

**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. 8833, 21297, & 22684
_____)

**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.

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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.

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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 5/2/2018
by David W. Barfield
Signature: Karen Hunter
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:

GRANVILLE KOEHN
SECTION 16 WELLS
706 MONROE CT
SCOTT CITY KS 67871

JONAS E KOEHN INDENTURE OF TRUST
GRANVILLE KOEHN
RR BOX 96
MARIENTHAL KS 67863

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

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Kansas Department of Agriculture
Staff Person

**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): 8833, 21297, & 22684

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 8833 & 21297

Authorized Point of Diversion Water Right #8833

One well located in the SW Quarter of the NW Quarter of the SE Quarter (SW^{1/4}NW^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A second well located in the S2 Quarter of the S2 Quarter of the SE Quarter (S2^{1/4}S2^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A third well in the SW Quarter of the SW Quarter of the SW Quarter (SW^{1/4}SW^{1/4}SW^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A fourth well located in the CW Quarter of the SW Quarter of the SE Quarter (CW^{1/4}SW^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right #21297

One well located in the SW Quarter of the NW Quarter of the SE Quarter (SW^{1/4}NW^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A second well located in the S2 Quarter of the S2 Quarter of the SW Quarter (S2^{1/4}S2^{1/4}SW^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A third well located in the SW Quarter of the SW Quarter of the SW Quarter (SW^{1/4}SW^{1/4}SW^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A fourth well located in the S2 Quarter of the S2 Quarter of the SE Quarter (S2^{1/4}S2^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas. A fifth well located in the NC Quarter of the SE Quarter (NC^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right #22684

One well located in the SW Quarter of the SW Quarter of the SE Quarter (SW^{1/4}SW^{1/4}SE^{1/4}) of Section 16, Township 16 South, Range 35 West, Wichita County, Kansas.

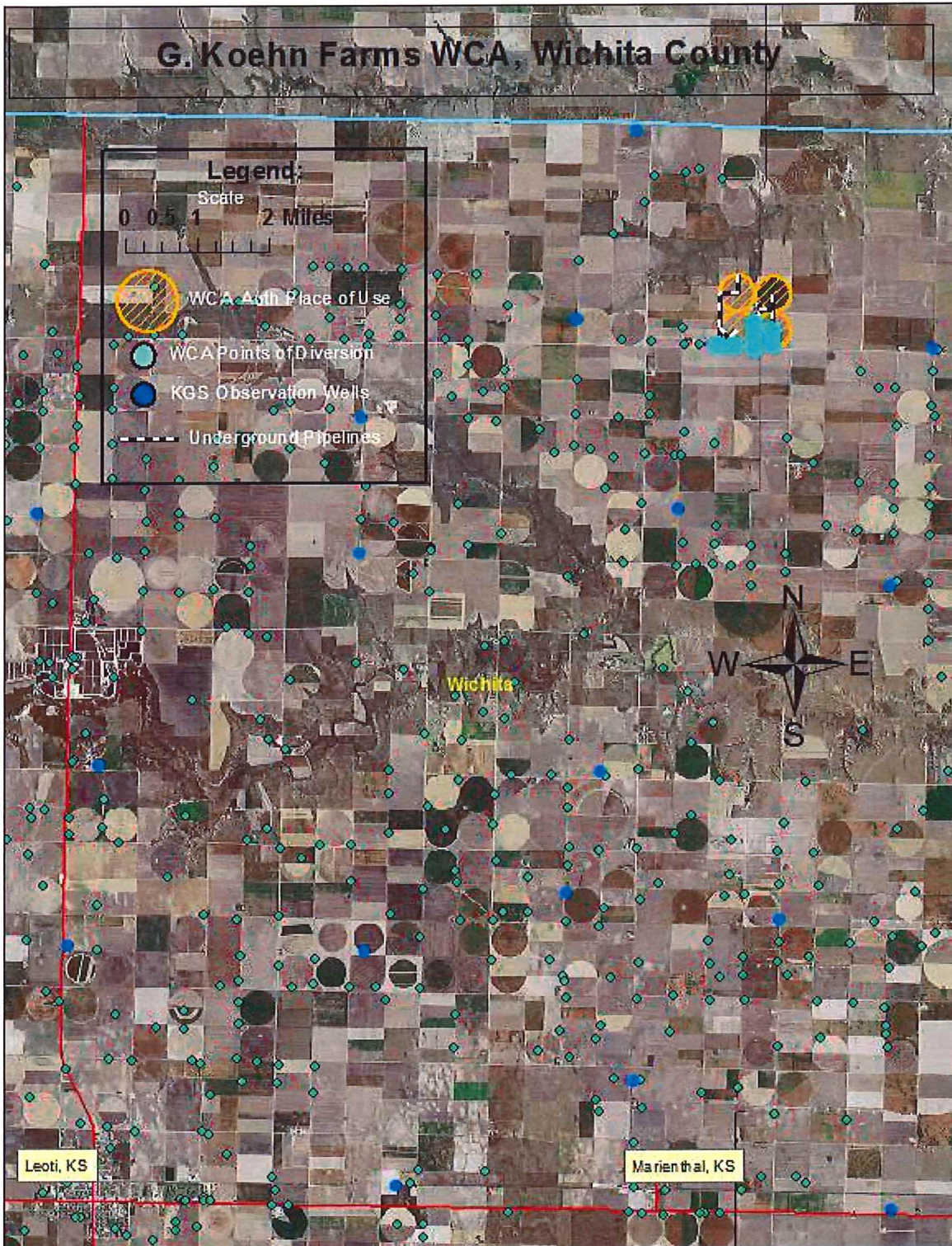
Authorized Place of Use:

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	
16	16	35	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496

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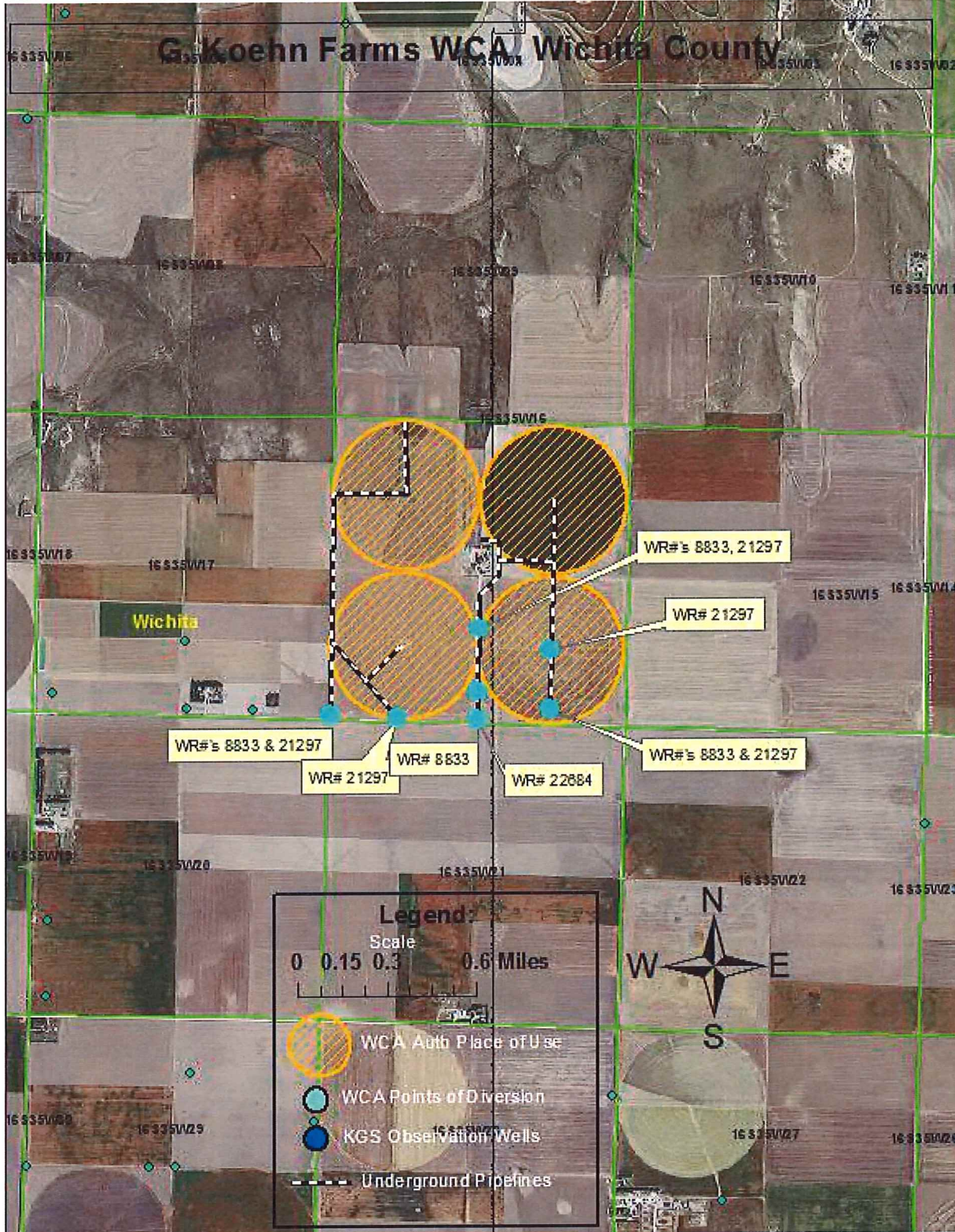
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KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of 4/25/2018



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WCWCA 2009-2015 Water Use History

WR#	ID#
22684	7
Base WR Authority	
235	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	42.66
2013	54.87
2014	24.20
2015	34.27

Total Use 155.994 AF
Ave Use 38.998 AF

*Notes: 992 AF/YR COM/W #8833 & #21297

WR#	ID#
8833	1
Base WR Authority	
462	AF
Year	AF Used
2009	210.33
2010	160.47
2011	208.48
2012	32.60
2013	22.34
2014	17.90
2015	18.62

Total Use 670.735 AF
Ave Use 95.819 AF

*Notes: Overlap PD with 21297-1

WR#	ID#
8833	2
Base WR Authority	
235	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: Overlap PD with 21297-2

WR#	ID#
8833	3
Base WR Authority	
288	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	108.22
2013	90.36
2014	59.37
2015	75.50

Total Use 333.449 AF
Ave Use 83.362 AF

*Notes: Overlap PD with 21297-3

WR#	ID#
8833	4
Base WR Authority	
323	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	56.38
2013	31.14
2014	23.50
2015	86.35

Total Use 197.371 AF
Ave Use 49.343 AF

*Notes: None

WR#	ID#
21297	5
Base WR Authority	
108	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	16.71
2013	2.61
2014	No Use
2015	No Use

Total Use 19.320 AF
Ave Use 9.660 AF

*Notes: 992 AF/YR COM/W #8833
 475GPM COM/W #8833 PDIV 40164

WR#	ID#
21297	6
Base WR Authority	
73	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	82.16
2013	51.87
2014	35.37
2015	43.41

Total Use 212.812 AF
Ave Use 53.203 AF

*Notes: 992 AF/YR COM/W #8833
 475GPM COM/W #8833 PDIV 40164

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<u>2009-2015 Total Water Use</u>		<u>Average Water Use of all listed WR's:</u>		
1589.680 AF		330.385 AF		
<u>WCWCA Annual Quantity of Permissible Groundwater Withdrawal:</u>				
<u>For Enrollment in 2017</u>				
<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	469.147
2018	29%	6	0.71	234.574
2019	29%	5	0.71	234.574
2020	29%	4	0.71	234.574
2021	29%	3	0.71	234.574
2022	29%	2	0.71	234.574
2023	29%	1	0.71	0.000
<u>Total 7-Year Permissible Groundwater Withdrawal (AF) =</u>				1642.016

Additional WCA Note:

The Annual Quantity of Permissible Groundwater Withdrawal does not include years of no use. The well in the Southeast Quarter of Section 16 (WR#8833-2 and WR#21297-2) is no longer in use and will not be included as part of the management unit.

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

Water Right, File Nos. 8833, 21297, 22684

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 1st, 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.

X *Ernest Koehn* Date: 4-25-18
Owner Name, Owner (Signature)

Full Mailing Address

Email Address

Phone Number

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**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:

Producer exhibited conservation through EQUIP enrollment.

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: 4/25/2017
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

Email Address

Phone Number

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