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. 11,737

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.
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.
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.

Claude Heath, Owner (Signature)  
Water Right No(s). 11737  
P.O. Box 299 Leoti, KS 67861  
Full Mailing Address  
__________________________________________  620-375-4700  
Email Address  
Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas  
County of  
Acknowledged before me on January 4, 2018  
by Claude Heath  
Signature: Julie Jones  
Notary Public  
My commission expires:  
(Notary Seal)

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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.

Betty J Heath, Owner (Signature)
Water Right No(s). 11737
P.O. Box 299 Leoti, KS 67861
Full Mailing Address

Date: 1-7-2018

Email Address ____________________________ Phone Number 620-375-4700

ACKNOWLEDGMENT OF NOTARY

State of Kansas )
County of Finney ) SS
Acknowledged before me on January 4, 2018
by ___________________________.

Signature: ____________________________
Notary Public

My commission expires: ____________________________
(Notary Seal)

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Garden City Field Office
Division of Water Resources
FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

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 12/28/18
by David Barfield

Signature: Karen Welt
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:

Claude S & Betty J Heath
P.O. Box 299
Leoti, KS 67861

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

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Garden City Field Office
Division of Water Resources

Kansas Department of Agriculture
Staff Person
DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE

ADDENDUM TO THE WICHITA COUNTY WATER CONSERVATION AREA
CONSENT AGREEMENT AND ORDER

WCA Beginning Year: 2018  WCA Ending Year: 2024  WCA Total Years: 7

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

WR#(s): 11,737
Use Made of Water (Circle): Irrigation

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

**Authorized Point of Diversion Water Right #11,737:**
One well located in the SW Quarter of the SW Quarter of the SE Quarter (SW ¼ SW ¼ SE ¼) of Section 14, Township 16 South, Range 36 West, Wichita County, Kansas.

**Authorized Place of Use:**

<table>
<thead>
<tr>
<th></th>
<th>NE ½ (acres)</th>
<th>NW ½ (acres)</th>
<th>SW ½ (acres)</th>
<th>SE ½ (acres)</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NE</td>
<td>NW</td>
<td>SW</td>
<td>SE</td>
<td></td>
</tr>
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<td></td>
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</tr>
<tr>
<td>14</td>
<td>16</td>
<td>36</td>
<td></td>
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<td></td>
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Garden City Field Office
Division of Water Resources
WCWCA 2009-2015 Water Use History

<table>
<thead>
<tr>
<th>WR#</th>
<th>11737</th>
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<tbody>
<tr>
<td>PDIV#</td>
<td>5838</td>
</tr>
<tr>
<td>Legal</td>
<td>14-16S-36W</td>
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<tr>
<td>Auth. Qty.</td>
<td>264 AF</td>
</tr>
<tr>
<td>Year</td>
<td>Use</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>2009</td>
<td>55.42</td>
</tr>
<tr>
<td>2010</td>
<td>94.84</td>
</tr>
<tr>
<td>2011</td>
<td>58.20</td>
</tr>
<tr>
<td>2012</td>
<td>56.95</td>
</tr>
<tr>
<td>2013</td>
<td>73.70</td>
</tr>
<tr>
<td>2014</td>
<td>83.29</td>
</tr>
<tr>
<td>2015</td>
<td>18.11</td>
</tr>
</tbody>
</table>

Total Use 440.52 AF
Ave Use 62.93 AF
Limitations: None
Notes: None

2009-2015 Total Water Use
440.519 AF

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

WCWCA Annual Quantity of Permissible Groundwater Withdrawal:
For Enrollment in 2018

<table>
<thead>
<tr>
<th>Participation Year</th>
<th>Reduction %</th>
<th>Deposit Schedule Factor</th>
<th>Factor</th>
<th>Annual Qty (AF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>30%</td>
<td>2</td>
<td>0.70</td>
<td>88.104</td>
</tr>
<tr>
<td>2019</td>
<td>30%</td>
<td>1</td>
<td>0.70</td>
<td>44.052</td>
</tr>
<tr>
<td>2020</td>
<td>30%</td>
<td>1</td>
<td>0.70</td>
<td>44.052</td>
</tr>
<tr>
<td>2021</td>
<td>30%</td>
<td>1</td>
<td>0.70</td>
<td>44.052</td>
</tr>
<tr>
<td>2022</td>
<td>30%</td>
<td>1</td>
<td>0.70</td>
<td>44.052</td>
</tr>
<tr>
<td>2023</td>
<td>30%</td>
<td>1</td>
<td>0.70</td>
<td>44.052</td>
</tr>
<tr>
<td>2024</td>
<td>36%</td>
<td>1</td>
<td>0.64</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Total 7-Year Permissible Groundwater Withdrawal (AF) = 308.363
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.

Claude Heath, Owner (Signature)
Water Right No(s). 11,737

P.O. Box 299 Leoti, KS 67861
Full Mailing Address

Email Address

Date: 1-4-2018

620-375-4700
Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas
County of Finney

Acknowledged before me on January 4, 2018

by Claude Heath

Signature: Julie Jones
(Notary Public)

My commission expires: December 15, 2018
(Notary Seal)
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.

Betty J Heath, Owner (Signature)
Water Right No(s). 11,737
P.O. Box 299 Leoti, KS 67861

_________620-375-4700_________

Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas )
County of _____ ) SS
Acknowledged before me on January 4, 2018
by Betty J. Heath ________________
Signature: ________________
Notary Public

[Notary Seal]

My commission expires: December 15, 2018

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Garden City Field Office
Division of Water Resources

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

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

ACKNOWLEDGMENT OF NOTARY

State of Kansas
County of

Acknowledged before me on

by

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:

Claude S & Betty J Heath
P.O. Box 299
Leoti, KS 67861

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

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JAN 04 2018

Kansas Department of Agriculture
Staff Person