

**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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**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, its addendum, and attached WCWCA Management Plan 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.

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 unless the participant(s) submits a request to forgo renewal.

Corrective Control Provisions and Plan for Conservation

The attached WCWCA Management Plan 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.

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.

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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.

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.

This agreement may be modified as set forth in the terms of the WCWCA Management Plan 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.

FOR THE PARTICIPANT:

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

Charles McK. Ayers - Trustee Date: 8-15-2017
CHARLES & JOAN AYERS TRUST, Owner(s)
Water Right No(s). 8,376; 13,531

Charles McK. Ayers - president Date: 8-15-2017
BAR H RANCH INC, Owner(s)
Water Right No(s). 8,376; 13,531

FOR THE KDA:

David Barfield

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

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ACKNOWLEDGMENT

State of Kansas

County of Riley

This instrument was acknowledged before me on 9/12/17

by Karen Hunter



CERTIFICATE OF SERVICE

I hereby certify that on this ____ day _____ of 20____, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

CHARLES & JOAN AYERS TRUST
1335 N COUNTY ROAD 13
LEOTI KS 67861-6118

BAR H RANCH INC
1335 N COUNTY ROAD 13
LEOTI KS 67861-6118

Copies furnished electronically to:
Groundwater Management District No. 1
Water Commissioner, Garden City Field Office

Kansas Department of Agriculture
Staff Person

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Garden City Field Office
Division of Water Resources

DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE
**ADDENDUM TO THE WICHITA COUNTY WATER CONSERVATION AREA
 CONSENT AGREEMENT AND ORDER**

WCA Beginning Year: 2017 WCA Ending Year: 2023 WCA Total Years: 7

All listed water rights will be designated as a management unit: NO

WR#(s): 8376 & 13531 Use Made of Water (Circle): Irrigation

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

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Authorized Point of Diversion Water Right # 8376:

One well located in the Northwest Quarter of Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 16 South, Range 36 West, Wichita County, Kansas

Authorized Points of Diversion Water Right # 13531:

One well located in Southwest Quarter of Lot 4 (SW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 150 feet North and 4637 feet West of the Southeast corner of said section, Township 16 South, Range 36 West, Wichita County, Kansas.

One well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 18, more particularly described as being near a point 200 feet North and 2590 feet West of the Southeast corner of said section, Township 16 South, Range 36 West, Wichita County, Kansas.

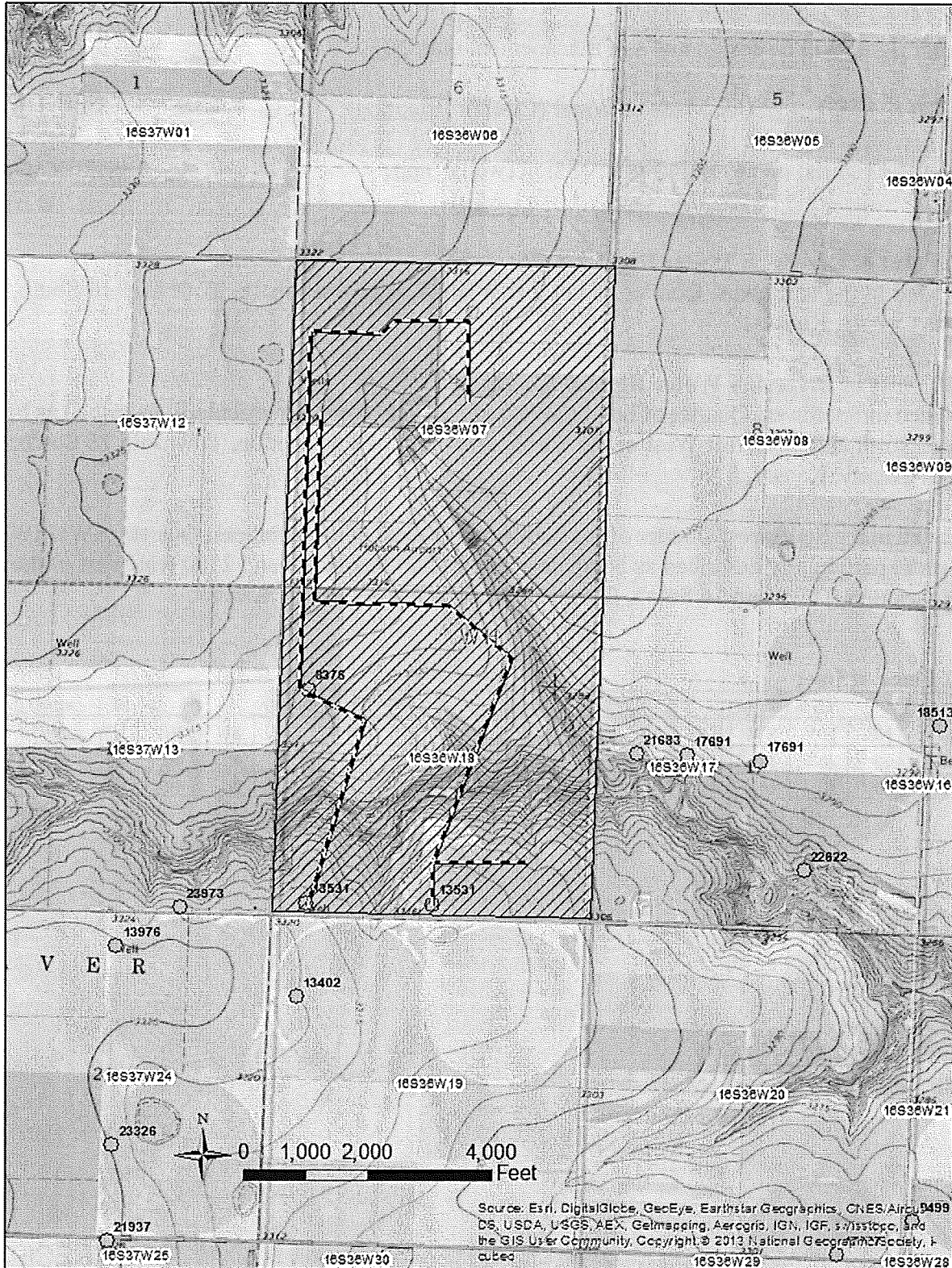
Authorized Place of Use:

S	T	R	NE $\frac{1}{4}$ (acres)				NW $\frac{1}{4}$ (acres)				SW $\frac{1}{4}$ (acres)				SE $\frac{1}{4}$ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07	16S	36W	40	40	40	40	40	35	35	40	40	35	35	40	40	40	40	40	620
18	16S	36W	40	40	40	40	40	35	35	40	40	35.5	35.5	40	40	40	40	40	621

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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 (7-27-2017)



WCWCA 2009-2015 Water Use History

WR#	ID#
8376	1
Base WR Auth. Qty	
213	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	No Use
2013	No Use
2014	No Use
2015	No Use

Total Use 0.000 AF
Ave Use 0.000 AF

*Notes:

WR#	ID#
13531	2
Base WR Auth. Qty	
372	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	No Use
2013	No Use
2014	No Use
2015	No Use

Total Use 0.000 AF
Ave Use 0.000 AF

*Notes:

WR#	ID#
13531	3
Base WR Auth. Qty	
565	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	No Use
2013	No Use
2014	No Use
2015	No Use

Total Use 0.000 AF
Ave Use 0.000 AF

*Notes:

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2009-2015 Total Water Use

0.000 AF

7-Yr Ave Water Use of all listed WR's:

0.000 AF

WCWCA Annual Quantity of Permissible Groundwater Withdrawal:
For Enrollment in 2017

<u>Allocation Year</u>	<u>Reduction %</u>	<u>Yrs Remaining in Reduction %</u>	<u>Factor</u>	<u>WCA Allocation (AF)</u>
2017	100%	7	0.00	0.000
2018	100%	6	0.00	0.000
2019	100%	5	0.00	0.000
2020	100%	4	0.00	0.000
2021	100%	3	0.00	0.000
2022	100%	2	0.00	0.000
2023	100%	1	0.00	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) = 0.000 Acre-Feet

WCWCA Note:

At this time, the owners of water rights 8376 and 13531 have declared to not pump any water during the duration of the WCWCA period(s). Based on the WCWCA boundary map, it is shown that neighboring wells still have the ability to pump; therefore these wells listed under this WCWCA are showing a conservation effort as they have chosen not to pump recently and are official declaring, based on participating in this WCWCA, that they will continue to not pump groundwater.

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FOR THE PARTICIPANTS:

By signing this addendum, I the undersigned, hereby agree to participate in the Wichita County Water Conservation Area (WCWCA) in Wichita County, Kansas. I will hold myself accountable to the allocation(s) listed in this addendum as part of this Water Conservation Area (WCA). I have read the Wichita County WCA Consent Order and Agreement in its entirety. I agree to abide to the rules and regulations stated within the Wichita County WCA Consent Order and Agreement and requirements of this addendum.

Name: CHARLES & JOAN AYERS TRUST Signature: Charly McK. Ayers - trustee Date: 8-15-2017.

Full Mailing Address: 1335 N COUNTY ROAD 13, LEOTI KS 67861-6118 Phone#: () - .

Name: BAR H RANCH INC Signature: Charly McK. Ayers - president Date: 8-15-2017.

Full Mailing Address: 1335 N COUNTY ROAD 13, LEOTI KS 67861-6118 Phone#: () - .

All participating water right owners have signed, each affirming their consent to the designation of the Wichita County Water Conservation Area described herein; and on the Wichita County WCA Consent Order and Agreement.

FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

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

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas)

County of Riley)

This instrument was acknowledged before me on 9/12/17 .

By Karen Hunter



DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE
CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 20____, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

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1335 N COUNTY ROAD 13
LEOTI KS 67861-6118

BAR H RANCH INC
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