

**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 )      Water Right File Nos. 34,704

---

**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.

RECEIVED

APR 30 2018

Garden City Field Office  
Division of Water Resources

RECEIVED

RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources

RECEIVED

APR 30 2018

Garden City Field Office  
Division of Water Resources

**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.

RECEIVED  
APR 30 2018  
Garden City Field Office  
Division of Water Resources

RECEIVED  
MAY 11 2018  
Garden City Field Office  
Division of Water Resources

RECEIVED  
APR 30 2018  
Garden City Field Office  
Division of Water Resources



**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.

David Brandt

Date: April 27, 2018

**DAVID BRANDT, Owner (Signature)**

Water Right No(s). 34,704

412 S 7<sup>TH</sup> ST LEOTI KS 67861

Full Mailing Address

villybrandt@yahoo.com

Email Address

620-874-1527

Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )

) SS

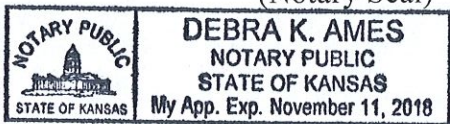
County of WICHITA )

Acknowledged before me on 4/27/18

by DAVID BRANDT

Signature: Debra K. Ames  
Notary Public

My commission expires: 11/11/2018  
(Notary Seal)



RECEIVED

RECEIVED

RECEIVED

RECEIVED

APR 29 2018

MAY 1 2018

MAY 11 2018

APR 30 2018

Garden City Field Office  
Division of Water Resources

Garden City Field Office  
Division of Water Resources

Garden City Field Office  
Division of Water Resources

Garden City Field Office  
Division of Water Resources







**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): 34,704

Use Made of Water (Circle): Irrigation

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

**Authorized Point of Diversion Water Right #34,704**

One well located in the NE Quarter of the NW Quarter of the SE Quarter (NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 25, Township 16 South, Range 36 West, Wichita County, Kansas.

**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					
25	16	36																40	40	16	35	131	

RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources

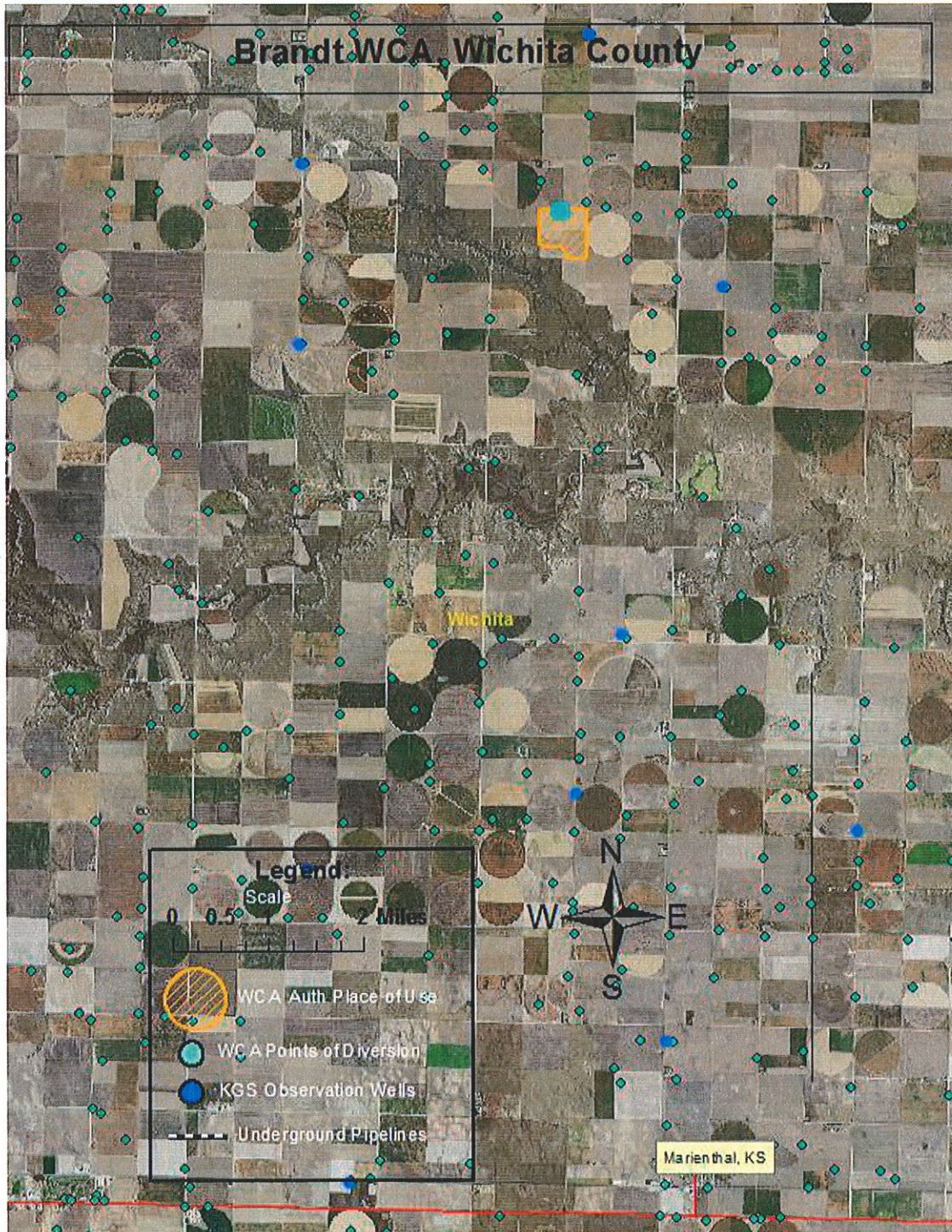
RECEIVED

APR 30 2018

Garden City Field Office  
Division of Water Resources



**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of 4/26/2018**



Garden City Field Office  
Division of Water Resources

**RECEIVED**

**MAY 11 2018**

Garden City Field Office  
Division of Water Resources

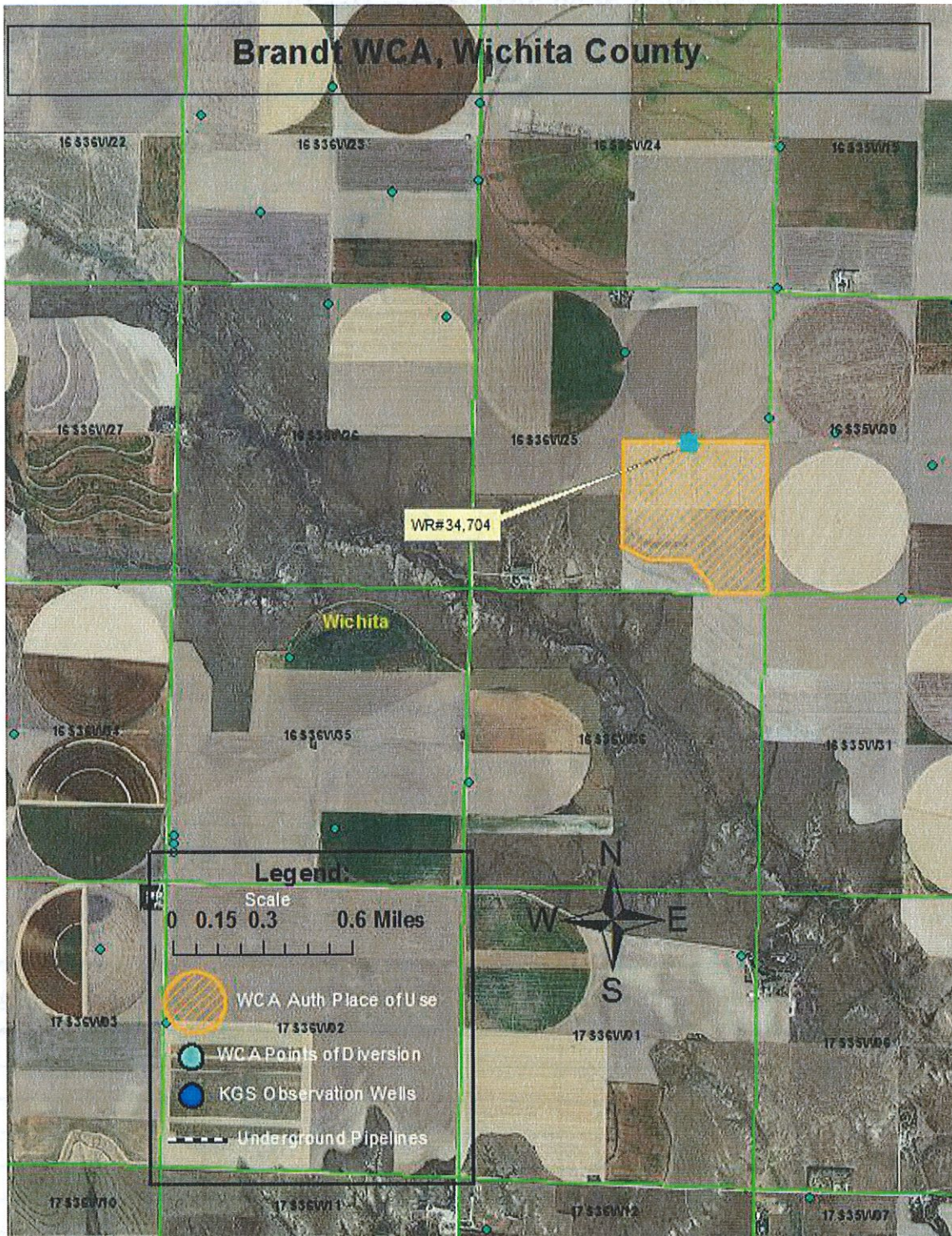
Garden City Field Office  
Division of Water Resources

**RECEIVED**

**APR 30 2018**

Garden City Field Office  
Division of Water Resources





RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources

RECEIVED

APR 30 2018

Garden City Field Office  
Division of Water Resources



**WCWCA 2009-2015 Water Use History**

<b>WR#</b>	<b>ID#</b>
34704	4
<b>Base WR Allocation</b>	
80	AF
<b>Year</b>	<b>AF Used</b>
2009	73.29
2010	No Use
2011	No Use
2012	80.00
2013	34.00
2014	No Use
2015	16.18

**Total Use 203.467 AF**

**Ave Use 50.867 AF**

\*Notes:

**2009-2015 Total Water Use**

**203.467 AF**

**Average Water Use of all listed WR's:**

**50.867 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	29%	7	0.71	72.231
2018	29%	6	0.71	36.115
2019	29%	5	0.71	36.115
2020	29%	4	0.71	36.115
2021	29%	3	0.71	36.115
2022	29%	2	0.71	36.115
2023	29%	1	0.71	0.000

**Total 7-Year Permissible Groundwater Withdrawal (AF) = 252.808**

RECEIVED  
MAY 11 2018  
Garden City Field Office  
Division of Water Resources

RECEIVED  
APR 30 2018  
Garden City Field Office  
Division of Water Resources







**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.

Marvel Brandt Date: 4-27-18

**MARVEL BRANDT, Owner (Signature)**  
Water Right No(s). 34,704

412 S 7<sup>TH</sup> ST LEOTI KS 67861  
Full Mailing Address

mbmb222@yahoo.com 620-214-3459  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

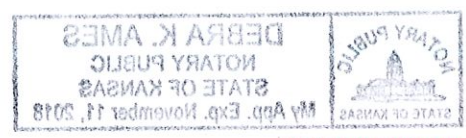
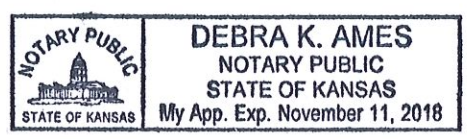
State of Kansas )  
 ) SS  
County of WICHITA )

Acknowledged before me on 4/27/18  
by MARVEL BRANDT

Signature: [Signature]  
Notary Public

RECEIVED  
APR 30 2018  
Garden City Field Office  
Division of Water Resources

My commission expires: 11/11/2018  
(Notary Seal)



RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources

Garden City Field Office  
Division of Water Resources



**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 NOTARY**

State of Kansas )  
 ) SS  
County of Riley )  
Acknowledged before me on 5/8/2018  
by David W. Barfield  
Signature: [Signature]  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

David & Marvel Brandt  
412 S 7<sup>th</sup> St  
Leoti KS 67861

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

RECEIVED

APR 30 2018

Garden City Field Office  
Division of Water Resources

\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person

RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources



**WAIVER REQUEST TO EXTEND THE WICHITA COUNTY WATER CONSERVATION  
AREA 2017 SIGNUP DEADLINE**

**Water Right, File Nos. 34704**

Page 12 of the Wichita County Water Conservation Area Management Plan under the Participant Addition, Withdrawal, and Removal section states, "Participants may apply for entry into the Wichita County Water Conservation Area at any time. All WCA Agreements shall be effective beginning January 1 of the calendar year following the year of application or prior to October 1 of the calendar year when the application is submitted."

This is a formal request that the Wichita County Water Conservation Area Interim Board and Chief Engineer waive the above deadline of October 1<sup>st</sup>, 2017. I would like to be considered for the Wichita County Water Conservation Area with 2017 as my first year of participation. If accepted, I will submit my application and Consent Agreement and Order to the Chief Engineer before May 1, 2018.

By signing this waiver, I the undersigned, hereby request to participate in the Wichita County Water Conservation Area (WCWCA) in Wichita County, Kansas and request to waive the October 1, 2017 signup deadline to begin participation in 2017. I agree to abide by the rules and regulations stated within the Wichita County WCA should my waiver be accepted and I submit the necessary paperwork to the Chief Engineer by May 1, 2018.

*David Brandt* Date: 4-26-2018

Owner Name, Owner (Signature)

412 S. 7<sup>th</sup> Leoti Ks 67861

Full Mailing Address

villybrandt@yahoo.com 620-874-1527

Email Address

Phone Number

**RECEIVED**

**MAY 11 2018**

Garden City Field Office  
Division of Water Resources

*Approved  
David W. Brandt  
5/8/18*

**RECEIVED**

**APR 26 2018**

Garden City Field Office  
Division of Water Resources



**WICHITA COUNTY WATER CONSERVATION AREA INTERIM BOARD WAIVER  
REQUEST REVIEW**

The Wichita County Water Conservation Area Interim Board approves and recommends this waiver of the October 1, 2017 signup deadline for participation beginning on January 1, 2017 for the following reasons:

Well currently enrolled in EQUDP and WZCP  
exhibiting conservation.

The Wichita County Water Conservation Area Interim Board does not approve and recommend this waiver of the October 1, 2017 signup deadline for participation beginning on January 1, 2017 for the following reasons:

**FOR THE WICHITA COUNTY WCA INTERIM BOARD:** By signing, I the undersigned, hereby submit the recommendations of the attached waiver to the Chief Engineer on behalf of the Wichita County Water Conservation Area Interim Board.

Matt Secretary Date: 4/26/2018  
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

matt@redbarnerprises.com  
Email Address

620-872-4842  
Phone Number

RECEIVED

MAY 11 2018

Garden City Field Office  
Division of Water Resources

RECEIVED

APR 26 2018

Garden City Field Office  
Division of Water Resources