

## MANAGEMENT PLAN

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### For the Designation of a Water Conservation Area (WCA) Fansher Farms 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 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 to a reduction of 15% of our historical average quantity (1,137.697 acre-feet). We, the water right owners are committing to this WCA prior to the initiation of any LEMA and recognize that current overall water use in the area may not be sustainable for the long term and we desire to reduce water use below long-term averages.

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### **Water Rights Enrolled and Geographical Boundaries**

The Fansher Farms WCA shall include the water rights listed in the attached document. This list includes details of all points of diversion associated with those water rights; as well as legal descriptions of the locations of the points of diversion and/or well identification numbers.

The current total appropriations authorized for all water rights included in this WCA are 1,941 acre-feet (AF) per year, with an average annual use during the period 2006-2015 of 1,137.697 AF. With a 15% reduction from the historical annual average use, the five (5) year WCA allocation is 4,835.213 AF.

The geographic boundary for the place of use for use in this WCA are shown on the attached map and attached table defining the authorized place. This table includes total acres and legal definitions by section, township, and range of the WCA place of use.

### **Findings Regarding Groundwater Conditions**

We understand that the WCA Law requires a finding that one of the following circumstances be present within the area geographic boundaries of this WCA; specified in K.S.A. 82a-1036 (a) through (d):

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

and amendments thereto, exist, or include a finding or findings that the area within the geographic boundaries described in paragraph (1) has been closed to new appropriations by rule, regulation or order of the Chief Engineer.

We have been informed that the following conditions exist:

- a) Groundwater levels in the area in question are declining or have declined excessively;
- b) The rate of withdrawal of groundwater in the area equals or exceeds the rate of recharge within such area;

These conditions suggest the advisability of implementing this WCA.

See the attached maps and figures supporting these findings and observations. Such attached documents shall include:

- Location maps with place of use defined- Attachment A & B
- Detailed table with description of place of use- Attachment C
- List of all water rights and description of legal locations- Attachment D
- Summary of water use history of water rights in WCA- Attachment E
- Changes in water levels (if available) – Attachment F

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- Estimated useable life maps (if available) – None
- KGS Observation well(s) data (if applicable) – Attachment G
- KDA-DWR This analysis report(s) (if applicable) - None

Per the Corrective Control Provisions and Plan for Conservation section, under this WCA management plan no water right, or point of diversion, is allowed any additional authorities than is currently authorized in the base water right. Therefore, it is determined that no further analysis, to determine possible impairments, needs to be completed for this 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. As enumerated below we, the 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 this WCA during the term of the WCA period listed:

1. Water rights, at the discretion of the owners, may be pumped as directed by the owner, provided that:
  - a. All points of diversion are limited to their annual authorized quantity.
  - b. All points of diversion are limited to their current authorized pumping rates.
  - c. The sum of water use under all water rights combined shall be limited to no more than 4,835.213 acre-feet every five (5) years.
2. The corrective control provisions of this 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 this 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.

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3. Up to the annual WCA allocation (967.043 acre-feet) may be carried over and added to a subsequent WCA period after 2021; if unused during the duration of this WCA period. For the carryover quantity to be included, all owners must enter into agreement to participate into a subsequent WCA by December 31<sup>st</sup> of the last year of this WCA period.
4. 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 96.704 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 1,800 AF, the additional carry-over would be  $10\% \times [967.043 \times 2 - 1,800]$  AF or 13.409 AF; giving a total would be 110.113 AF (13.409 AF + 96.704 AF) to be carried over into a LEMA.

#### **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 one (1) recognized observation well(s) within two (2) miles of this WCA boundary that has for many years been measured annually by the Kansas Geological Survey (KGS). See attached water right area map for locations. The well(s) 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 more accurately.

We will submit an annual report no later than March 1<sup>st</sup> 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 WCA period listed. These 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 this 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 concerning the matter. Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or

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authorized designee shall notify the KDA-DWR 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 and K.A.R. 5-14-12.

### **Review of Effectiveness**

We acknowledge that a review of this WCA shall be completed prior to November 1<sup>st</sup> of the final year of the WCA period listed to ensure the above terms remain appropriate and are achieving the stated goals of this WCA. Should the Chief Engineer find that the terms are no longer appropriate or that no progress has been made towards the stated goal, the Chief Engineer may refuse to renew a WCA and may suggest new terms and goals. We understand that upon review, and a finding by the Chief Engineer that the WCA has achieved or made progress towards its goals and that the same terms may be included in a subsequent WCA for another designated period. The terms of the WCA may be continued as long as this WCA is in good standing with its most recent WCA period and upon formal approval by the Chief Engineer. The Chief Engineer shall issue findings addressing the terms and goals of the existing management plan prior to any renewal of any subsequent WCA.

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 the listed period with an evaluation at the end of every WCA 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 end of this WCA period, 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 this 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.

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We also acknowledge that the Chief Engineer may terminate this WCA upon findings that it is not being upheld to its terms. Such termination shall give notice and require a full evaluation of the WCA and water rights associated to ensure follow up actions.

**State Law**

We acknowledge that this 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, this WCA management plan was found to effect equal or greater overall conservation than applicable GMD regulations, LEMA, and IGUCA requirements.

**Participant's Agreement**

By signing below, we, the water right owners, agree that this Water Conservation Area Management Plan is fair and equitable. This management plan, provided to the Chief Engineer and water right owners, is the expressed written intent of the parties and the whole agreement between the parties. We, the water right owners agree to be bound by all the terms contained in this WCA Management Plan and understand that the provisions of this agreement shall be construed to give effect to the provisions listed. We, the water right owners also agree that this management plan is the basis for a consent agreement among the Chief Engineer and the undersigned water right owners, and therefore any order and consent agreement issued by the Chief Engineer, designating this WCA, shall be binding upon all parties as the necessary formal implementation of this management plan.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

FANSHER FARMS  
STANLEY B FANSHER  
707 CENTER ST  
GARDEN CITY KS 67846

FANSHER INC  
811 N MAIN ST STE A  
GARDEN CITY KS 67846-5487

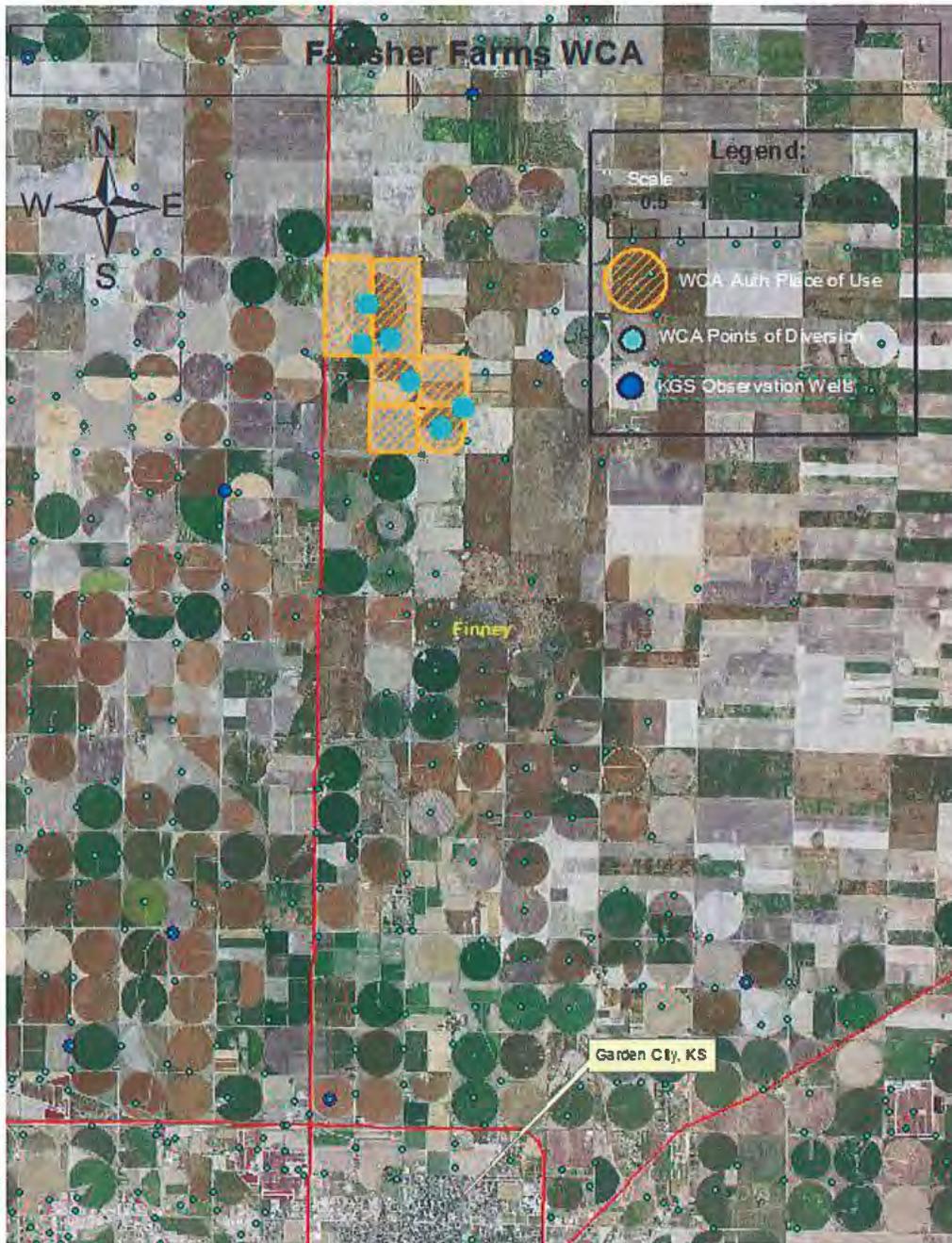
\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person

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Attachment A- Location maps with place of use defined

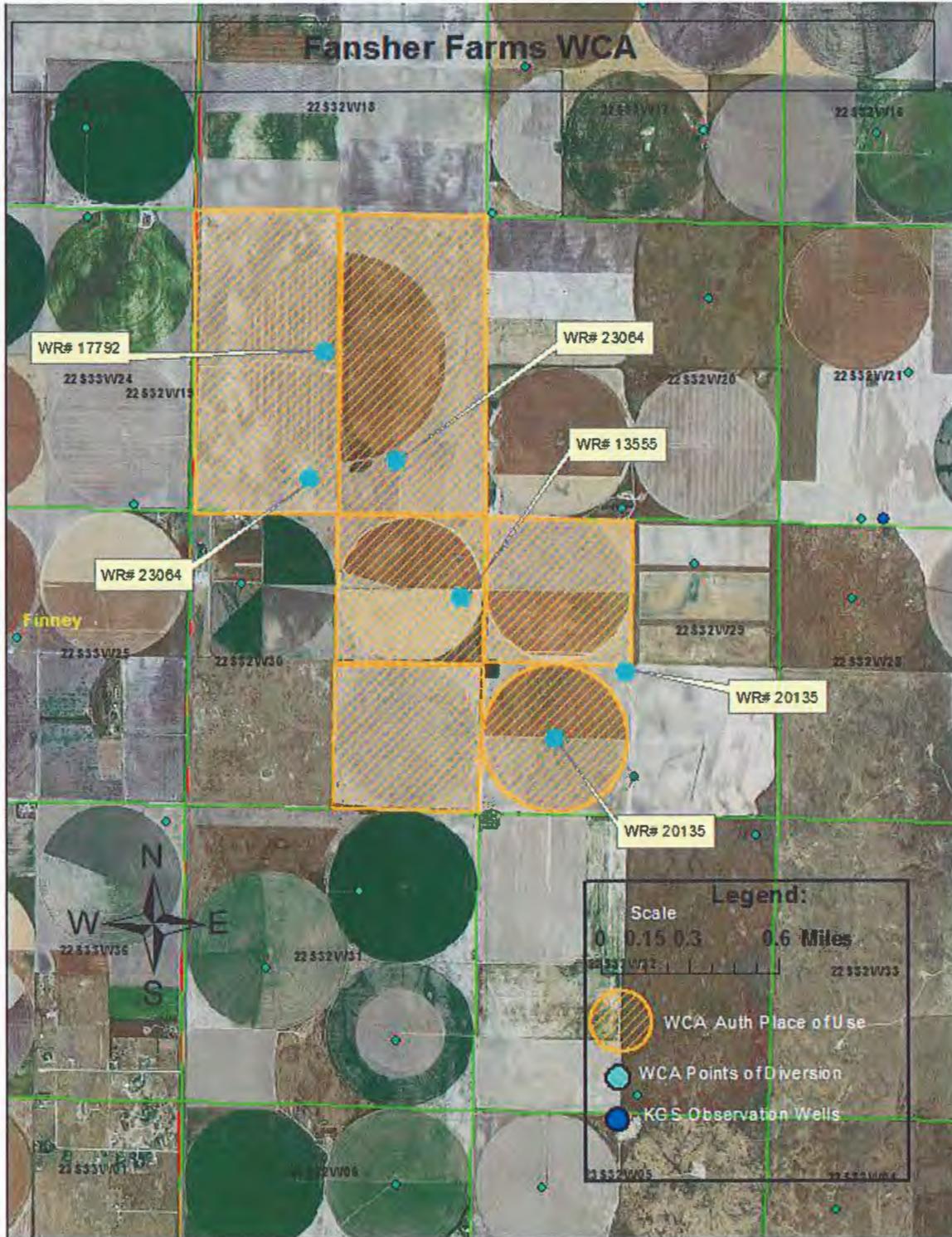


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Attachment B- Location maps with place of use defined



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Attachment C - Detailed table with description of place of use

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)	
30	22	32	40	40	40	40									40	40	40	40	320
29	22	32					40	40	40	40	34	34	34	34					296
19	22	32						L-1	L-2			L-3	L-4						X
19	22	32	40	40	40	40	40	36.85	37.37	40	40	37.87	38.39	40	40	40	40	40	630.48
Grand Total Acres																			1246.48

**Additional Auth PU Notes:**

WR#	Legal	Note
17792	19-22S-32W	L-1(NWNW), L-2(SWNW), L-3(NWSW), L-4(SWSW)

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**Attachment D- List of all water rights and description of legal locations**

**Water Rights Enrolled Summary**

Water Right#	ID#	PDIV#	Sect-Twp-Range	Authorized Annual Quantity (AF)	Group Annual Quantity (AF)	Historical Ave. Use (06-15) (AF)
13555	1	23134	30-22S-32W	220	602	283.823
17775	1	23134	30-22S-32W	602		
20135	2	8840	29-22S-32W	309	309	197.559
20135	3	42466	29-22S-32W	300	300	240.931
23064	2	33659	19-22S-32W	560	560	415.385
23064	3	48059	19-22S-32W			
17792	4	70184	19-22S-32W	170	170	No Use

Totals 1941 1137.697

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Attachment E- Summary of water use history of water rights in WCA

**Fansher Farms WCA Summary**

"Legal Ave Water Use"- A historical average calculated only using water use reports of equal or less than the annual authorized quantity.

WR #	ID#	PDIV#	Location (Sect, Twn, Range)	Historical Period (20XX-20XX)
13555	1	23134	30-22S-32W	06-15
17775	1	23134	30-22S-32W	06-15
23064	3	48059	19-22S-32W	06-15
20135	2	8840	29-22S-32W	06-15
20135	3	42466	29-22S-32W	06-15
23064	2	33659	19-22S-32W	06-15
23064	3	48059	19-22S-32W	06-15

Historical Use Summary				
2017 Annual Auth Qty (AF)	Legal Ave WU (AF)	Ave Irr Acres	Actual A/Acre	% Use of Authorized
1,941	1,137.697	1,000	13.82	59%

Recent Water Use Reports				
2014 Use	2015 Use	2016 Use	2016 Acres	
1,094	787	827	820	AF
56%	41%	43%	NA	% of Auth

Annual WCA Allocation (10% Conservation)				
	Annual WCA Allocation	Reduction from Ave Use	% of Authorized	Est. Acre-Inch (2016 Acres)
Totals	1023.927	114	53%	14.98

Annual WCA Allocation (15% Conservation)				
	Annual WCA Allocation	Reduction from Ave Use	% of Authorized	Est. Acre-Inch (2016 Acres)
Totals	967.043	171	50%	14.15

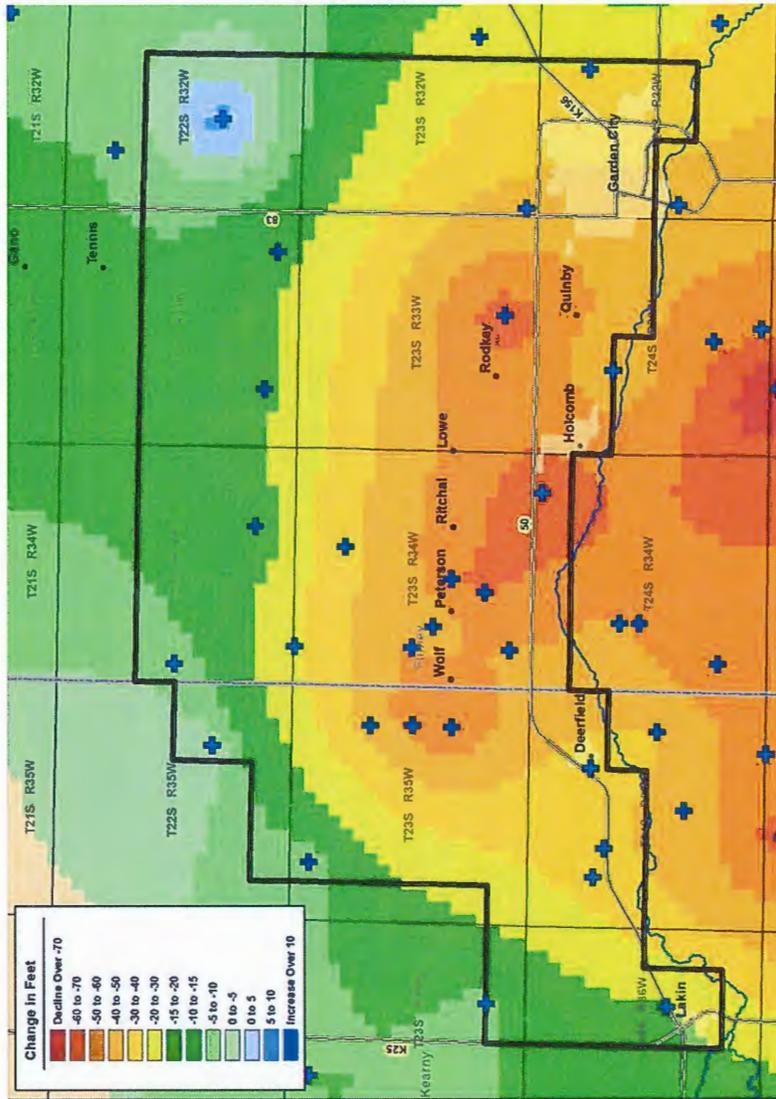
Annual WCA Allocation (20% Conservation)				
	Annual WCA Allocation	Reduction from Ave Use	% of Authorized	Est. Acre-Inch (2016 Acres)
Totals	910.158	228	47%	13.32

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Attachment F- Changes in Water Levels (proposed Kearny-Finney LEMA)



Water  
Level  
Changes  
(2005-2016)

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Attachment G- KGS Observation well data- 22S 32W 21CDC

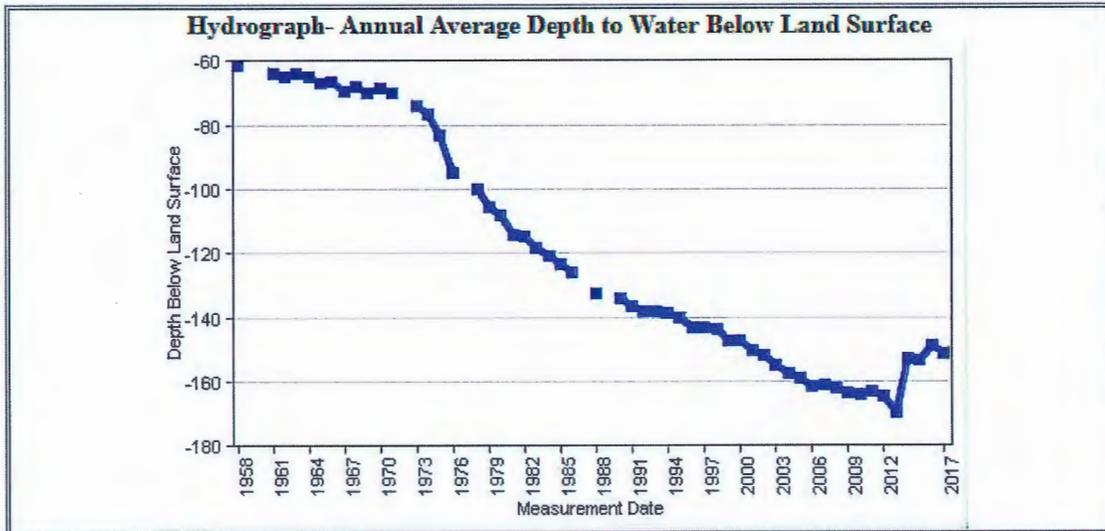
**General Well Site Information ?**

<b>USGS ID:</b>	380715100503701	<b>KGS Local Well ID:</b>	22S 32W 21CDC 01
<b>County:</b>	Finney	<b>PLSS Description:</b>	22S 32W 21 SWSESW
<b>HUC 8 Code:</b>	11030001	<b>GMD:</b>	Southwest Kansas GMD #3
<b>Longitude:</b>	-100.840635	<b>Lat/Long Source:</b>	GPS (within 50 feet)
<b>Latitude:</b>	38.120092	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	2903	<b>Depth of Well (ft):</b>	200
<b>Geological Unit Codes:</b>	QU TO	<b>USGS Map Name:</b>	WHITE WOMAN BOTTOMS

**Water Level Measurements ?**

380715100503701

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



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