

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

IN THE MATTER OF:

Wichita County Water Conservation Area
Wichita County, KS

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)
)
)

Water Right File Nos. 208, 1070, 7813,
10229, 12006, 13470, 14258-D2, 18316,
31455

**CONSENT AGREEMENT TO PARTICIPATE IN THE WICHITA COUNTY
WATER CONSERVATION AREA**

The Wichita County Water Conservation Area

The Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources (“Chief Engineer”) and a group of water right owners, in Wichita County, Kansas have conferred in good faith and have reached an agreement on the designation of the Wichita County Water Conservation Area (“WCWCA”), pursuant to K.S.A. 82a-745.

On March 7, 2017 the WCWCA was created by order of the Chief Engineer.

This document and its addendum, all previous amendments to the order designating the WCWCA approved by the Chief Engineer, and attached WCWCA Management Plan, as amended by the participants and the Chief Engineer, serves as a consent agreement among the Chief Engineer and the undersigned water right owner(s) to enroll water rights in the Wichita County Water Conservation Area (“WCWCA”) and to be bound by the terms and conditions of the WCWCA Management Plan, as amended.

Term of Agreement

The term of this agreement is seven (7) years. This agreement will automatically renew for seven (7) additional years pursuant to the terms of the WCWCA Management Plan, as amended, unless the participant(s) submits a request to forgo renewal.

Corrective Control Provisions and Plan for Conservation

The attached WCWCA Management Plan, as amended, is incorporated and made part of this agreement, and sets forth the corrective control provisions and plan for conservation, rules for establishing water allocations and for using water while participating in the WCWCA.

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Addendum to this Agreement

The attached addendum is incorporated and made a part of this agreement, and includes these features for each water right subject to this agreement:

1. Agreement of years of participation.
2. All points of diversion and associated water right files numbers.
3. All places of use by legal location description.
4. A map of the boundaries of each management unit, locations of each point of diversion place of use, and approximate locations of any water pipelines.
5. Summary of water use history, 2009-2015, of participating water rights/points of diversion.
6. Summary of Annual Quantity of Permissible Groundwater Withdrawal, as defined in the WCWCA Management Plan, for the seven-(7) year term of the consent agreement.

A new addendum will be prepared and signed by participants and the Chief Engineer for subsequent renewal periods consistent with the terms herein and the WCWCA Management Plan, as amended.

Participant's Agreement

This agreement is fair and equitable.

This agreement, entered into by the Chief Engineer and participants, is the expressed written intent of the parties and the whole agreement between the parties.

The provisions of this agreement shall be construed to give effect to the provisions of the WCWCA Management Plan, as amended.

This agreement may be modified as set forth in the terms of the WCWCA Management Plan, as amended, and pursuant to written agreement of the participants and the Chief Engineer.

This agreement shall be applied to and enforceable against any and all heirs, assigns, purchasers, or successors-in-interest, unless the participants and Chief Engineer otherwise agree pursuant to modifications hereto. A copy of this agreement and Order Designating a WCA shall be filed with the register of deeds in Wichita County.

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, participants waive all rights to a hearing on or appeal of this agreement and Order Designating a Water Conservation Area.

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FOR THE PARTICIPANTS: The participating water right owner has signed below, affirming his/her consent to the designation of the Water Conservation Area described herein.

PDA Ryan Mayane Date: 10-12-18

JAMES D SIMONS, Owner (Signature)
Water Right No(s). 18316

892 E COUNTY RD K MARIENTHAL KS 67863
Full Mailing Address

Email Address

Phone Number

ACKNOWLEDGMENT OF NOTARY

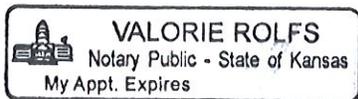
State of Kansas)
) SS
County of Scott)

Acknowledged before me on 10/12/2018

by James D. Simons

Signature: Valorie Rolfs
Notary Public

My commission expires: 5/05/2021
(Notary Seal)



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CERTIFICATE OF SERVICE

I hereby certify that on this 23th day October of 2018, copies of the foregoing were sent via first class, U.S. mail, to the following:

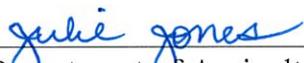
IL FARMS LLC
892 E COUNTY RD K
MARIENTHAL KS 67863

RYAN S. & LEE M MAZANEC
888 E COUNTY RD K
MARIENTHAL KS 67863

SIMONS FARMS INC
JAMES D SIMONS
892 E COUNTY ROAD K UNIT B
MARIENTHAL, KS 67836

JOHN R SIMONS LIVING TRUST
892 E COUNTY RD K
MARIENTHAL KS 67863

JAMES D SIMONS
892 E COUNTY RD K
MARIENTHAL KS 67863



Kansas Department of Agriculture
Staff Person

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ADDENDUM TO THE WICHITA COUNTY WATER CONSERVATION AREA CONSENT AGREEMENT AND ORDER

WCA Beginning Year: 2018 WCA Ending Year: 2024 WCA Total Years: 7

All listed water rights will be designated as a management unit: YES

WR#(s): 208, 1070, 7813, 10229, 12006, 13470, 14258-D2, 18316, 31455

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): NONE

Authorized Point of Diversion Water Right # 208

One well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¹/₄NW¹/₄SW¹/₄) of Section 30, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 1070

One well located in Lot 1 of Section 19, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 7813

One well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¹/₄SW¹/₄SW¹/₄) of Section 19, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 10229

One well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¹/₄SE¹/₄SW¹/₄) of Section 15, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 12006

One well located in Lot 2 of Section 19, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 13470

One well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¹/₄NW¹/₄SW¹/₄) of Section 1, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 14258-D2

One well located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW¹/₄NW¹/₄NW¹/₄) of Section 16, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 18316

One well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¹/₄NW¹/₄NE¹/₄) of Section 24, Township 17 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 31455

One well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¹/₄NW¹/₄SW¹/₄) of Section 12, Township 17 South, Range 35 West, Wichita County, Kansas.

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Authorized Place of Use:

S	T	R	NE ¼ (acres)				NW ¼ (acres)				SW ¼ (acres)				SE ¼ (acres)				Total Acres	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	17S	35W																		320
12	17S	35W			31.5	31.5														252
15	17S	35W																		220
16	17S	35W								10	27.5									37.5
17	17S	35W	10																	37.5
19	17S	35W	40	40	40	40	40	37.85	37.94	40										621.96
19	17S	35W						L-1	L-2											
24	17S	35W	37	40	40	40														157
30	17S	35W																		160

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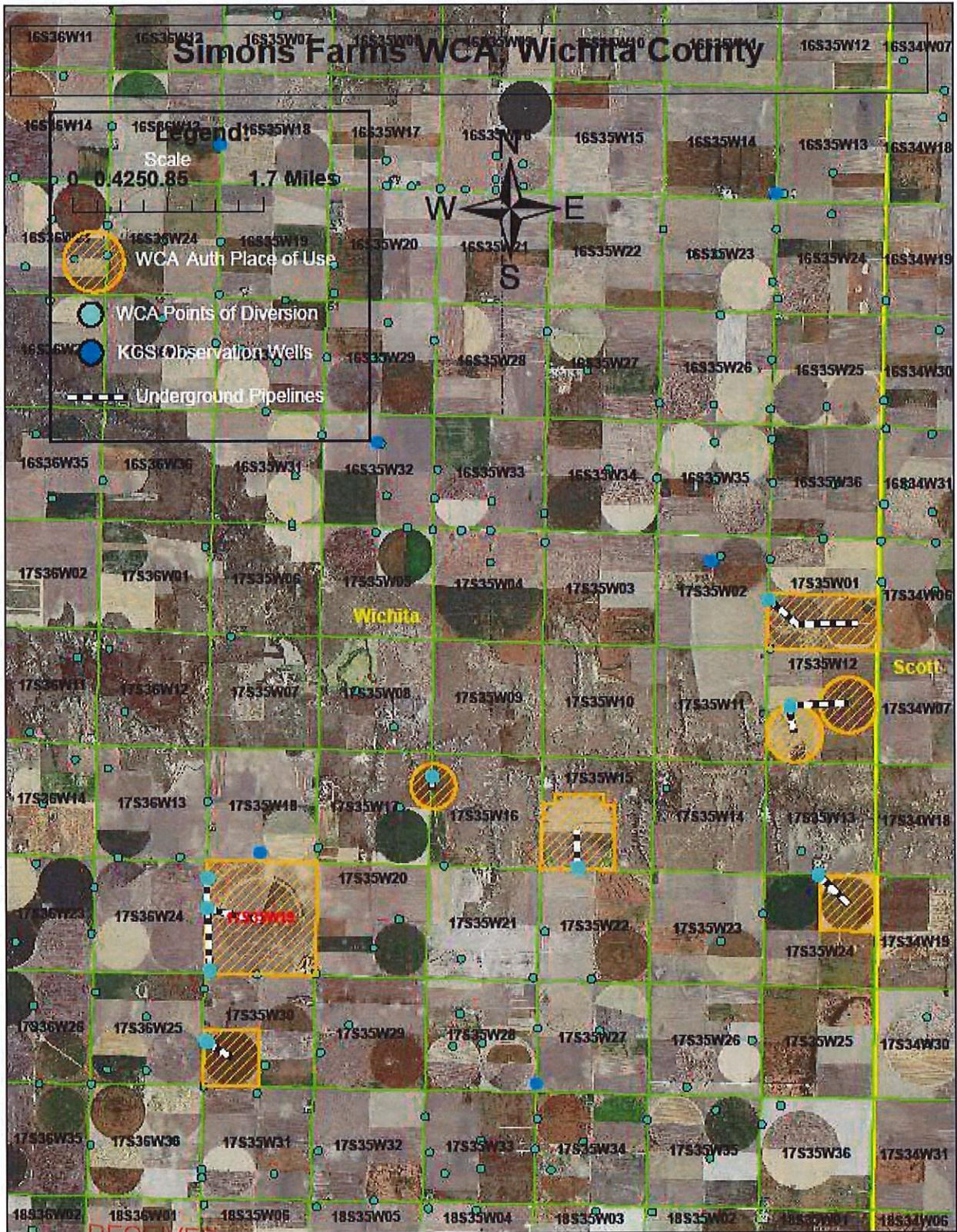
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KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (Date)

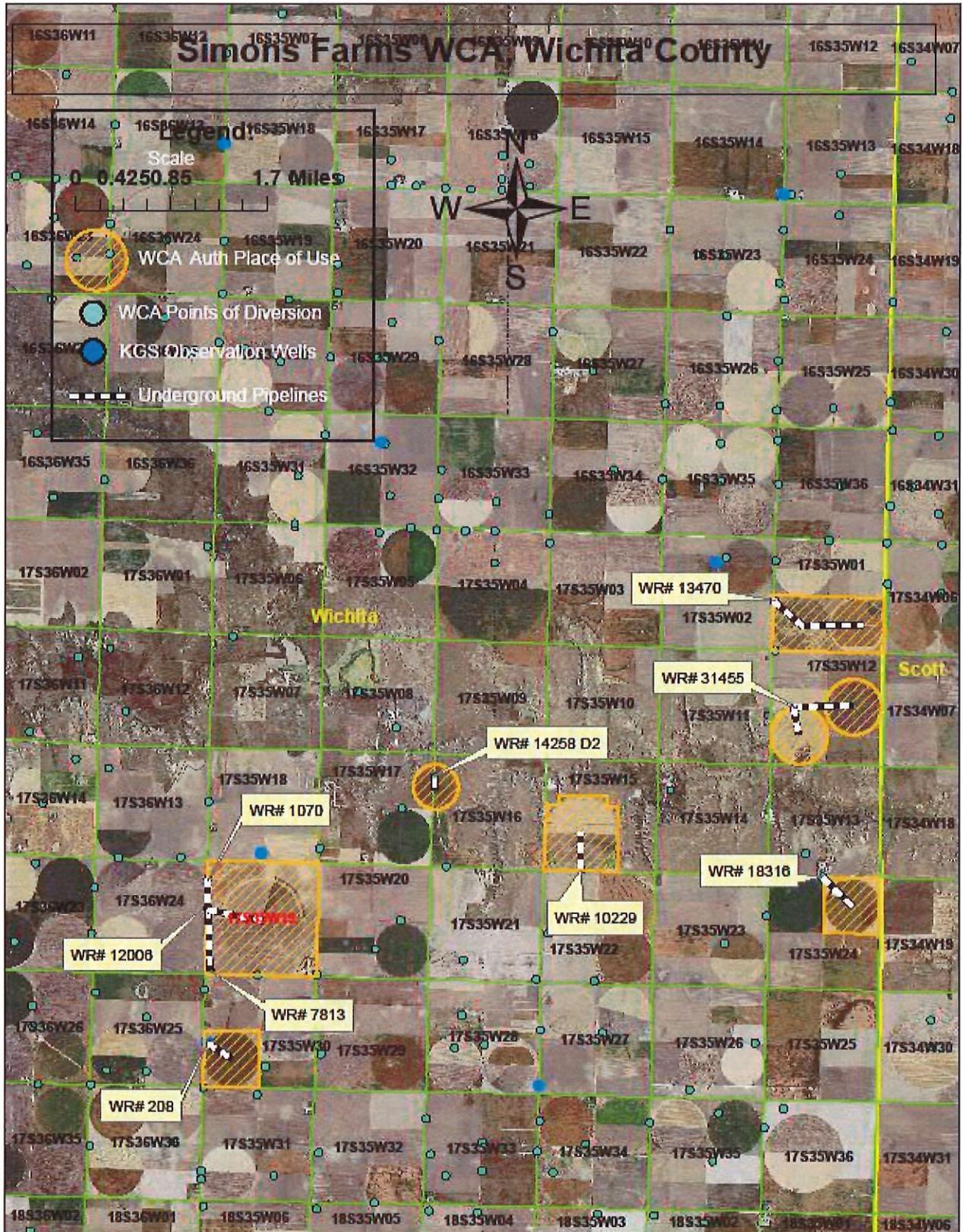


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WCWCA 2009-2015 Water Use History

WR#	208
PDIV#	64772
Legal	30-17s-35w
Auth. Qty.	320
Year	Use
2009	130.16
2010	177.38
2011	139.73
2012	150.33
2013	170.60
2014	142.64
2015	98.61

Total Use 1009.44 AF
 Ave Use 144.21 AF
 Limitations: None

WR#	1070
PDIV#	32135
Legal	19-17s-35w
Auth. Qty.	755
Year	Use
2009	89.33
2010	119.56
2011	100.00
2012	77.57
2013	44.81
2014	80.02
2015	109.13

Total Use 620.43 AF
 Ave Use 88.63 AF
 Limitations: None

WR#	7813
PDIV#	61341
Legal	19-17s-35w
Auth. Qty.	320
Year	Use
2009	135.68
2010	152.16
2011	135.60
2012	142.93
2013	122.82
2014	76.91
2015	78.11

Total Use 844.22 AF
 Ave Use 120.60 AF
 Limitations: None

WR#	18316
PDIV#	42413
Legal	24-17s-35w
Auth. Qty.	308
Year	Use
2009	183.89
2010	134.31
2011	185.42
2012	193.34
2013	227.72
2014	215.07
2015	126.81

Total Use 1266.56 AF
 Ave Use 180.94 AF
 Limitations: None

WR#	10229
PDIV#	2153
Legal	15-17s-35w
Auth. Qty.	418
Year	Use
2009	199.00
2010	195.15
2011	245.39
2012	209.91
2013	276.00
2014	235.09
2015	190.95

Total Use 1551.47 AF
 Ave Use 221.64 AF
 Limitations: None

WR#	12006
PDIV#	42643
Legal	19-17s-35w
Auth. Qty.	169
Year	Use
2009	144.95
2010	179.24
2011	169.42
2012	184.79
2013	209.00
2014	126.51
2015	75.38

Total Use 1089.28 AF
 Ave Use 155.61 AF
 Limitations: None

WR#	14258-D2
PDIV#	54929
Legal	16-17s-35w
Auth. Qty.	152
Year	Use
2009	28.04
2010	123.09
2011	116.32
2012	150.80
2013	143.00
2014	77.83
2015	115.07

Total Use 754.15 AF
 Ave Use 107.74 AF
 Limitations: None

WR#	31455
PDIV#	27210
Legal	12-17s-35w
Auth. Qty.	276
Year	Use
2009	202.28
2010	236.60
2011	232.31
2012	248.13
2013	187.79
2014	271.77
2015	225.48

Total Use 1604.38 AF
 Ave Use 229.20 AF
 Limitations: None

WR#	13470
PDIV#	50528
Legal	1-17s-35w
Auth. Qty.	640
Year	Use
2009	179.04
2010	171.45
2011	162.00
2012	223.05
2013	184.00
2014	130.26
2015	62.90

Total Use 1112.69 AF
 Ave Use 158.96 AF
 Limitations: None

2009-2015 Total Water Use
9852.62 AF

Average Water Use of all listed WR's:
1407.517 AF

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**WCWCA Annual Quantity of Permissible Groundwater Withdrawal:
For Enrollment in 2018**

<u>Participation Year</u>	<u>Reduction %</u>	<u>Deposit Schedule Factor</u>	<u>Factor</u>	<u>Annual Qty (AF)</u>
2018	30%	2	0.70	1970.524
2019	30%	1	0.70	985.262
2020	30%	1	0.70	985.262
2021	30%	1	0.70	985.262
2022	30%	1	0.70	985.262
2023	30%	1	0.70	985.262
2024	35%	1	0.64	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) = 6896.833

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John Simon member Date: 10-12-18
IL FARMS LLC, Owner (Signature)
 Water Right No(s). 208, 1070, 7813, 10229, 12006, 13470

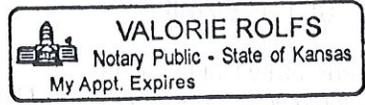
892 E COUNTY RD K MARIENTHAL KS 67863
 Full Mailing Address

 Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas)
) SS
 County of Scott)
 Acknowledged before me on 10/12/2018
 by John Simon
 Signature: Valorie Rolfs
 Notary Public

My commission expires: 5/05/2021
 (Notary Seal)



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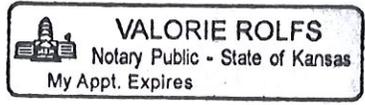
Ryan Mazanec Date: 10-12-18
RYAN S. MAZANEC, Owner (Signature)
 Water Right No(s). 31455
836 N Co Rd 22
~~888 E COUNTY RD K~~ MARIENTHAL KS 67863
 Full Mailing Address

 Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas)
) SS
 County of Scott)
 Acknowledged before me on 10/12/2018
 by Ryan Mazanec
 Signature: Valorie Rolfs
 Notary Public

My commission expires: 5/05/2021
 (Notary Seal)



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Lee Mazanec Date: 10-12-18
LEE M. MAZANEC, Owner (Signature)
 Water Right No(s). 31455

888 E COUNTY RD K MARIENTHAL KS 67863
 Full Mailing Address

 Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

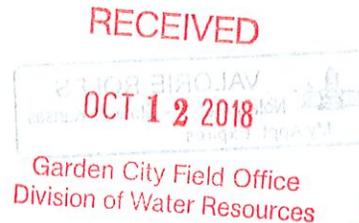
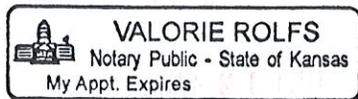
State of Kansas)
) SS
 County of Scott)

Acknowledged before me on 10/12/2018

by Lee M. Mazanec

Signature: Valorie Rolfs
 Notary Public

My commission expires: 5/05/2021
 (Notary Seal)



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POA Ryan Mazanc Date: 10-12-18
JAMES D SIMONS, Owner (Signature)
 Water Right No(s). 18316

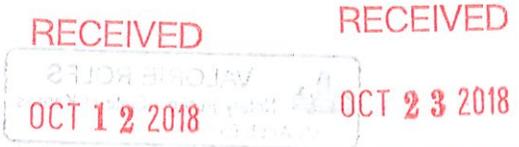
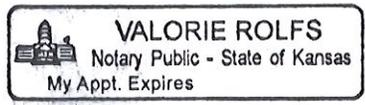
892 E COUNTY RD K MARIENTHAL KS 67863
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State of Kansas)
) SS
 County of Scott)
 Acknowledged before me on 10/12/2018
 by Ryan Mazanc
 Signature: Valorie Rolfs
 Notary Public

My commission expires: 5/05/2021
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CERTIFICATE OF SERVICE

I hereby certify that on this 23th day of October, 2018, copies of the foregoing were sent via first class, U.S. mail, to the following:

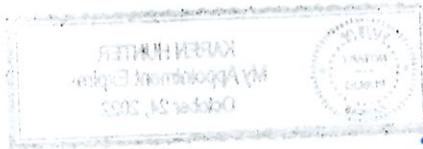
IL FARMS LLC
892 E COUNTY ROAD K
MARIENTHAL, KS 67836

RYAN S. & LEE M MAZANEC
888 E COUNTY RD K
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SIMONS FARMS INC
JAMES D SIMONS
892 E COUNTY ROAD K UNIT B
MARIENTHAL, KS 67836

JOHN R SIMONS LIVING TRUST
892 E COUNTY RD K
MARIENTHAL KS 67863

JAMES D SIMONS
892 E COUNTY RD K
MARIENTHAL KS 67863



Julie Jones
Kansas Department of Agriculture
Staff Person

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