

**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 )  
\_\_\_\_\_ )

**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.

Lisha A. Bauck Date: 8-9-17  
JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS, Owner(s)  
Water Right No(s). 9,637; 21,545

Joseph F. Bauck, Jr. Date: 8-9-17  
JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS, Owner(s)  
Water Right No(s). 9,637; 21,545

FOR THE KDA:

David Barfield

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

**ACKNOWLEDGMENT**

State of Kansas

County of Riley

This instrument was acknowledged before me on August 25, 2017

by Karen Hunter



**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day August of 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

Joseph F Bauck Jr & Lisha A Bauck Trusts  
646 N County Rd 8  
Leoti, KS 67861-6154

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

Julie Jones  
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: 2017 WCA Ending Year: 2023 WCA Total Years: 7

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

WR#(s): 9637 & 21545 Use Made of Water (Circle): Irrigation

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

**Authorized Point of Diversion Water Right # 9637:**

One well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 33, Township 16 South, Range 38 West, Wichita County, Kansas.

**Authorized Point of Diversion Water Right # 21545:**

One well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 3651 feet North and 67 feet West of the Southeast corner of said section, Township 16 South, Range 38 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	30.5	40	40	30.5	40	30.5	30.5	40									282

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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 (8-4-2017)**



**WCWCA 2009-2015 Water Use History**

WR#	ID#		WR#	ID#				
9637	1		21545	3				
<b>Base WR Auth. Qty</b>			<b>Base WR Auth. Qty</b>					
260	AF		270	AF				
Year	AF Used		Year	AF Used				
2009	87.19		2009	87.74				
2010	112.79		2010	70.17				
2011	118.93		2011	78.64				
2012	139.25		2012	103.81				
2013	78.10		2013	84.78				
2014	90.20		2014	110.70				
2015	49.50		2015	42.01				
<b>Total Use</b>	<b>675.955</b>	<b>AF</b>	<b>Total Use</b>	<b>577.839</b>	<b>AF</b>			
<b>Ave Use</b>	<b>96.565</b>	<b>AF</b>	<b>Ave Use</b>	<b>82.548</b>	<b>AF</b>			
<b>*Notes:</b>			<b>*Notes:</b>					
<b>2009-2015 Total Water Use</b>			<b>7-Yr Ave Water Use of all listed WR's:</b>					
	<b>1253.794</b>	<b>AF</b>		<b>179.113</b>	<b>AF</b>			
<b>WCWCA Annual Quantity of Permissible Groundwater Withdrawal:</b>								
<b>For Enrollment in 2017</b>								
<u>Allocation Year</u>	<u>Reduction %</u>	<u>Yrs Remaining in Reduction %</u>	<u>Factor</u>	<u>WCA Allocation (AF)</u>				
2017	29%	7	0.71	254.341				
2018	29%	6	0.71	127.171				
2019	29%	5	0.71	127.171				
2020	29%	4	0.71	127.171				
2021	29%	3	0.71	127.171				
2022	29%	2	0.71	127.171				
2023	29%	1	0.71	0.000				
<b>Total 7-Year Permissible Groundwater Withdrawal (AF) =</b>				<b>890.194</b>	<b>Acre-Feet</b>			

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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: JOSEPH F BAUCK JR Signature: *Joseph F. Bauck Jr* Date: 8-9-17.

Full Mailing Address: 646 N COUNTY ROAD 6, LEOTI KS 67861-6154 Phone#: (620)3254695.

Name: LISHA A BAUCK Signature: *Lisha A. Bauck* Date: 8-9-17.

Full Mailing Address: 646 N COUNTY ROAD 6, LEOTI KS 67861-6154 Phone#: (620)3254695.

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 August 25, 2017.

By *Karen Hunter*



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

I hereby certify that on this 29<sup>th</sup> day of August, 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

Joseph F Bauck Jr & Lisha A Bauck Trusts  
646 N County Rd 8  
Leoti, KS 67861-6154

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

Julie Jones  
Kansas Department of Agriculture  
Staff Person

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**IN THE MATTER OF:** )  
Wichita County Water Conservation Area )  
Wichita County, Kansas )

Water Right File Nos. 9,637 & 21,545

**CORRECTIONAL ORDER REGARDING THE WICHITA COUNTY WATER  
CONSERVATION AREA CONSENT AGREEMENT AND ADDENDUM FOR  
WATER RIGHT FILE NOS. 9,637 and 21,545**

**COMES NOW**, David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (“Chief Engineer”) and hereby finds the following:

That by order dated March 7, 2017, the Chief Engineer designated the Wichita County Water Conservation Area, which provided for participation by water rights within the designated area by consent agreement.

That by such a consent agreement and an attached addendum (“Agreement”), approved by the Chief Engineer and dated August 25, 2017, the Joseph F. Bauck Jr. Trust and the Lisha A. Bauck Trust, as sole verified owners, placed Water Right File Nos. 9,637 and 21,545 (“Water Rights”) into the Wichita County Water Conservation Area.

That in the Agreement, the place of use described for the Water Rights was incorrectly described as being:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
07	16s	36w	30.5	40	40	30.5	40	30.5	30.5	40									282

a total of 282 acres in Section 07, Township 16 South, Range 36 West, Wichita County, Kansas, but that in all other regards, the information contained in the Agreement is true and accurate.

That based on evidence presented to the Chief Engineer, the actual place of use for the Water Rights is as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	16s	38w	30.5	40	40	30.5	40	30.5	30.5	40	RECEIVED				RECEIVED				282

SEP 22 2017

SEP 8 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22 day of September, 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

Joseph F. Bauck Jr. & Lisha A. Bauck Trusts  
646 N County Rd 8  
Leoti, Kansas 67861-6154

Copies furnished electronically to:

Groundwater Management District No. 1  
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