

STATE OF KANSAS  
BEFORE THE DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE

**FILE COPY**

IN THE MATTER OF: )

Harshberger Farms Water Conservation Area )  
Ford County, Kansas )

Water Right, File No(s).

12,709

**AGREED ORDER TERMINATING A WATER CONSERVATION AREA**

COMES NOW, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, pursuant to K.S.A. 82a-745 and having been advised of the circumstances pertinent to this action and being otherwise fully and duly advised in the premises, and finds and orders as follows:

1. On or about August 22, 2018, Gary Kenneth Harshberger ("Participant") submitted to the Chief Engineer a proposed management plan to establish a water conservation area, pursuant to K.S.A. 82a-745. The proposed plan concerned Water Right, File No. 12,709 owned by Participant.

2. On or about October 3, 2018, and pursuant to K.S.A. 82a-745, the Chief Engineer duly issued the Consent Agreement and Order Designating a Water Conservation Area (the "WCA Order"), which incorporated the management plan and formally designated the Harshberger Farms Water Conservation Area (the "Subject WCA").

3. Pursuant to the management plan and K.S.A. 82a-745(k), the Chief Engineer may terminate a water conservation area upon the request and consent of all of water right owners within a water conservation area. Participant is the sole participant in the Subject WCA.

4. By Participant's signature hereto, which constitutes the signature of all of the water right owners in the Subject WCA, Participant indicates his request and consent that the WCA Order and its established Subject WCA be terminated pursuant to the terms herein.

5. Pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*, or by any other applicable Kansas law, Participant waives all rights to a hearing on or appeal of this Agreed Order Terminating a Water Conservation Area.

6. Accordingly, the Chief Engineer finds that all the requirements for terminating a water conservation area have been met and that the WCA Order and its established Subject WCA should be terminated.

7. A copy of this Agreed Order Terminating a Water Conservation Area shall be filed with the register of deeds in Ford County, Kansas.

**THEREFORE**, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, hereby orders that the WCA Order and its established Harshberger Farms Water Conservation Area are terminated and of no force or effect.

IT IS SO ORDERED, THIS 23<sup>rd</sup> DAY OF May, 2019, IN MANHATTAN, RILEY COUNTY, KANSAS.

David W. Barfield  
David W. Barfield, P.E.  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

STATE OF KANSAS )  
 ) SS.  
COUNTY OF RILEY )

This Agreed Order was acknowledged before me on May 23, 2019, by David W. Barfield.

Karen Hunter  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



Agreed to on behalf of the Harshberger Farms Water Conservation Area by:



Gary Kenneth Harshberger  
Gary Kenneth Harshberger

“Participant”

STATE OF KANSAS )  
 ) SS.  
COUNTY OF clark )

This Agreed Order was acknowledged before me on 5/20/2019, 2019, by Gary Harshberger.

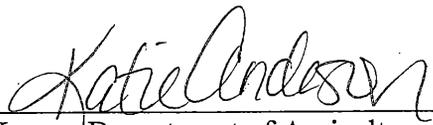
Karrie Miller  
Notary Public

My commission expires: 02-05-2023  
(Notary Seal)

CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of May, 2019, copies of the Agreed Order Terminating a Water Conservation Area were sent  via first class, U.S. mail, to the following:

GARY KENNETH HARSHBERGER  
10905 WILDFIRE RD  
MINNEOLA, KS 67865

  
Kansas Department of Agriculture  
Staff Person

FILE COPY