

**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.
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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Office  
Director 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.

Claude S. Heath, Jr.

Date: 1-4-2018

Claude Heath, Owner (Signature)

Water Right No(s). 11737

P.O. Box 299 Leoti, KS 67861

Full Mailing Address

\_\_\_\_\_  
Email Address

620-375-4700

\_\_\_\_\_  
Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas                 )  
  ) SS  
County of Tinney             )

Acknowledged before me on January 4, 2018

by Claude Heath

Signature: Julie Jones

Notary Public



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

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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 1/22/18  
by David 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:

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<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 14, Township 16 South, Range 36 West, Wichita County, Kansas.

**Authorized Place of Use:**

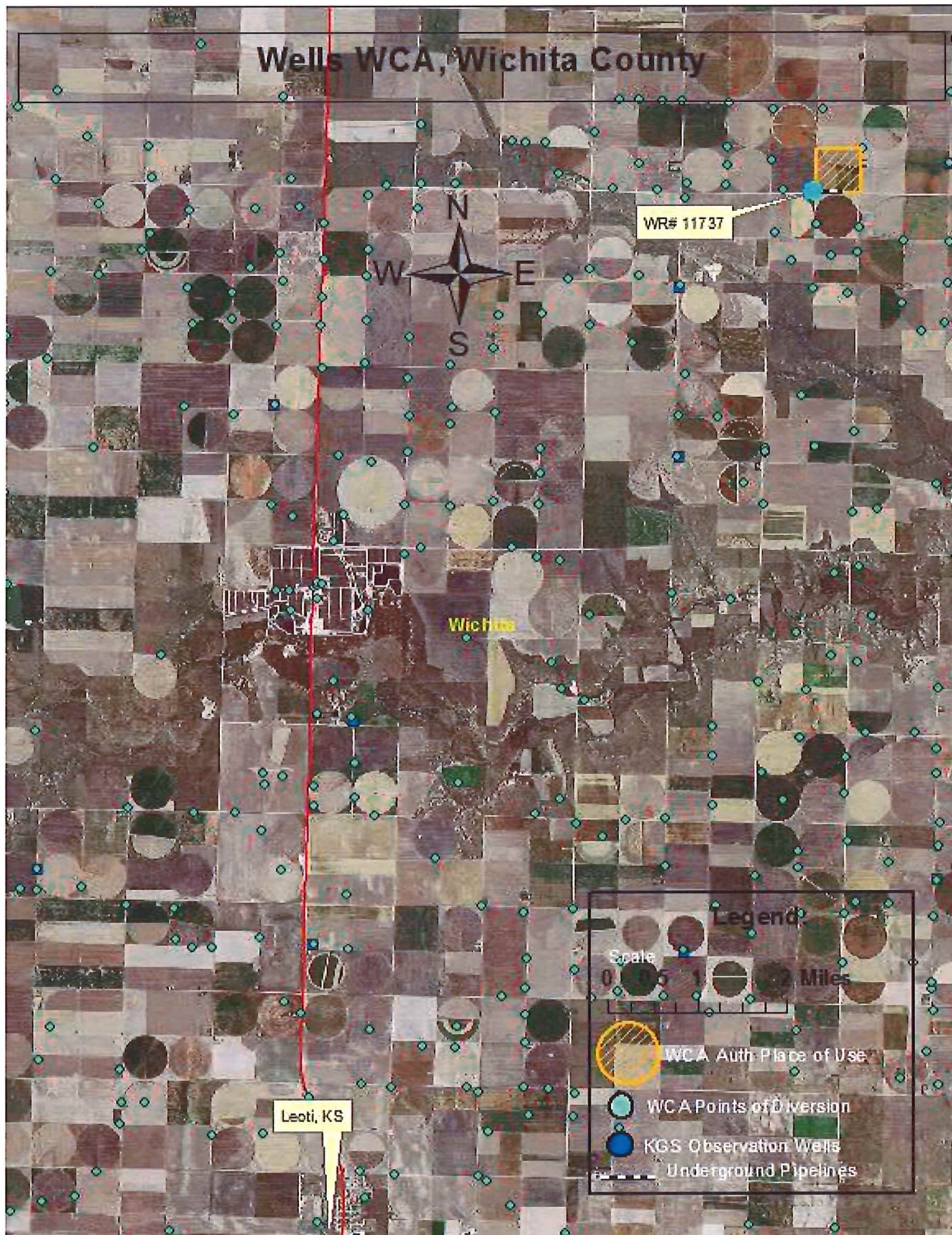
S	T	R	NE ¼ (acres)				NW ¼ (acres)				SW ¼ (acres)				SE ¼ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	16	36																	160

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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 (12/29/17)**



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2018  
Wichita County  
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BIOLOGICAL  
MAIL ROOM

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**WCWCA 2009-2015 Water Use History**

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

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**

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

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

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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.

Claude S. Heath, III

Date: 1-4-2018

**Claude Heath**, Owner (Signature)

Water Right No(s). 11,737

P.O. Box 299 Leoti, KS 67861

Full Mailing Address

\_\_\_\_\_  
Email Address

620-375-4700

Phone Number

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State of Kansas )

) SS

County of Finney )

Acknowledged before me on January 4, 2018

by Claude Heath

Signature: Julie Jones

Notary Public



My commission expires: \_\_\_\_\_

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Division of Water Resources  
Kansas Department of Agriculture

ED

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Field Office  
Water Resources

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Betty J. Heath Date: 1-4-2018  
**Betty J Heath**, Owner (Signature)  
 Water Right No(s). 11,737

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

\_\_\_\_\_  
 Email Address 620-375-4700  
 Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
 ) SS  
 County of Linney )

Acknowledged before me on January 4, 2018

by Betty J. Heath

Signature: Julie Jones  
 Notary Public



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 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

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Kansas Department of Agriculture  
Staff Person