

January 2019-December 2023

Smith Ranch

Water Conservation Management Plan

Water Conservation Area Executive Summary

WCA Acres: 1,278

Number of IRR Water Rights: 5

Number of IRR Wells: 8

Historical Period: 2003-2012

Prior Conservation:

- Water right (WR) #9968 has been in EQIP for years 2017-2018, WR# 30722-2 has been in EQIP for years 2015-2018, WR# 30722-3 has been in EQIP for years 2013-2018.

WCA Allocation

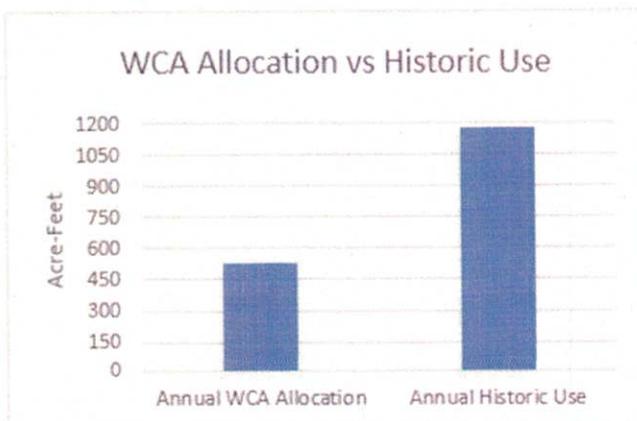
- Total WCA annual allocation of 529.588 AF
- 55% reduction from the (2003-2012) average use of 1,176.862AF

Corrective Controls- Flexibilities requested exceeding base water right

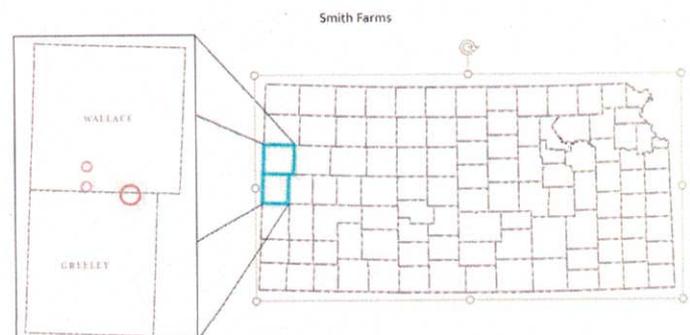
- All points of diversion are limited to their current authorized pumping rates.

Total Water Conserved Over WCA Period (based on historical use): 3,236.37 acre-feet (AF)

WCA Allocation vs. Historical Use Graph



WCA County Map



MANAGEMENT PLAN

For the Designation of a Water Conservation Area (WCA) Smith Ranch WCA; Wallace & Greely Counties, KS January 2019 through December 2023

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

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. We, the 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. This WCA will also focus on the use of new technology (such as to name a few: mobile drop irrigation on the first four towers of a section sprinkler, variable rate prescriptions, and cover crops) to help conserve water.

We, the water right owners are consenting to the terms and conditions of this WCA and commit to reducing water use for five (5) years, in one five (5) year increment, through a reduction in the long-term water use historical average (2003-2012). There will be a 55% conservation factor of that use through these years (2019-2023).

Water Rights Enrolled and Geographic Boundaries

This 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 identification numbers.

The current total appropriations authorized for all water rights included in this WCA are 2,298 acre-feet (AF) per year, with an historical average annual use of 1,179.86 AF. With a 55% conservation factor from the historical average use, the total annual WCA allocation is 529.588 acre-feet (AF).

The geographic boundary for this WCA is shown on the attached map(s) and attached table defined by legal locations. This table includes total acres and legal definitions by section, township, and range of the WCA boundary.

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:

- 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.

These conditions suggest the advisability of implementing this WCA.

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

- Map with WCA geographic boundaries defined- **Attachment A**
- Map with WCA geographic boundaries (zoomed in on east farm)- **Attachment B**
- Map with WCA geographic boundaries (zoomed in on west farm)- **Attachment C**
- Summary of water rights with description of legal locations- **Attachment D**
- WCA place of use with legal descriptions- **Attachment E**
- KGS Observation well data- **Attachment F**
- KGS Observation well data- **Attachment G**
- KGS Observation well data- **Attachment H**

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. Furthermore, water right (WR) #9968 has been in EQIP for years 2017-2018, WR# 30722-2 has been in EQIP for years 2015-2018, WR# 30722-3 has been in EQIP for years 2013-2018.

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 Wallace and Greeley counties. 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 current authorized annual quantities.
 - b) All points of diversion are limited to their current authorized diversion rates.
 - c) The sum of all water rights combined shall be limited to no more than 529.588 acre-feet (AF) annually.

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 additional incentive(s) in consideration for our WCA participation.

3. Up to the annual WCA allocation (529.588 AF) may be carried over and added to a subsequent WCA period after 2023; if unused during the duration of this WCA period. For the carryover quantity to be included, all owners must enter into agreement to participate in a subsequent WCA by December 31st of the last year of this WCA period. Upon review, should a subsequent WCA be entered, the potential carryover will not allow any well to exceed its annual authorized quantity or the agreed upon corrective controls.

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 a total of one recognized observation well(s) within one (1) mile of this WCA boundary that have for many years been measured annually by the Kansas Geological Survey (KGS). See attached maps 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 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 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 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 1st 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 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 a 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 agree that water rights may be removed by written request to the Chief Engineer designating the water right(s) to be removed, lands to be removed, and needed adjustments to overall allocations and flexibilities provided to such water rights. Such adjustment shall be proportional to the water right(s) removed and total authorization by the WCA if applicable. The request to remove water right(s) shall be affirmed by all owners, unless stated and agreed by all owners pursuant to the current management plan. With this agreement, all water right owners acknowledge and agree that we affirm that removal of water rights can take place without agreement later. If the Chief Engineer finds the requested change acceptable, he/she shall approve the modification to the plan and provide notice to the participants and 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.

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 geographic 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 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 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.

FOR THE PARTICIPANTS: All participating water right owner(s) signing below, affirm their approval of this WCA management plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

Mark E Smith Date: 17 April 19
Mark E. Smith- Owner (Signature)
Water Right No(s). 9968, 10116, 16444, 25370, 30722

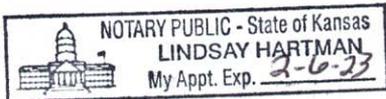
1445 Road 26 Wallace, KS 67761
Full Mailing Address

mscuttle@Icloud.com 620-376-8266
Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas)
) SS
County of Wallace)
Acknowledged before me on April 17, 2019
by Lindsay Hartman
Signature: Lindsay Hartman
Notary Public

My commission expires: 2-6-23
(Notary Seal)



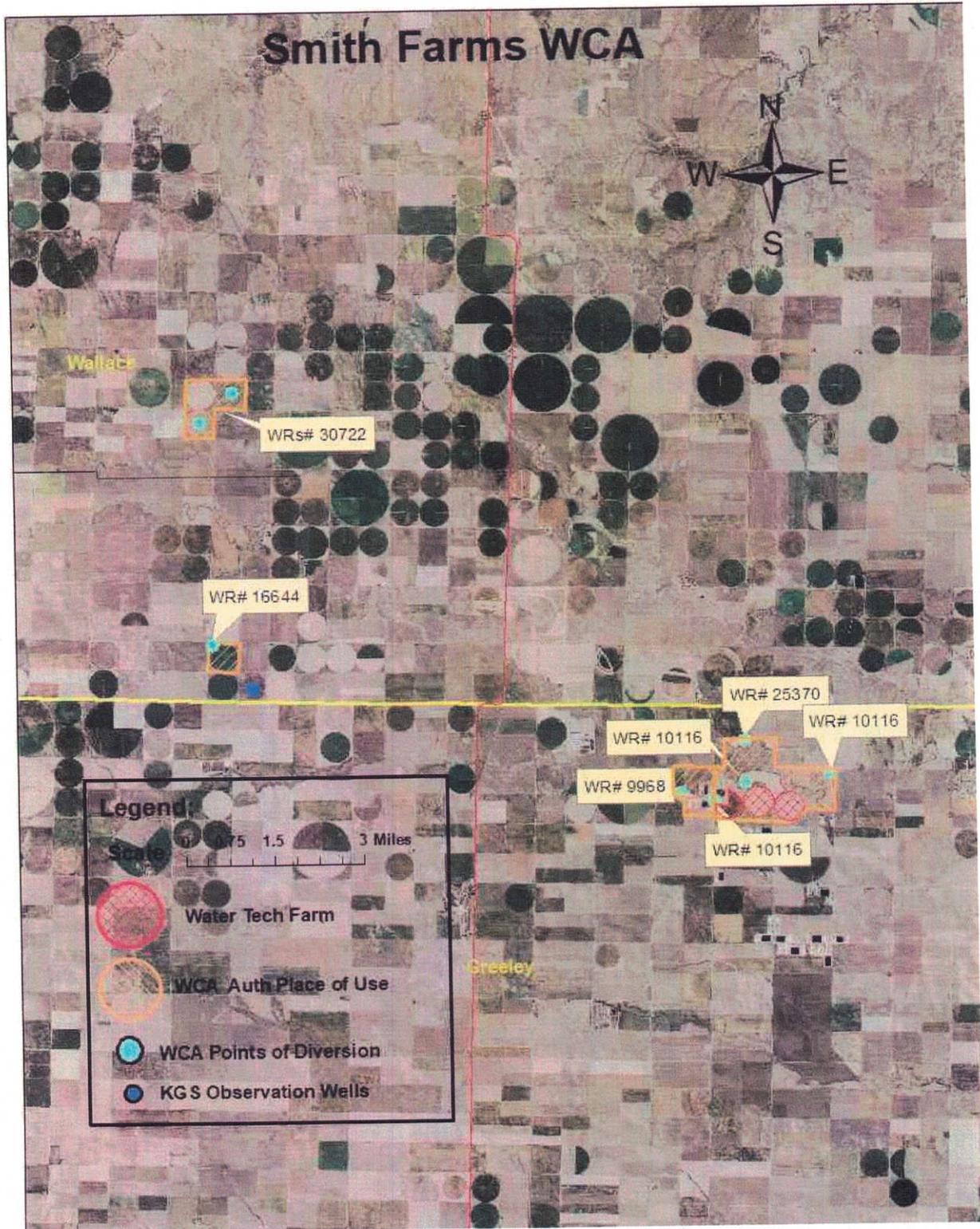
CERTIFICATE OF SERVICE

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

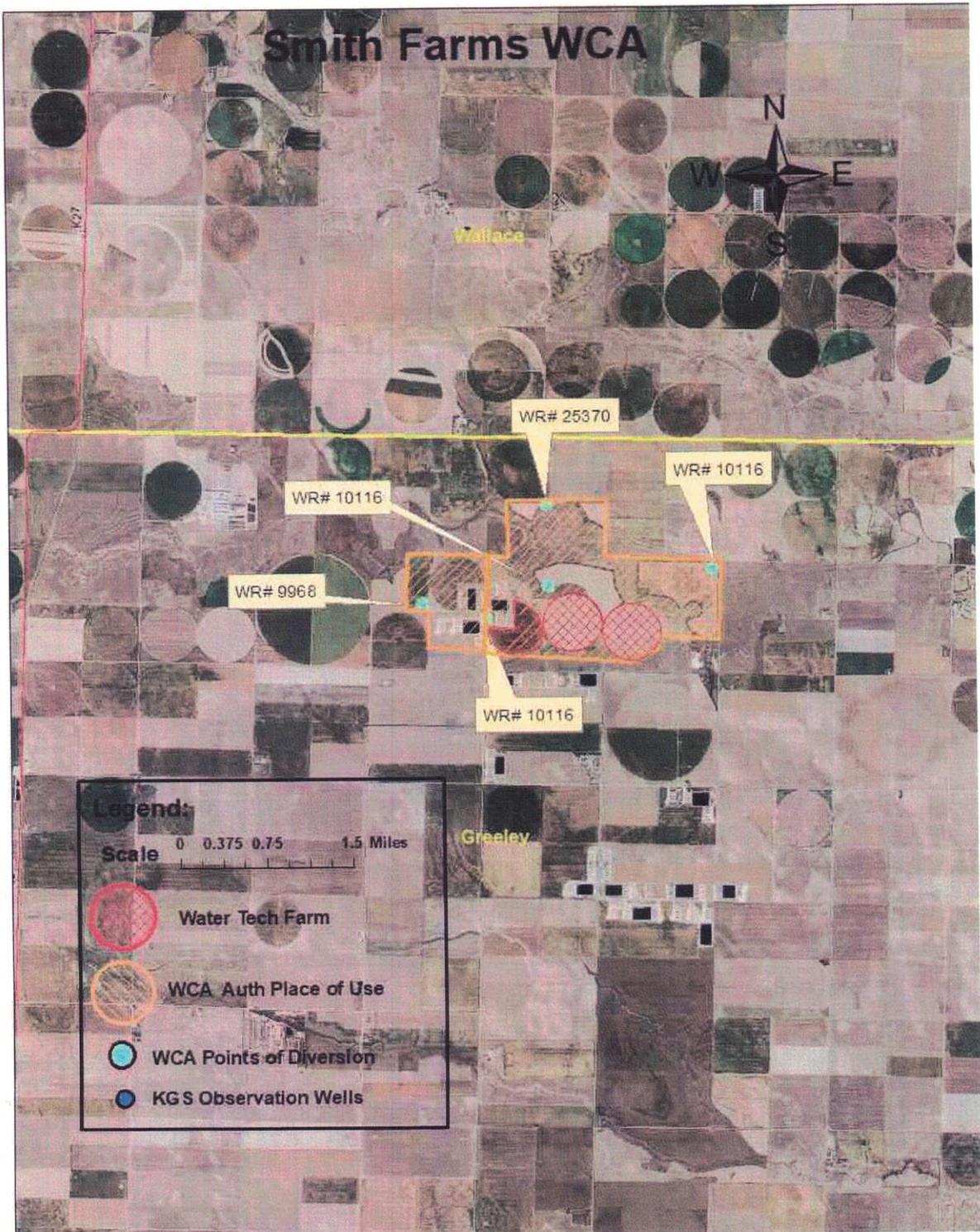
MARK E SMITH
1445 RD 26
WALLACE KS 67761

Kansas Department of Agriculture
Staff Person

Attachment A- Geographical boundaries with Water Rights of Smith Ranch WCA



Attachment B- Geographical boundaries with Water Rights of Smith Ranch WCA (east)



Attachment C- Geographical boundaries with Water Rights of Smith Ranch WCA (west)



Attachment D- Summary of Water Rights with legal locations

Smith Ranch 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)	2018 Annual Auth Qty (AF)	Legal Ave WU (AF)
10116	1	928	7-16S-39W	03-12	343.000	209.050
10116	2	19811	7-16S-39W	03-12	378.000	205.997
10116	1	27968	8-16S-39W	03-12	107.000	4.220
16644	2	54965	36-15S-41W	03-12	320.000	174.805
9968	1	3105	12-16S-40W	03-12	240.000	104.992
25370	3	7541	6-16S-39W	03-12	210.000	157.316
30722	2	20806	1-15S-41W	03-12	282.000	166.120
30722	3	53831	11-15S-41W	03-12	418.000	154.361

Historical Use Summary				
2018 Annual Auth Qty (AF)	Legal Ave WU (AF)	Ave Irr Acres	Actual AI/Acre	% Use of Authorized
2,298	1,176.862	982.00	14.47	51%

Recent Water Use Reports				
2015 Use	2016 Use	2017 Use	2017 Acres	
659.411	463.069	360.528	905.00	AF
29%	20%	16%	N/A	% of Auth

Average Annual WCA Allocation (55% Conservation)				
	Annual WCA Allocation	Reduction from Ave Use	% of Authorized	Est. Acre-Inch (2017 Acres)
Totals	529,588	647,274	23%	7.02

Attachment F- KGS Observation well #1 15-16S-39W

General Well Site Information ?

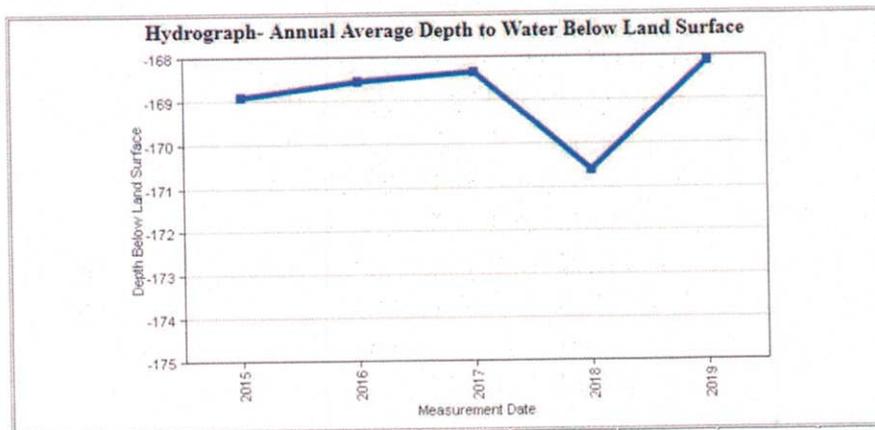
USGS ID:	383927101365401	KGS Local Well ID:	16S 39W 15CDC 01
County:	Greeley	PLSS Description:	16S 39W 15 SWSESW
HUC 8 Code:	10260004	GMD:	Western Kansas GMD #1
Longitude:	-101.61779	Lat/Long Source:	GPS (within 50 feet)
Latitude:	38.65498	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	3535	Depth of Well (ft):	Unknown
Geological Unit Codes:	TO	USGS Map Name:	W BETHANY CHURCH
Use of Site:	Withdrawal of Water	Use of Water:	Irrigation
WWC5 Links:	None	WIMAS Link:	42530

Water Level Measurements ?

383927101365401

Please Note- The 2019 KGS and DWR cooperative water level measurements have been loaded into WIZARD but are considered provisional at this time.

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



Attachment G- KGS Observation well #2 15-16S-40W

General Well Site Information ?

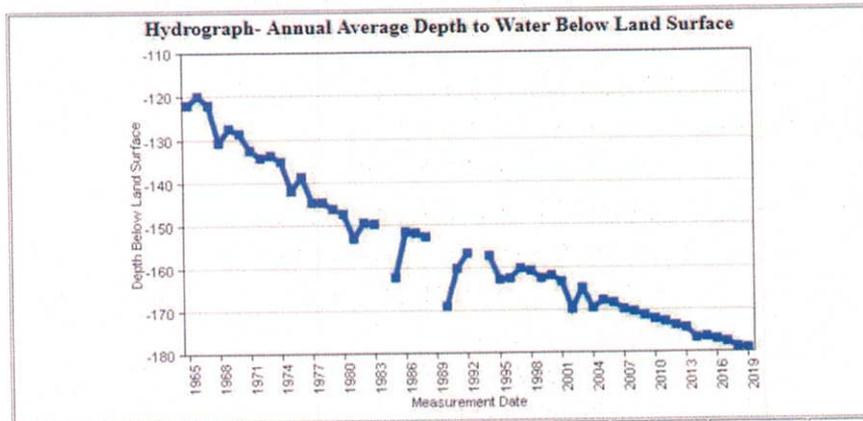
USGS ID:	383954101432401	KGS Local Well ID:	16S 40W 15ACC 01
County:	Greeley	PLSS Description:	16S 40W 15 SWSWNE
HUC 8 Code:	10260004	GMD:	Western Kansas GMD #1
Longitude:	-101.724415	Lat/Long Source:	GPS (within 50 feet)
Latitude:	38.662996	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	3650	Depth of Well (ft):	204
Geological Unit Codes:	TO	USGS Map Name:	M Ladder Creek East
Use of Site:	Withdrawal of Water	Use of Water:	Irrigation
WWC5 Links:	None	WIMAS Link:	24846

Water Level Measurements ?

383954101432401

Please Note- The 2019 KGS and DWR cooperative water level measurements have been loaded into WIZARD but are considered provisional : this time.

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



Attachment H- KGS Observation #3 36-15S-41W

General Well Site Information ?

USGS ID:	384212101491702	KGS Local Well ID:	15S 41W 36DDB 02
County:	Wallace	PLSS Description:	15S 41W 36 NWSESE
HUC 8 Code:	10260004	GMD:	Western Kansas GMD #1
Longitude:	-101.822068	Lat/Long Source:	GPS (within 50 feet)
Latitude:	38.701479	Lat/Long Accuracy:	5 seconds
Surface Elevation (ft):	3695	Depth of Well (ft):	265
Geological Unit Codes:	TO	USGS Map Name:	M Ladder Creek West
Use of Site:	Withdrawal of Water	Use of Water:	Irrigation
WWC5 Links:	None	WIMAS Link:	44646

Water Level Measurements ?

384212101491702

The 2019 KGS and DWR cooperative water level measurements have been loaded into WIZARD but are considered provisional.

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

