

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.

Eary Smith POA Date: *10/26/17*
GERALD J & IMELDA J SMITH TRUSTS, Owner(s)
 Water Right No(s). 566, 7973

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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 November 7, 2017

by Karen Hunter



CERTIFICATE OF SERVICE

I hereby certify that on this 13th day November of 20 17, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

Earl Smith
1303 E County Road M
Marienthal, KS 67863-5041

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): 566, 7973 Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 566 & 7973

Authorized Point of Diversion Water Right # 566:

One well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¹/₄SW¹/₄NE¹/₄) of Section 2, Township 18 South, Range 35 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW¹/₄SW¹/₄NE¹/₄) of Section 2, Township 18 South, Range 35 West, Wichita County, Kansas

Authorized Point of Diversion Water Right # 7973:

One well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¹/₄NW¹/₄NW¹/₄) of Section 2, Township 18 South, Range 35 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¹/₄SW¹/₄SE¹/₄) of Section 2, Township 18 South, Range 35 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	
1	18	35					40	40	40	40	40	40	40					320	
2	18	35	40	40	40	40								40	40	40	40	320	

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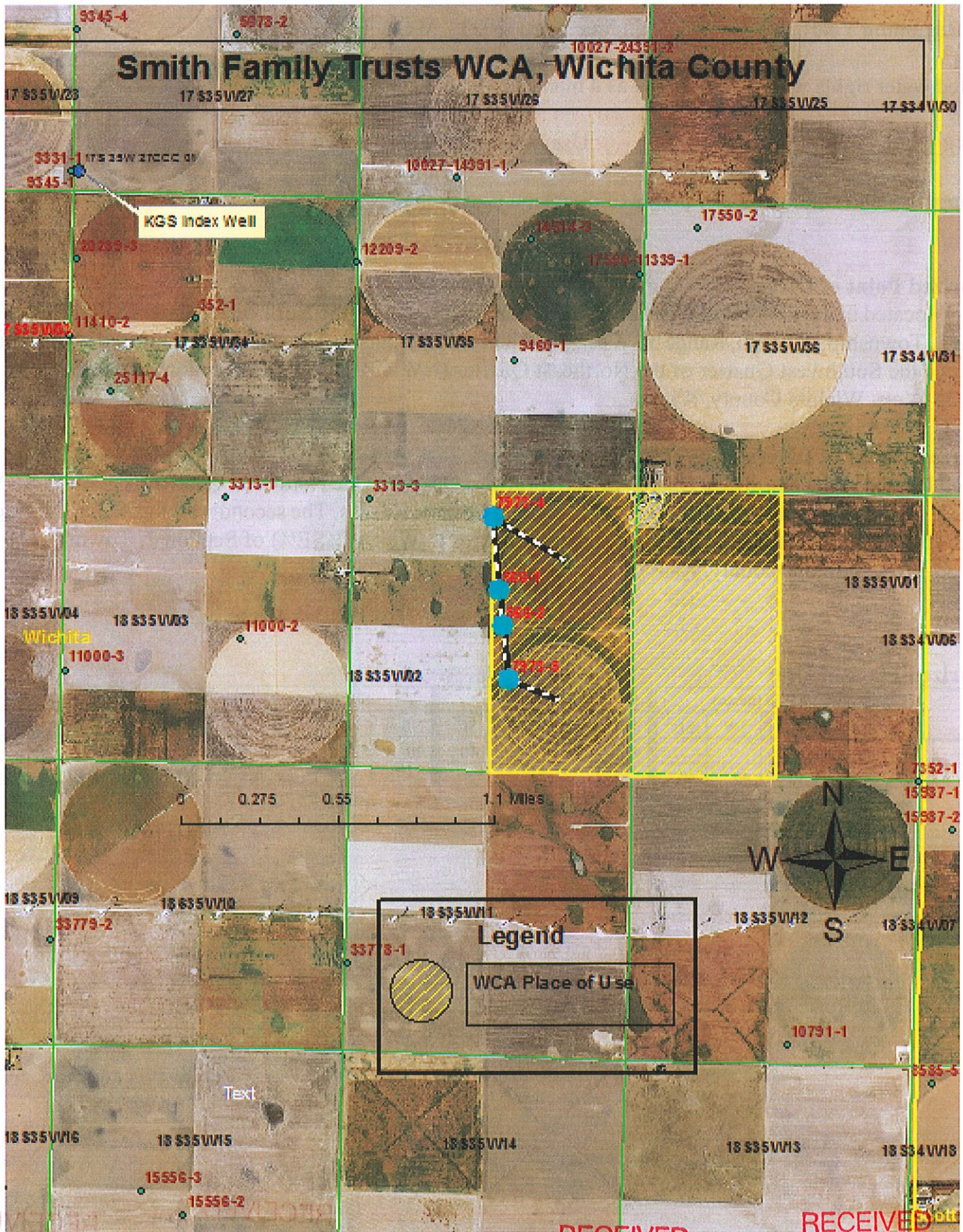
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KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (9-29-2017)



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WCWCA 2009-2015 Water Use History

WR#	ID#
566	1
Base WR Allocation	
320	AF
Year	AF Used
2009	63.31
2010	63.38
2011	37.40
2012	32.95
2013	50.82
2014	40.24
2015	37.74
Total Use	325.827 AF
Ave Use	46.547 AF

*Notes:

WR#	ID#
566	2
Base WR Allocation	
320	AF
Year	AF Used
2009	60.02
2010	60.09
2011	41.86
2012	62.36
2013	47.86
2014	39.95
2015	37.05
Total Use	349.190 AF
Ave Use	49.884 AF

*Notes:

WR#	ID#
7973	4
Base WR Allocation	
320	AF
Year	AF Used
2009	75.17
2010	74.68
2011	43.22
2012	17.42
2013	6.03
2014	28.40
2015	19.98
Total Use	264.903 AF
Ave Use	37.843 AF

*Notes:

WR#	ID#
7973	5
Base WR Allocation	
320	AF
Year	AF Used
2009	80.23
2010	80.10
2011	46.28
2012	66.12
2013	106.02
2014	32.30
2015	36.46
Total Use	447.511 AF
Ave Use	63.930 AF

*Notes:

2009-2015 Total Water Use
1387.431 AF

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

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

Allocation Year	Reduction %	Yrs Remaining in Reduction %	Factor	WCA Allocation (AF)
2017	29%	7	0.71	281.450
2018	29%	6	0.71	140.725
2019	29%	5	0.71	140.725
2020	29%	4	0.71	140.725
2021	29%	3	0.71	140.725
2022	29%	2	0.71	140.725
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) =

985.076

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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: GERALD J & IMELDA J SMITH TRUSTS Signature: Earl Smith Date: 10/26/17

Full Mailing Address: 310 N A ST. MARIENTHAL KS, 67863-5041 Phone#: (620) 874 - 0586

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on Oct. 26, 2017

By Earl Smith



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.

Faint table with columns for Allocation Year, Allocation, and other details.

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David 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 November 7, 2017

By Karen Hunter



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I hereby certify that on this 13 day of November, 20 17, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

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1303 E County Road M
Marienthal, KS 67863-5041

Copies furnished electronically to:

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Water Commissioner, Garden City Field Office

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Julie Jones
Kansas Department of Agriculture
Staff Person