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.
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.
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.

**Date: 8-9-17**

JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS, Owner(s)
Water Right No(s). 9,637; 21,545

**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 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 29th 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

Kansas Department of Agriculture
Staff Person
WATER RESOURCES
RECEIVED
AUG 21 2017

Garden City Field Office
Division of Water Resources
SCANNED
AUG 14 2017
KS DEPT 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: YES

WR#: 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 (NE¼NE¼NW¼) 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 (NE¼SE¼NE¼) 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:

<table>
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<tr>
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<th>NE ¼ (acres)</th>
<th>NW ¼ (acres)</th>
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</table>
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

<table>
<thead>
<tr>
<th>WR#</th>
<th>ID#</th>
<th>WR#</th>
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</tr>
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<tbody>
<tr>
<td>9637</td>
<td>1</td>
<td>21545</td>
<td>3</td>
</tr>
</tbody>
</table>

Base WR Auth. Qty: 260 AF
Base WR Auth. Qty: 270 AF

<table>
<thead>
<tr>
<th>Year</th>
<th>AF Used</th>
<th>Year</th>
<th>AF Used</th>
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</thead>
<tbody>
<tr>
<td>2009</td>
<td>87.19</td>
<td>2009</td>
<td>87.74</td>
</tr>
<tr>
<td>2010</td>
<td>112.79</td>
<td>2010</td>
<td>70.17</td>
</tr>
<tr>
<td>2011</td>
<td>118.93</td>
<td>2011</td>
<td>78.64</td>
</tr>
<tr>
<td>2012</td>
<td>139.25</td>
<td>2012</td>
<td>103.81</td>
</tr>
<tr>
<td>2013</td>
<td>78.10</td>
<td>2013</td>
<td>84.78</td>
</tr>
<tr>
<td>2014</td>
<td>90.20</td>
<td>2014</td>
<td>110.70</td>
</tr>
<tr>
<td>2015</td>
<td>49.50</td>
<td>2015</td>
<td>42.01</td>
</tr>
</tbody>
</table>

Total Use 675.955 AF  Total Use 577.839 AF

Ave Use 96.565 AF  Ave Use 82.548 AF

*Notes:*

2009-2015 Total Water Use: 1253.794 AF  7-Yr Ave Water Use of all listed WR's: 179.113 AF

### WCWCA Annual Quantity of Permissible Groundwater Withdrawal:

**For Enrollment in 2017**

<table>
<thead>
<tr>
<th>Allocation Year</th>
<th>Reduction %</th>
<th>Yrs Remaining In Reduction %</th>
<th>Factor</th>
<th>WCA Allocation (AF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>29%</td>
<td>7</td>
<td>0.71</td>
<td>254.341</td>
</tr>
<tr>
<td>2018</td>
<td>29%</td>
<td>6</td>
<td>0.71</td>
<td>127.171</td>
</tr>
<tr>
<td>2019</td>
<td>29%</td>
<td>5</td>
<td>0.71</td>
<td>127.171</td>
</tr>
<tr>
<td>2020</td>
<td>29%</td>
<td>4</td>
<td>0.71</td>
<td>127.171</td>
</tr>
<tr>
<td>2021</td>
<td>29%</td>
<td>3</td>
<td>0.71</td>
<td>127.171</td>
</tr>
<tr>
<td>2022</td>
<td>29%</td>
<td>2</td>
<td>0.71</td>
<td>127.171</td>
</tr>
<tr>
<td>2023</td>
<td>29%</td>
<td>1</td>
<td>0.71</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Total 7-Year Permissible Groundwater Withdrawal (AF) = 890.194 Acre-Feet

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Page 3 of 5
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:  
Date: 8-9-17

Full Mailing Address: 646 N COUNTY ROAD 6, LEOTI KS 67861-6154   Phone#: (620)325-4695

Name: LISHA A BAUCK          Signature:  
Date: 8-9-17

Full Mailing Address: 646 N COUNTY ROAD 6, LEOTI KS 67861-6154   Phone#: (620)325-4695

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

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas
County of Rile

This instrument was acknowledged before me on August 25, 2017.

By:  

[Signature]

KAREN HUNTER
My Appointment Expires
October 24, 2019
I hereby certify that on this 39th 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
STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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

WATER RESOURCES RECEIVED
SEP 14 2017
KS DEPT OF AGRICULTURE

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:

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>NE1/4</th>
<th>NW1/4</th>
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</table>

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:

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</table>

SEP 29 2017
SEP 8 2017

Garden City Field Office
Division of Water Resources
Division of Water Resources
a total of 282 acres in Section 33, Township 16 South, Range 38 West, Wichita County, Kansas.

NOW THEREFORE, the Chief Engineer hereby orders that the error in the place of use contained in the Agreement dated August 25, 2017, which relates to Water Right File Nos. 9,637 and 21,545 shall be corrected as stated above in this Correctional Order. The same should be and is hereby corrected now, as of then, to show the correct legal description of the authorized place of use. In all other respects, the information contained in the Agreement shall remain as initially set forth and approved.

IT IS SO ORDERED THIS 14th DAY OF September, 2017, IN MANHATTAN, RILEY COUNTY, KANSAS.

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

FOR THE PARTICIPANT:

The participating water right owners have signed below, affirming their consent to the correction described herein regarding their Consent Agreement and Addendum, dated August 25, 2017 regarding the Wichita County Water Conservation Area.

Further, pursuant to the Kansas Administrative Procedures 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 or appeal of this agreement and Correctional Order.

[Signature]  Date: 9-8-17
JOSEPH F. BAUCK JR. TRUST

[Signature]  Date: 9-8-17
LISHA A. BAUCK TRUST

RECEIVED
SEP  8 2017
Garden City Field Office
Division of Water Resources

ACKNOWLEDGMENT

State of Kansas )
County Finney )

This instrument was acknowledged before me this 8th day of September, 2017.

by __________________________

SUE KEENY
My Appointment Expires June 8, 2018
CERTIFICATE OF SERVICE

I hereby certify that on this 32 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
Water Commissioner, Garden City Field Office

[Signature]
Kansas Department of Agriculture
Staff Person

RECEIVED
SEP 8 2017
Garden City Field Office
Division of Water Resources

WATER RESOURCES RECEIVED
SEP 14 2017
KS DEPT OF AGRICULTURE

RECEIVED
SEP 29 2017
Garden City Field Office
Division of Water Resources