 - City of Bel Aire, Kansas requests special use permit to establish water well pump sites for the City of Bel Aire on Lots 7 to 19, Block C, Edwards Gardens, Sedgwick County, Kansas, except the east 27 feet of said Lot 7; AND The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338 and except the east 625 feet thereof; AND All that portion of the following described land lying north and east of the Wichita-Valley Center Flood Control Right-of-Way as condemned in District Court Case No. A-39338: The South 44 rods of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the east 625 feet thereof; AND A tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the southwest corner of Lot 10, Block C, Edwards Gardens, thence northwest to the northwest corner of Lot 15, Block C, Edwards Gardens; thence west 33.31 feet; thence southwesterly along the easterly line of the Wichita-Valley Center Flood Control R.O.W. to a point 191.18 feet west of beginning; thence east to beginning. Generally located between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

GALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

Background: The City of Bel Aire and the property owner (Maurice J. Edwards, Jr., et.al.) are requesting a special use permit to establish water well pump sites for Bel Aire on 14.7 acres of undeveloped land located in the Wichita city limits east of the Little Arkansas River, west of Arkansas Avenue and south of 45th Street North. Part of the property has been platted into residential lots since 1952. All of the property was included in a 117-lot single family residential plat known as Edwards Whitchurch Village Addition which received preliminary approval in 1982 but has never proceeded beyond that stage.

Analysis: To the north of this application area is undeveloped land and a private K.C.&E. spur track leading to the Ripley power plant. To the east is the Earhart elementary school within USD 259. Also to the east is undeveloped land. To the south and west is the Little Arkansas River and flood control right-of-way.

The application indicates that a minimum of three water wells and pump stations are proposed on this site. The type of pumps intended to be utilized on the wells are underground discharge units. Transmission lines will carry the water to the existing chlorination facilities located east of Arkansas north of 45th Street North. Application has been made to the State Board of Agriculture's Division of Water Resources for three wells to pump 303 acre feet of water per calendar year at the maximum rate of 1100 gallons per minute. As of the date of this report, word has not been received from the State as to

whether the permit will be granted by them. Their review of an application for water allocation takes into consideration the amount of water available from the source and the amount already allocated to other users.

Forty-third Street is passable but not improved to urban standards. Mascot Avenue north of 43rd Street is non-existent. The owner of the site should be prepared to discuss his plans for continuing with the platting of this land. The plat file should be closed or a revised plat taking into consideration the water well sites should be submitted for review.

The concern with this proposal is what effect the location of these wells will have on other existing private wells in the area. No information has been submitted as to what is expected to happen to the water table. Will it be lowered so that existing wells will have to be deepened? Until that information is provided, consideration should be given to deferring this request and the applicant should be requested to provide a written report from an independent groundwater specialist addressing this issue.

Should the Planning Commission determine that this is an appropriate use, a recommendation of approval of this special use permit should be subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.

DISCUSSION:

GALBRAITH recalled that a few years ago staff worked with the present owner of the property in the development of a plat for his area that still is an open case in the files. He was interested in platting part of his land that was unplatted and then having a rearrangement of lots in the platted portion.

GALBRAITH said that when this current application was filed, staff asked for a proposed site development plan of the location of wells and how the distribution of lines would go into the site to serve the City of Bel Aire. Staff questioned whether or not a State Board of Water Resources permit had been granted, and they believe now that it has been granted since the writing of the staff report. GALBRAITH said that in staff's deliberation of this request, they questioned what the pumps that might take 1100 gallons of water per minute out of this area might do to existing wells in the area, and staff suggested that the applicants do an independent analysis on this matter, and

they were able to contact someone almost immediately. GALBRAITH mentioned that the Commission has been provided copies of that report today. He said that in some recent discussions with the Water Department, they are interested in discussing with the City of Bel Aire the potential of Wichita furnishing them water, and would hope that that type of conversation could go on in the next few days or weeks before this matter goes on to the City Commission. GALBRAITH said that he called Mr. Connolly earlier, suggesting that the Planning Commission might defer this case for two weeks so that those negotiations and discussions could occur, and was advised that Bel Aire has a purchase contract on this property and that it was imperative that some action be taken before the first of the year. GALBRAITH mentioned that if the Planning Commission recommended approval of this case today, it would go on to the City Commission by December 23, and that meets their deadline.

PAT CONNOLLY, attorney representing the City of Bel Aire, said that the City of Bel Aire needs this area to establish water wells and pump stations and the necessary water transmission line in order to assure and secure Bel Aire's present and future need for municipal use of water. He went on to further explain why this particular site was chosen. He said that an advantage of obtaining a special use permit for this land on which the proposed well sites could be located is the close proximity of this land to the location of the existing well site and chlorination facilities now supplying water to the City of Bel Aire. The close proximity of the two well fields would allow a better system for maintenance and inspection of all water wells, pumps and transmission lines. CONNOLLY said that analysis of the test holes recently drilled on the property which is within this special permit application indicates the water is very similar to the water now being obtained from existing water wells for the City of Bel Aire.

CONNOLLY continued with his presentation by reviewing the report prepared by Ground Water Associates and noting that the consultant found that there is an adequate supply of water available in the proposed new well field for the city to pump 303 acre feet per year without impairing any existing water user's rights. (One acre foot of water equals approximately 326,000 gallons.) Also, the consultant's report showed that, in his opinion, the general water quality available from the new area would be as good as, and possibly better than, the water from the existing field and that the new area is located better than the existing field in regards to potential contamination hazards. CONNOLLY went on to say that the report by Ground Water Associates indicates that there is enough water in the aquifer, and that wells are close enough to the Little Arkansas River that they will not de-water the river nor deplete the water in the aquifer. The domestic wells are from 800-feet to over 1000 feet away.

CONNOLLY said that Bel Aire was interested in providing water for their city, and to complete the business transactions prior to the end of 1986 due to the new tax laws next year. The city has already contacted K&E and already have the necessary easements. This site would serve as an ideal location for the pipes to be alternating between the existing well site and chlorination facilities and another close-by water well site. CONNOLLY said that with the existing field, it certainly takes care of, at the moment, the supply and needs

of the City of Bel Aire, but to do so in peak periods, they have to overload the pumps and it is hard on their equipment. With the alternate field, they could sort of smooth it out and have the pumps alternating and take some of the pressure off.

CONNOLLY, addressing the matter of platting, said that their position was that they did not know what they were going to do with the balance of the area because they only need three sites out of all of that area. However, he has indications that the Wichita Park Department and Amelia Earhart School were rather interested in developing native park land in this area. He said that Bel Aire would be willing to explore this possibility with the Park Department and possibly enter into negotiations. CONNOLLY reiterated that they needed very little land, but have to buy the whole parcel to get their well sites.

GARDNER asked Connolly who on the City of Wichita's staff had he discussed this matter with regarding enhancing Bel Aire's water supply.

CONNOLLY said that as he understands it, since it was not his discussion but members of the governing body, they were directly with Mr. Wynkoop.

GARDNER said that he would like to convey for the Planning Commission's perspective that there could have been a more receptive attitude put forth by the Water Department regarding the ability to coordinate a supply system with Bel Aire. He said that there have been some discussion about some revisions or reconsideration of water policies in that regard. GARDNER said that he would appreciate further input as to what transpired in those conversations.

CONNOLLY felt that the attitude of Bel Aire would be open to some negotiations. They want to maintain the system themselves and that is why they wanted a new field. He felt that something mutually could be worked out that would be beneficial to both of the cities in case of any particular emergency.

MILES asked how deep will the wells be.

JIM JACKSON, Reiss and Goodness, stated that the projection of the wells based on the test information shows the depth of the wells will be 45 feet. He said that in general this is the same depth as the wells that are in the existing Bel Aire field.

MILES stated that he happened to be in the neighborhood when the Interstate was built and the bridges and it drew the field down about $2\frac{1}{2}$ to 3 feet. He said that he did not agree with the finding that it won't bring the water level down.

JACKSON said that the findings were not his company's findings. They are the findings of the Division of Water Resources. He said that what they had found, as far as they are concerned, in a similar well built at Park City, is that the cone of influence that is discussed in the report from Mr. Vinson actually had a diameter of 12 feet. This means that a short distance below the

surface of the ground out six feet from the center of the well is the point of influence that was felt at that time. He said that the water table would go up and down depending upon the usage that occurs. He felt that Miles was talking about a de-watering situation where the amount of water that was being withdrawn was certainly in excess of that which any individual well would draw in this case.

MILES said that the report states that the quality of the water in the river was applicable for public use. MILES said that he knew the water would shrivel a plant. The water in the Little Arkansas River is not that good.

JACKSON stated that tests had been run on the water at individual levels and while it is not the greatest water in the world, it is a little better quality than the water that is coming from the present well field.

There was no one present in opposition to the application.

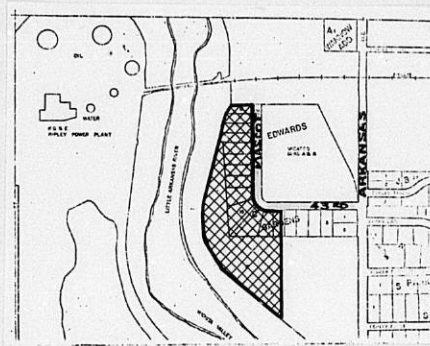
MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this special use permit be approved subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.
5. Submission of a report from an independent groundwater specialist addressing the issue of what is expected to happen to the ground water table and its effects on existing wells in the area.

Bayouth moved, Parsons seconded and it carried unanimously. Banzer was absent.

NOVEMBER 24, 1986

STAFF REPORT



DR 86-12 - REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH WATER WELL PUMP SITES FOR THE CITY OF BEL AIRE ON PROPERTY ZONED "AA" ONE-FAMILY DWELLING DISTRICT, LOCATED BETWEEN ARKANSAS AVENUE AND THE FLOOD CONTROL R.O.W IN AN AREA SOUTH OF 45TH STREET NORTH.

Applicant: City of Bel Aire, Kansas, 4345 North Woodlawn, 67220

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Undeveloped	"AA"	14.7 acres
North	Undeveloped	"AA"	
South	Flood control r.o.w.	n/a	
East	School & undeveloped	"AA"	
West	Flood control r.o.w.	n/a	

History: S/D 82-70 Edwards Whitchurch Village Addition approved by S/D Committee in preliminary form December, 1982.

Background: The City of Bel Aire and the property owner (Maurice J. Edwards, Jr., et.al.) are requesting a special use permit to establish water well pump sites for Bel Aire on 14.7 acres of undeveloped land located in the Wichita city limits east of the Little Arkansas River, west of Arkansas Avenue and south of 45th Street North. Part of the property has been platted into residential lots since 1952. All of the property was included in a 117-lot single family residential plat known as Edwards Whitchurch Village Addition which received preliminary approval in 1982 but has never proceeded beyond that stage.

Analysis: To the north of this application area is undeveloped land and a private K.C.&E. spur track leading to the Ripley power plant. To the east is the Earhart elementary school within USD 259. Also to the east is undeveloped land. To the south and west is the Little Arkansas River and flood control right-of-way.

The application indicates that a minimum of three water wells and pump stations are proposed on this site. The type of pumps intended to be utilized on the wells are underground discharge units. Transmission lines will carry the water to the existing chlorination facilities located east of Arkansas north of 45th Street North. Application has been made to the State Board of Agriculture's Division of Water Resources for three wells to pump 303 acre feet of water per calendar year at the maximum rate of 1100 gallons per minute. As of the date of this report, word has not been received from the State as to whether the permit will be granted by them. Their review of an application for water allocation takes into consideration the amount of water available from the source and the amount already allocated to other users.

Forty-third Street is passable but not improved to urban standards. Mascot Avenue north of 43rd Street is non-existent. The owner of the site should be prepared to discuss his plans for continuing with the platting of this land. The plat file should be closed or a revised plat taking into consideration the water well sites should be submitted for review.

The concern with this proposal is what effect the location of these wells will have on other existing private wells in the area. No information has been submitted as to what is expected to happen to the water table. Will it be lowered so that existing wells will have to be deepened? Until that information is provided, consideration should be given to deferring this request and the applicant should be requested to provide a written report from an independent groundwater specialist addressing this issue.

Should the Planning Commission determine that this is an appropriate use, a recommendation of approval of this special use permit should be subject to the following conditions:

1. The applicant shall obtain approval from the Division of Water Resources prior to this request being submitted to the City Commission for final action. All conditions of the state permit, if any, shall be complied with.
2. This special use permit for water well pump sites shall be valid only for the City of Bel Aire.
3. The location of the wells and pumps shall observe all setbacks required by the Zoning Ordinance.
4. Closure of the plat file that has been open since 1982.

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

DR 86-12
Special Use Permit to Establish Water Well Pump Sites
for the City of Bel Aire, Kansas on
Property Zoned "AA" One-Family Dwelling District

Lots 7 to 19, Block C, Edwards Gardens, Sedgwick County, Kansas, except the east 27 feet of said Lot 7; AND

The North 18 acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 376.46 feet and except .77 acres of the floodway condemned in Case No. A-39338 and except the east 625 feet thereof; AND

All that portion of the following described land lying north and east of the Wichita-Valley Center Flood Control Right-of-Way as condemned in District Court Case No. A-39338: The South 44 rods of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the east 625 feet thereof; AND

A tract in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning at the southwest corner of Lot 10, Block C, Edwards Gardens, thence northwest to the northwest corner of Lot 15, Block C, Edwards Gardens; thence west 33.31 feet; thence southwesterly along the easterly line of the Wichita-Valley Center Flood Control R.O.W. to a point 191.18 feet west of beginning; thence east to beginning. Generally located between Arkansas Avenue and the Flood Control R.O.W. in an area south of 45th Street North.

Most Restrictive

Least Restrictive

Special Districts

DISTRICT	NAME OF DISTRICT AND USES PERMITTED (FOR COMPLETE REGULATIONS AND EXCEPTIONS - SEE TEXT OF ORDINANCE)	
AA	ONE FAMILY DWELLINGS	One family dwellings, parks, schools, libraries, golf courses, nurseries, churches
A	TWO FAMILY DWELLINGS	Uses permitted in "AA" district and two family dwellings, care homes (5 or less)
RB	FOUR FAMILY DWELLINGS	Any use permitted in "AA" or "A" districts and four family dwellings
R-5	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 17.5 dwelling units per acre
R-8	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 29 dwelling units per acre
B	MULTIPLE FAMILY DWELLING	Any use permitted in more restrictive districts and multiple family dwellings, boarding houses, medical offices, hospitals, greenhouses, parking lots. Density: 75 dwelling units per acre
BB	OFFICE DISTRICT	Any uses permitted in more restrictive districts any general offices, medical laboratories
OC	OFFICE COMMERCIAL DISTRICT	Offices, limited retail and service uses operated within a building, and residential uses as permitted in the "R-5" district
LC	LIGHT COMMERCIAL DISTRICT	Any use permitted in more restrictive districts and purely retail business operated in a building
C	COMMERCIAL DISTRICT	Uses permitted in more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
E	LIGHT INDUSTRIAL DISTRICT	All industrial and commercial uses except those most offensive because of noise, dust, odors and smoke; and except residential uses
F	HEAVY INDUSTRIAL DISTRICT	Any use, some conditional upon specific approval of City Commission; except residential uses
D	CENTRAL BUSINESS DISTRICT	Those uses permitted in the "C" district and more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
G	MOBILE HOME	Mobile home park when complying with Title 26 of the City Code, schools, churches, parks, day nurseries, home occupations
U	UNIVERSITY	Universities, colleges, seminaries and other institutions of learning and related uses
CUP	COMMUNITY UNIT PLAN	Commercial/residential. Permits those uses approved as part of a total development plan

extra

Ground Water Associates, Inc.

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67202 • 316-262-3322

November 22, 1986

Dale E. Walter, Mayor
City of Bel Aire
4343 N. Woodland
Wichita, Kansas 67220

Subject: Proposed Water Supply

Dear Mr. Walter:

This letter is written in response to your request that I provide the City of Bel Aire with my opinion concerning the feasibility of establishing a new city water well field in the Earhart School area. Specifically, it is proposed to construct three municipal water wells in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec 29, T 26S, R1E, Sedgwick County, Kansas. (See attached map.)

I understand the following situation exists:

- (1) This new well field would not replace your existing well field (located in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 20, T 26S, R1E), but would operate in conjunction with it. Basically, this would mean that you would not have to pump your existing wells quite so hard, and thus would relieve some of the excessive drawdown that occurs there now during your peak water use periods;
- (2) The City of Bel Aire has received three permits to proceed (38,317, 38,318 and 38,319) from the Kansas Division of Water Resources, which is the state agency responsible for allocating and protecting water rights within Kansas. They have authorized the city to construct three wells capable of pumping up to a total of 303 acre feet per year. (One acre foot of water equals approximately 326,000 gallons.);
- (3) The three new wells would be constructed in a north-south line parallel to the Little Arkansas River, and they would be approximately 400' east of the river. The wells would be a little over 800' west from the nearest domestic wells and over 1,000' away from the vast majority of domestic wells (east of Arkansas Avenue).



EXPERTISE IN WATER & WELLS

Dale E. Walter
Page 2
November 22, 1986

Conclusion

It is my opinion there is an adequate supply of water available in the proposed new well field area for the city to pump 303 acre feet per year without impairing any existing water user's rights. The general water quality available will be as good as, and possibly better, than the water from the existing field. Further, the new area is actually located better than the existing well field is when consideration is given to potential contamination hazards. I will explain.

General Geology and Hydrology of the Area

The formation and aquifer present in this area is alluvial deposits associated with the Little Arkansas River. These are gravels, sands, silts and clays that are from 38' to 45' thick. They lay unconformably on the Wellington Shale which serves as the bottom for the aquifer. The water level varies from 6.5' to 14.5' below ground level, which means that there is from 30.5' to 31.5' of saturated sand and gravel available for water production. The water table in this area slopes from the northwest to the southeast at approximately 6.5' per mile, and the recharge comes to the area from the northwest and north.

The amount of water that can be pumped from an aquifer depends on the amount of water in storage and the amount of recharge to the area. The amount of water in storage is dependent upon the saturated thickness of the formation and the specific yield of that formation. In this area, the saturated thickness is approximately 31' and the specific yield (the percent of water that can be drained from a given volume of formation) is 0.20. Therefore, the amount of water in storage under only the NW $\frac{1}{4}$ of Section 29 would be: 31' X 0.20 X 160 acres = 992 acre feet.

The amount of recharge to this area is approximately 20 percent of the average annual precipitation of 30 inches or six inches per year. Again, considering only the NW $\frac{1}{4}$ of section 29, the recharge would be: 0.5' X 160 acres = 80 acre feet per year. Of course, pumped wells induce recharge from outside their immediate area, and therefore the water level stays relatively stable.

The overall water level throughout Wichita and the area six to seven miles northwest of Wichita has not shown any water level decline. In fact all of the streams in this area are gaining or effluent streams; that is, the ground water in the area bleeds out to the surface streams.

The water quality available in the existing well field and proposed new well field area is very similar. The water is hard (approximately 400 mg/l) and contains objectionable amounts of iron and manganese. Other than the iron and manganese, the water meets the requirements of the Kansas Department of Health and Environment for a public water supply. And, these two constituents can be

Dale E. Walter
Page 3
November 22, 1986

sequestered to make the water acceptable to the public.

Proposed New Well Field

Concern has been expressed that pumping from the proposed new well field might impair existing water users' rights. This will not occur due to the amount of water in the aquifer and the proximity of the wells to the Little Arkansas River. As the wells pump, they will develop a cone of drawdown in the aquifer, which will extend out under the river since it is only 400' away. This in turn will induce recharge to the aquifer which will stop the growth of the cone of depression. The domestic wells are from 800' to over 1,000' away.

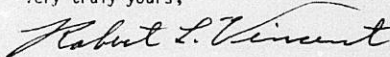
There is little chance of de-watering the Little Arkansas River since its average flow is 188,000 acre-feet per year at Valley Center, and its minimum volume of flow has been 11,000 acre-feet (in 1956). The water quality in the river is very acceptable for public water supply use.

The existing well field is approximately 3,000' away from the Little Arkansas River and is not close to another source of additional recharge. Therefore, during peak use period (the summer months), a temporary cone of depression develops and limits the production from these wells. By pumping part of your water needs from the new well field area, you will alleviate this situation.

Recently the Kansas Department of Health and Environment has issued warnings concerning some contamination (volatile organic chemicals) that exists in the ground water in the area of 5300 to 6200 north Broadway. The new well field is much better situated to avoid problems from these contaminants due to the distance involved and its proximity to the Little Arkansas River.

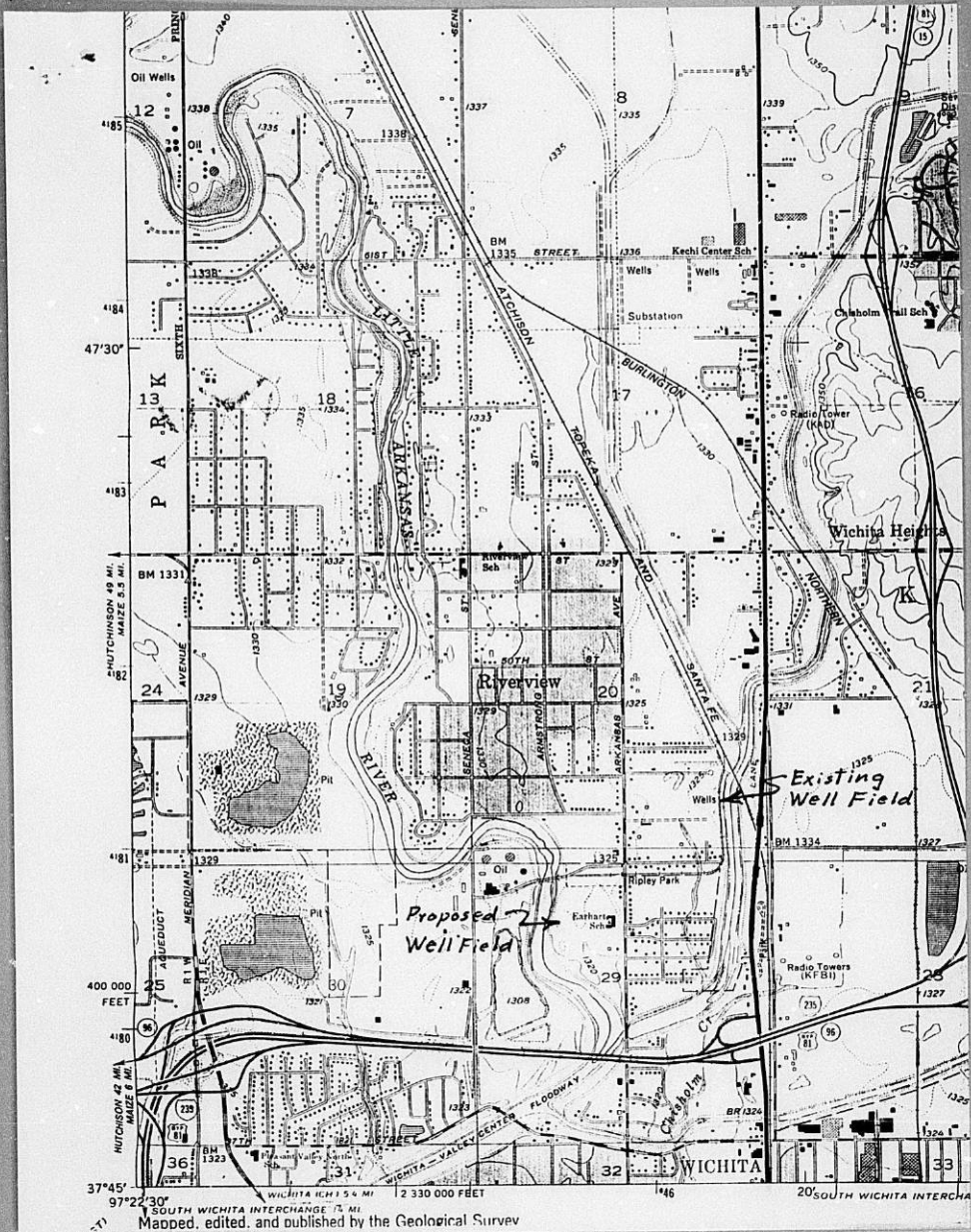
Please advise if I need to elaborate on any of the points covered in this letter.

Very truly yours,



Robert L. Vincent, C.P.G.
Ground Water Associates, Inc.

RLV/jv



WICHITA, KANSAS
 SOUTH WICHITA INTERCHANGE 1.5 MI
 Mapped, edited, and published by the Geological Survey

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 20-21

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hee Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (F.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
<i>Special use permit</i>	<i>150.00</i>

NAME *City of Wichita*

ADDRESS *4343 W. 11th St. - 67214*

FUND *755-16711-003* DUE DATE *11-24-84*

COMMENTS

DATE *11-24-84* BY *SL*



PROTECTED

WELL

An aerial photograph showing a large, rectangular well field. The field is divided into several smaller rectangular sections by a network of roads and paths. The terrain appears to be a mix of open fields and some developed areas with buildings. The text "BEL AIRE WELL FIELD" is printed in bold, black, capital letters across the middle of the image. The overall image has a grainy, high-contrast appearance, typical of an old aerial photograph.

BEL AIRE WELL FIELD