

MANAGEMENT PLAN

For the Designation of a Water Conservation Area (WCA) Big D Farms, Inc WCA; Finney County, KS January 2017 through December 2021

In order to conserve and extend the productive life of the aquifer in our region and increase the value and viability of our water rights and water resources for future generations we, the undersigned water right owners propose the following management plan, pursuant to K.S.A. 82a-745 (WCA Law), to form the basis of a Consent Agreement and Order Designating a Water Conservation Area (WCA).

Expression of Conservation Goals

Local water right owners in northern Finney and Kearny counties are seeking ways to further the proper management of the groundwater resources of the area to prevent future economic deterioration by reducing the rate of decline in the Ogallala aquifer in this region. Some areas of this region have seen declines of more than 60 to 70 feet in the water table over the past ten years. Reducing water use through a Local Enhanced Management Area (LEMA) is one tool for extending the usable lifetime of the aquifer. By reviewing past water use and its impact on water levels, data show that a 15% reduction in use will significantly extend the life of the aquifer in this area. Experience in the Sheridan County LEMA show that, with diligence, this can be achieved without a substantial impact on profitability.

In 2017, the water right owners within the potential LEMA boundary and the Southwest Groundwater Management District No. 3 (GMD#3) initiated a public information and input process to develop a LEMA proposal – a process that may take several months to more than a year. This Water Conservation Area (WCA) offers individual water right owners in northern Kearny and Finney counties an opportunity to conserve and extend the productive life of the aquifer in advance of participation in the proposed LEMA. The goals of this WCA are to maintain production while enhancing profitability per acre-foot of water pumped, to examine and change current conservation practices as necessary, and to reduce water use over the term of the WCA from long-term averages. Water right owners enrolling in a consent agreement under the terms and conditions of this WCA management plan will work towards these goals by exercising more flexible and efficient use of the water resource.

We, the water right owners are consenting to the terms and conditions of this WCA and commit to reducing water use through a reduction in the long-term water use average (2006-2015) by a conservation factor of 15%. We, the water right owners are committing to this WCA prior to the initiation of a LEMA and recognize that current water use may not be sustainable for the long term and desire to reduce water use below long-term averages.

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JUN 23 2017

Garden City Field Office
Division of Water Resources

Water Rights Enrolled and Geographical Boundaries

The Big D Farms, Inc WCA shall include the following water rights and all points of diversion associated with those water rights. The following legal descriptions define the areas included in Big D Farms, Inc WCA in Finney County:

Water Right#	PDIV#	Sect-Twp-Range	Auth. Yearly Alloc. (AF)	Ave. Use (06-15) (AF)
4301	26849	09-23S-34W	320	139.000
23718	26849	09-23S-34W		
23718	81310	09-23S-34W	300	185.000
16317	84280	09-23S-34W	360	193.000
19023	81748	04-23S-33W	460	188.000
19023	83840	04-23S-33W	320	159.000
11754	15894	28-22S-33W	280	No Use
11754	25155	28-22S-33W	487	174.600
11754	52386	21-22S-33W	815	229.100
29578	16165	21-22S-33W	767	179.800
29578	30451	33-22S-33W	487	No Use
18505	30685	33-22S-33W	645	235.900
18505	49809	28-22S-33W	134	No Use
21451	2082	33-22S-33W	225	No Use

Totals 5600.000 1683.400

The current total appropriations authorized for all water rights included in the Big D Farms, Inc WCA are 5600 Acre-Feet per year, with an average annual use during the period 2006-2015 of 1,683.4 acre-feet. With a 15% reduction from historical use, the 5-Year WCA allocation is of 7,154.450 AF.

Average Yearly Use (2006-2015)	1683.400	Acre-Feet
15% Conservation Allocation	1430.890	Acre-Feet
WCA 5-Yr Total Allocation	7154.450	Acre-Feet

The geographic boundary for the place of use for the irrigation use is shown on the attached map and is described as follows:

WCA Authorized Place of Use																			
Sec	T (S)	R (W)	NE (1/4)				NW (1/4)				SW (1/4)				SE (1/4)				Total Acres
			NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	
9	23	34	40	40	40	40	40	40	40	40	40	40	40	40					480
4	23	33										40	40	40	40	40	40	40	320
3	23	33										35	35						70
21	22	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
28	22	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
33	22	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Grand Total Acres 2790

Findings Regarding Groundwater Conditions

We understand that the WCA Law requires a finding that one of the following conditions be present within the area proposed as a WCA.

- Groundwater levels in the area in question are declining or have declined excessively;
- The rate of withdrawal of groundwater in the area equals or exceeds the rate of recharge within such area;
- Preventable waste of water is occurring or may occur within the area in questions; or
- Unreasonable deterioration of the quality of water is occurring or may occur within the area in question

We have been informed that the following conditions exist:

- Groundwater levels in the area in question are declining or have declined excessively; Water levels in some areas of northern Kearny and Finney counties have declined more than 60 to 70 feet from 2006 to 2015.
- The rate of withdrawal of groundwater in the area exceeds the rate of recharge.

See the attached maps and figures supporting these findings and observations:

- Location Maps
- Water Use History
- Changes in Water Levels
- KGS Index Well Data (if applicable)

These conditions suggest the advisability of implementing the Big D Farms, Inc WCA.

Due Consideration for Past Conservation

We acknowledge that as described in the law, a water conservation area (WCA) management plan shall give due consideration to water users who have previously implemented reductions in water use resulting from voluntary conservation measures.

We, the water right owners are committed to best water management practices and do not require any specific consideration of past water conservation in determining these allocations with the aim of, the conservation of the Ogallala aquifer and to preserve the viability of irrigated agriculture within Kearny and Finney counties. As enumerated below we, the Big D Farms, Inc owners, request that its further conservation under this plan be considered in any LEMA proposed for the area or in a subsequent WCA under the terms herein.

Corrective Control Provisions and Plan for Conservation

We acknowledge that the following corrective controls will be in effect within the Big D Farms, Inc WCA during the term of the WCA:

- Water rights, at the discretion of the owners, may be pumped as directed by the owner, provided that 1) no water right exceeds its annual authorized quantity in any year and 2) that the sum of water use under all water rights combined shall be limited to no more than 7,154.45 acre-feet every five (5) years plus any carryover from a previous WCA period allowed under this plan.
- The corrective control provisions of the Big D Farms, Inc WCA cannot conflict with the rules and regulations of the local GMD that result in greater overall conservation of water resources. If a Local Enhanced Management Area (LEMA) plan or an Intensive Groundwater Use Control Area (IGUCA) is formed after the initiation of the Big D Farms, Inc WCA, and the WCA is partially or wholly within the LEMA or IGUCA, the corrective control provisions that result in the greater overall conservation of water resources based on inches per acre and not based on percent reduction of average historical use shall prevail. However, any LEMA or IGUCA must give due consideration to the conservation achieved by WCA participants pursuant to 82a-745(a)(6). The Chief Engineer is authorized to amend the provision of the WCA to conform to any rules, regulations, or requirements that result in greater conservation of the water resource subject to the foregoing due consideration for past and current conservation.

We, the water right owners enrolling in this WCA understand we may gain the following flexibilities in consideration for our conservation.

- a) Should an order of designation for a LEMA be implemented for the area including the WCA prior to December 31, 2021, the applicant requests that the due consideration of its voluntary conservation under this plan be provided via an additional allocation within the first LEMA allocation period in the amount of 10% of a single annual WCA allocation (10% of 1/5th of the WCA allocation or 143.089 AF) plus 10% of the annualized unused quantity may be carried over into the LEMA allocation. (e.g. if the WCA precedes the LEMA by two years and the two-year use is 2000 AF, the additional carry-over would be $10\% \times [1430.089 \times 2 - 2000]$ AF or 86.178 AF; giving a total would be 229.267 AF (143.089 AF + 86.178 AF) to be carried over into a LEMA.
- b) Should an order of designation for a LEMA not be implemented prior to December 31, 2021, up to 1/5th (1430.890 acre-feet) of the annualized WCA allocation may be carried over and added to a subsequent WCA period; if unused during the duration of this WCA period.

Compliance Monitoring and Enforcement

We, the owners, understand that the following compliance monitoring and enforcement provisions are proposed. This section also includes any specific provisions regarding measuring or reporting water usage.

There is two (2) recognized observation wells near the Big D Farms, Inc WCA that has for many years been measured annually by the Kansas Geological Survey (KGS). See attached Water Right Area map. These wells will continue to be measured annually and the data collected will help in evaluating the effectiveness of the WCA. An onsite observation well may be necessary to monitor the local water level.

We will submit an annual report no later than March 1st and maintain a spreadsheet detailing the following information for each well and all wells combined: beginning and ending meter readings, quantity of water diverted, acres irrigated, the inches per acre, and the quantity of water remaining for the first five-year period and each following five-year period. The records will be available to KDA-DWR upon request.

We will ensure backup measurements will be supported or an alternate measurement device will be available to be put into service in case the water flowmeter record for any given well is questionable or not reliable.

We acknowledge that water flowmeters within the WCA will be sealed to the measurement chamber by KDA-DWR during the duration of this management plan to ensure an accurate water use record.

We, water right owners within the Big D Farms, Inc WCA shall be responsible for ensuring the water flowmeters comply with state and local law(s). Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the KDA-DWR Garden City Field Office concerning the matter. Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall notify the KDA-DWR Garden City Field Office within seven (7) days on a form prescribed by the Chief Engineer of the water flowmeter installation and any water flowmeter repair or replacement event.

We acknowledge that failure to abide by the terms of this agreement may result in the termination of the WCA. Failure to abide by the terms, conditions, and limitations of the individual water rights will be subject to the civil penalties outlined in K.A.R. 5-14-10.

Review of Effectiveness

We acknowledge that a review of the WCA shall be completed before November 1, 2021, to ensure the above terms remain appropriate and are achieving the stated goals of the Big D Farms, Inc WCA. We understand that upon review, and a finding by the Chief Engineer that the WCA has achieved its goals and that conditions allow it to continue under the same terms for another 5-year period, the terms of the WCA may be continued as long as Big D Farms, Inc is in good standing with its most recent WCA period.

We acknowledge that unless terminated under the provisions below (e.g. due to the development of a LEMA), the WCA will be in effect for five (5) years with an evaluation at the end of the 5-year period. We understand that KDA-DWR will conduct this evaluation to ensure compliance and conservation. The evaluation will determine total water use during the WCA period.

We acknowledge that should an order of designation for a LEMA be implemented prior to December 31, 2021 an evaluation of this WCA will be conducted the year prior to the start of a LEMA. This evaluation may be used to determine an additional allocation amount of water to be carried over into a LEMA; should this be the case.

Member addition, withdrawal, and removal

We acknowledge that water right owners and their associated water rights and geographic boundaries may be added to the WCA upon written notification to the Chief Engineer by the owners of each enrolling water right with legal descriptions of the areas to be added. A member may withdraw from the WCA through written notification to the Chief Engineer signed by the owners of the participating water right or rights to be withdrawn from the WCA.

If the addition or withdrawal of water rights requires modification to the water allocation quantities, geographical boundaries, places of use, terms, or conditions of the original WCA, the management plan shall be revised to incorporate such changes and the associated consent agreement shall be reaffirmed by all parties, after opportunity for comment on the proposed revisions by the applicable GMD.

Termination

We acknowledge the Big D Farms, Inc WCA agreement may be terminated by written notification, signed by all then-existing members of the WCA, to the Chief Engineer of the intent to terminate.

State Law

We acknowledge that the Big D Farms, Inc WCA is subject to compliance with all other applicable state laws.

Notification to Nearby Owners

We acknowledge that, by statute, the Chief Engineer is required to provide written notification to all water right owners with a point of diversion within ½ of a mile, or farther if deemed necessary, by a rule and regulation of the Chief Engineer, of the boundaries of this WCA.

Assurances

We acknowledge this WCA will not alter the terms, conditions and limitations of the base water rights.

Review of Other Applicable Requirements

We acknowledge that upon review, the Big D Farms, Inc WCA management plan was found to effect equal or greater overall conservation than applicable GMD regulations, LEMA, and IGUCA requirements.

KANSAS DEPARTMENT OF AGRICULTURE -- DIVISION OF WATER RESOURCES

We, the undersigned, certify that we are the owners of the aforementioned water rights and hereby collectively approve and submit this management plan for approval by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources.

Linville Farms LLC
Water Right Owner #1

Steve Lamb
Signature

6/29/19
Date

Edward Roth
Water Right Owner #2

Signature

Date

Dwane Roth
Water Right Owner #3

Signature

Date

Damme Farms LLC
Water Right Owner #4

Signature

Date

KANSAS DEPARTMENT OF AGRICULTURE – DIVISION OF WATER RESOURCES

We, the undersigned, certify that we are the owners of the aforementioned water rights and hereby collectively approve and submit this management plan for approval by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources.

Linville Farms LLC
Water Right Owner #1

Signature

Date

Edward Roth
Water Right Owner #2

Edward Roth
Signature

6-23-17
Date

Dwane Roth
Water Right Owner #3

[Signature]
Signature

6-22-17
Date

Damme Farms LLC
Water Right Owner #4

Signature

Date

KANSAS DEPARTMENT OF AGRICULTURE – DIVISION OF WATER RESOURCES

We, the undersigned, certify that we are the owners of the aforementioned water rights and hereby collectively approve and submit this management plan for approval by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources.

Linville Farms LLC
Water Right Owner #1

Signature

Date

Edward Roth
Water Right Owner #2

Signature

Date

Dwane Roth
Water Right Owner #3

Signature

Date

W.H. & E.C.
Damme Farms LLC
Water Right Owner #4

by Lara L. Damme,
Signature *Member*

June 22, 2017
Date

Additional Maps & Figures:

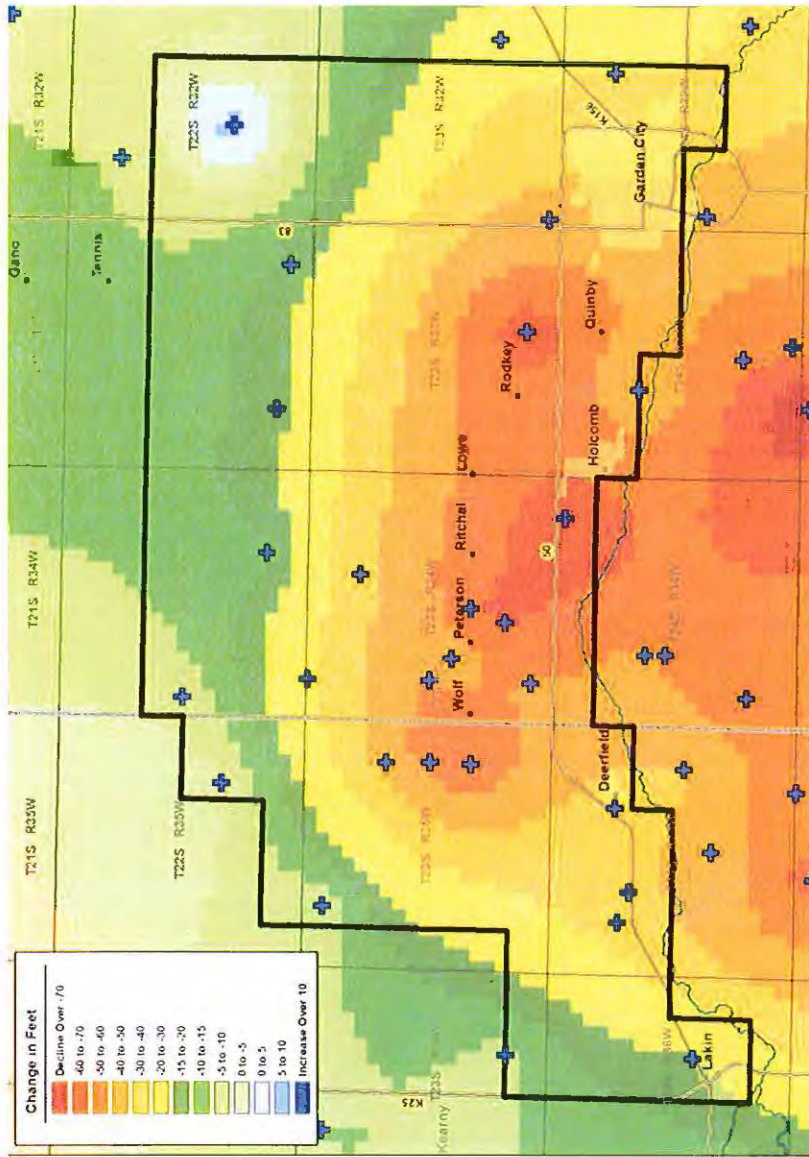
Location Map- Big D Farms, Inc Water Rights



Water Use History- Big D Farms, Inc Water Rights

W.R#	Overlapping WR's	PDIV #	SEC	T W N	R N G	AF_ PUMP _06	AF_ PUMP _07	AF_ PUMP _08	AF_ PUMP _09	AF_ PUMP _10	AF_ PUMP _11	AF_ PUMP _12	AF_ PUMP _13	AF_ PUMP _14	AF_ PUMP _15	Acres Rep. 2006	Acres Rep. 2007	Acres Rep. 2008	Acres Rep. 2009	Acres Rep. 2010	Acres Rep. 2011	Acres Rep. 2012	Acres Rep. 2013	Acres Rep. 2014	Acres Rep. 2015
4301	23713	25849	3	23	34	135.0	74.0	170.0	19.0	243.0	107.0	257.0	196.0	123.0	80.0	125	125	125	125	125	125	125	125	125	125
23713		81310	3	23	34	117.0	247.0	197.0	166.0	83.0	249.0	133.0	117.0	222.0	123.0	124	124	125	125	125	125	125	125	125	125
26317		34280	3	23	34	193.6	165.3	189.3	161.9	207.2	131.6	275.6	204.1	175.7	128.7	160	160	125	125	125	125	125	125	125	125
19023		81743	4	23	33	175.2	191.3	190.0	137.5	215.8	253.9	206.9	215.0	163.0	121.0	112	112	110	120	175	175	175	130	175	175
19023		83940	4	23	33	151.3	141.6	226.8	48.7	106.8	247.0	179.0	226.0	124.0	140.0	123	123	123	123	125	125	125	130	143	143
11754		15894	28	22	33	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0	0	0	0	0
11754		25155	28	22	33	177.0	163.0	201.0	110.0	181.0	263.0	266.0	170.0	112.0	103.0	197	197	197	197	197	197	197	197	197	197
11754		52386	21	22	33	238.0	199.0	205.0	109.0	215.0	326.0	386.0	257.0	205.0	161.0	225	125	250	250	250	250	250	250	250	250
29578		16165	21	22	33	135.0	179.0	189.0	133.0	199.0	221.0	246.0	193.0	166.0	132.0	247	247	247	247	247	247	247	247	247	250
29578		30451	33	22	33	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0	0	0	0	0
18505		30685	33	22	33	253.0	194.0	223.0	155.0	242.0	335.0	342.0	232.0	221.0	162.0	246	246	246	246	246	246	246	246	246	246
16505		49809	28	22	33	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0	0	0	0	0
21451		2082	33	22	33	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0	0	0	0	0

Changes in Water Levels Map- Proposed Kearny-Finney LEMA



Water
Level
Changes
(2005-2016)

KGS Index Well Data #1- 23S 34W 10ACB

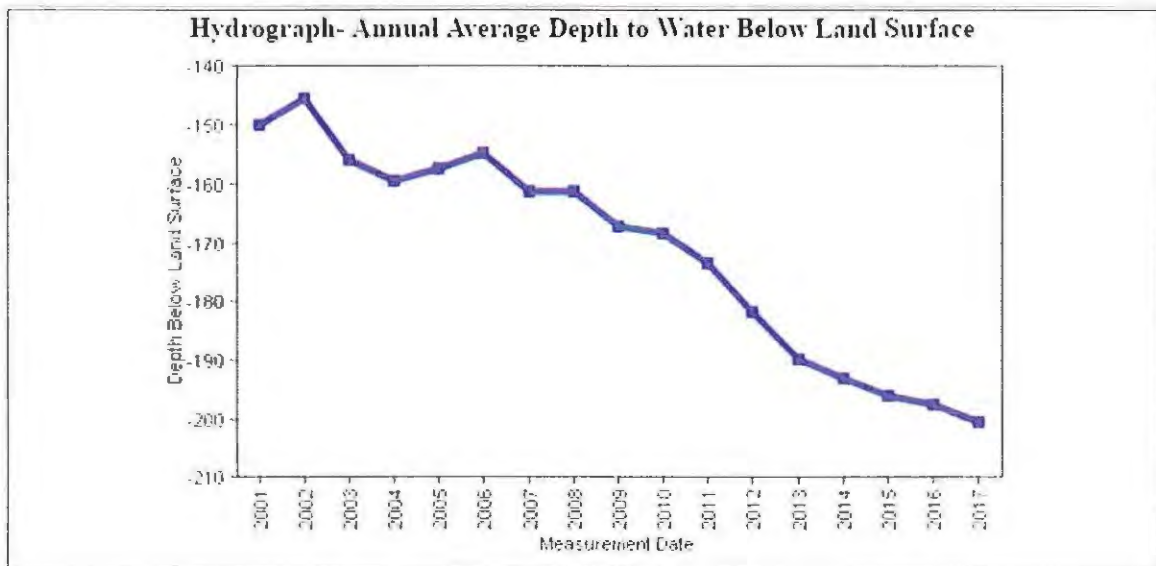
General Well Site Information ?

USGS ID:	380417101021301	KGS Local Well ID:	23S 34W 10ACB 01
County:	Finney	PLSS Description:	23S 34W 10 NWSWNE
HUC 8 Code:	11030001	GMD:	Southwest Kansas GMD #3
Longitude:	-101.038173	Lat/Long Source:	GPS (within 50 feet)
Latitude:	38.071993	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	2943	Depth of Well (ft):	330
Geological Unit Codes:	QU TO	USGS Map Name:	WOLF
Use of Site:	Withdrawal of Water	Use of Water:	Irrigation
WWC5 Links:	17898	WIMAS Link:	53840

Water Level Measurements ?

380417101021301

Note that depth to water is feet below land surface and all measurements for the well are included.



KGS Index Well Data #2- 22S 33W 32ABC

General Well Site Information 

USGS ID:	380609100575201	KGS Local Well ID:	22S 33W 32ABC 01
County:	Finney	PLSS Description:	22S 33W 32 SWNWNE
HUC 8 Code:	11030001	GMD:	Southwest Kansas GMD #3
Longitude:	-100.965635	Lat/Long Source:	GPS (within 50 feet)
Latitude:	38.10298	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	2894	Depth of Well (ft):	226
Geological Unit Codes:	QU TO	USGS Map Name:	Lowe
Use of Site:	Withdrawal of Water	Use of Water:	Irrigation
WWC5 Links:	323190	WIMAS Link:	67138

Water Level Measurements 

380609100575201

Note that depth to water is feet below land surface and all measurements for the well are included.

