

STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:)
Wichita County Water Conservation Area)
Wichita County, Kansas)

ORDER AMENDING THE WICHITA COUNTY WATER CONSERVATION AREA
CONSENT AGREEMENT AND ORDER OF DESIGNATION

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 amendment of the Wichita County Water Conservation Area (“WCWCA”) Consent Agreement and Order of Designation, pursuant to K.S.A. 82a-745.

I. APPLICABLE LAW

1. The Kansas Legislature enacted K.S.A. 82a-745 to provide a tool for water right owners to work in conjunction with the Chief Engineer to develop localized Water Conservation Area management plans. The participants in the WCWCA have combined individual water rights into a legally enforceable plan to reduce groundwater pumping to preserve the life of the aquifer.
2. Pursuant to K.S.A. 82a-745(g)(1), the Chief Engineer may amend a consent agreement and order of designation to incorporate any changes that the water right owners may request, as long as the consent of all participating members and the Chief Engineer is received.

II. FINDINGS OF FACT

1. The WCWCA Planning Team developed the WCWCA Management Plan (“Management Plan”) and submitted it to the Chief Engineer for approval. The Management Plan included provisions to provide for the governance of the WCWCA after it was formed and was approved by the eleven (11) members of the WCWCA Planning Team.
2. The WCWCA was established on March 7, 2017, when the Chief Engineer issued the Findings and Order Designating a Water Conservation Area. This document incorporated the Management Plan and made it part of the order and consent agreement.
3. The WCWCA Management Plan requires that the membership of the WCWCA hold an annual meeting to select a nominating committee to present board of director nominees. The Management Plan requires that the board of directors consist of twelve (12)

members, representing specific interests that participate in the WCWCA. (WCWCA Management Plan, p. 10-11.)

4. As of the date of this order, there are eight (8) consent agreements that have been approved pursuant to the Management Plan and Findings and Order Designating a Water Conservation Area.
5. Since the designation of the WCWCA, membership remains below the twelve (12) members necessary to form a full board of directors. Further, the existing Management Plan does not allow for the formation of a board capable of carrying out the business of the WCWCA with the present number of participants.
6. The WCWCA Planning Team, which developed the initial plans and submitted the WCWCA to the Chief Engineer for approval, has requested that the Chief Engineer amend the WCWCA Management Plan to allow for the creation of an interim board of directors to conduct business on behalf the WCWCA until there are enough members to create a full board of directors as required by the Management Plan.
7. In addition to the Chief Engineer's authority pursuant to K.S.A. 82a-745 to amend a consent agreement and order of designation, the Management Plan allows for amendment and revision if such change is mutually acceptable to the participants and the Chief Engineer. (WCWCA Management Plan, p. 2.)
8. Any change in the governance structure of the WCWCA requires approval by a two-thirds majority vote of the board of directors and by the same majority of the participants at a membership meeting. Such proposed amendments must be mailed to every member and published in a local newspaper thirty (30) days prior to the membership meeting. (WCWCA Management Plan p. 11.)
9. Although the creation of an interim board of directors by amendment constitutes a change in the governance structure, the inability of the WCWCA to form a board of directors as required by the current Management Plan renders the requirements in Paragraph 6 of this section moot as there is no body to carry out these requirements, nor could any body be formed to validly take action.

III. ORDER

THEREFORE, it is ordered by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that the Wichita County Water Conservation Area Management Plan shall be amended as follows:

Interim Board of Directors

Membership

Upon approval of this Order Amending the WCWCA by the Chief Engineer and all participants, the WCWCA Planning Team shall nominate five (5) persons to serve on an Interim Board of Directors (“interim board”). Such persons nominated shall include:

- 1) Two (2) members that are water right holders that are participants in the WCWCA and were signatories to the WCWCA Management Plan;
- 2) Two (2) members that have an irrigation interest within the WCWCA that may or may not be participants in the WCWCA; and
- 3) One (1) member with expertise of particular value to implementation of the WCWCA. This member need not be a participant in the WCWCA.

The nominees shall become members of the interim board upon acceptance of their nomination. Any nominee may be removed from his position by a majority vote of those present at a membership meeting where sufficient and proper notice of the meeting was provided.

In the event that an interim board member can no longer serve in that position, the remaining members of the interim board shall consult with the WCWCA Planning Team and the WCWCA Planning Team shall nominate a replacement board member, who must meet the same qualifications of the board member that is being replaced.

The Interim Board of Directors shall be authorized to serve until November 1, 2018. The term of the Interim Board may be extended if recommend by a majority vote of the interim board and by a majority of the participants in attendance at a WCWCA member meeting.

Authority and Meetings

The interim board shall assume all of the authorities and responsibilities assigned to the WCWCA Board of Directors as prescribed in the approved WCWCA Management Plan.

The interim board shall conduct a meeting within thirty (30) days subsequent to the date of acceptance of nomination by all interim board members. The purpose of this meeting

shall be to elect a chairperson, a vice chairperson, and a recording secretary; and to conduct any other business requiring a board approval.

The interim board shall meet at least three (3) times thereafter, prior to November 1, 2018. Additional meetings shall be held as needed to conduct the business of the WCWCA. The chairperson of the interim board shall call meetings and shall provide electronic notice of board meetings at least five (5) days prior to the scheduled meeting date. Such requirement of notice may be waived if all members of the interim board agree to the scheduled meeting date. The presence of three (3) interim board members shall constitute a quorum. All decisions and actions taken by the interim board shall be approved by a majority vote, except for changes in governance as stated in the Management Plan.

Termination of the Interim Board of Directors

The interim board shall be terminated:

- On November 1, 2018 or after the expiration of any extension approved by the interim board and the participants of the WCWCA;
- Upon a majority vote of the members of the interim board;
- Upon the establishment of an WCWCA Board of Directors;
- Upon notification, in writing, by the Chief Engineer which is based on a finding that the interim board has not operated within the provisions of this amendment and other pertinent provisions of the WCWCA Management Plan.

Prior to its termination due to any action by the participants or the interim board, such body shall provide written notice to the Chief Engineer that the interim board has been terminated.

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

CHARLES & JOAN AYERS TRUST
Print Name

Charles McK Ayers - Trustee
Signature

12-6-2017
Date

SUBSCRIBED TO AND SWORN TO ME THIS 6TH DAY OF DECEMBER, 2017

ACKNOWLEDGMENT

Donna Haines
NOTARY PUBLIC

State of Kansas

County of Wichita



This instrument was acknowledged before me on 12-6-2017

by Charles McK Ayers

RECEIVED
DEC 11 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

BAR H RANCH INC
Print Name

Charles Mck Ayers - President
Signature

12-6-2017
Date

ACKNOWLEDGMENT

State of KANSAS)

County of WICHITA)

This instrument was acknowledged before me on 12/6/2017

by CHARLES MCK. AYERS.

SUBSCRIBED TO AND SWORN TO ME THIS 6TH DAY OF DECEMBER, 2017

Donna Haines
NOTARY PUBLIC



RECEIVED
DEC 11 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

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JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS

Print Name

Lisha A. Bauck

Signature

8-29-17

Date

ACKNOWLEDGMENT

State of Kansas)

County of Lincoln)

This instrument was acknowledged before me on August 29, 2017

by Lisha A. Bauck



Julie Jones

RECEIVED

AUG 29 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS

Print Name

Joseph F. Bauck Jr
Signature

8-29-17
Date

ACKNOWLEDGMENT

State of Kansas

County of Finney

This instrument was acknowledged before me on August 29, 2017

by Joseph F. Bauck Jr.



Julie Jones

RECEIVED

AUG 29 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

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MARCILLE CUTLER
Print Name

Marcille Cutler
Signature

10/6/17
Date

ACKNOWLEDGMENT

State of Missouri)

County of Texas)

This instrument was acknowledged before me on 10/6/17

by *[Signature]*

S. T. MATHERLY
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Texas County
My Commission Expires 3-10-2021
Commission # 13660324

RECEIVED
OCT 12 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

LINDA FRENCH
Print Name

Linda M. French
Signature

10-30-17
Date

ACKNOWLEDGMENT

State of Michigan

County of Washtenaw

This instrument was acknowledged before me on 10/30/2017

by *Michael R. Kofsky*:

MICHAEL R KOFSKY
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires February 4, 2023
Acting in the County of Washtenaw

RECEIVED
NOV 03 2017
Garden City Field Office
DIVISION OF WATER RESOURCES

FOR THE PARTICIPANTS:

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HOWARD D HOBSON
Print Name


Signature

11-29-17
Date

ACKNOWLEDGMENT

State of Washington
County of Kitsap

This instrument was acknowledged before me on Nov. 29, 2017

by Howard D. Hobson





RECEIVED
DEC 04 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

J Two LLC
Print Name

James D Shaw
Signature

10/23/2017
Date

Alice M. Bolen Trust
Print Name

Signature

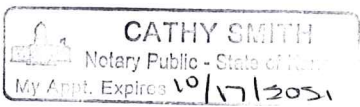
Date

ACKNOWLEDGMENT

State of KANSAS)
County of CLARK)

This instrument was acknowledged before me on 10/21/2017

by *Cathy Smith*



RECEIVED

OCT 25 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

CONNIE M LOKEN _____
Print Name

Connie M Loken _____
Signature

9/14/17 _____
Date

ACKNOWLEDGMENT

State of Colorado)

County of Rowley)

This instrument was acknowledged before me on September 14 2017

by Connie Loken

[Signature]

THEODORE CAREY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054026564
My Commission Expires July 7, 2021

RECEIVED

SEP 18 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

MATTHEW W LONG
Print Name

Matthew W. Long
Signature

8/28/2017
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on 8-28-17

by Troy L Lewis



RECEIVED

SEP 11 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

LONG LIVING TRUST
Print Name

Lewis T Long TRUSTEE
Signature

9-11-17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on September 11, 2017

by Lewis T Long

Carol A Laws



RECEIVED
SEP 18 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

Gerald J & Imelda J Smith Trusts
Print Name

Earl Smith POA
Signature

10/26/17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

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

by Earl Smith.

Lisa K. Ridder
NOTARY PUBLIC - State of Kansas
LISA K. RIDDER
My Appt. Expires: 9-28-19

RECEIVED
OCT 31 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

VMW LAND TRUST
Print Name

James Watt trustee
Signature

9-25-17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on September 25, 2017

by Patti L Dunlap

NOTARY PUBLIC-State of Kansas
PATTI L. DUNLAP
My Appt. Exp 5-28-2020

RECEIVED
SEP 26 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

FARRIN WATT
Print Name

Farrin Watt
Signature

9-25-17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on September 25, 2017

by Patti L Dunlap

NOTARY PUBLIC-State of Kansas
PATTI L. DUNLAP
My Appt. Exp. 5/28/2020

NOTARY PUBLIC
PATTI L. DUNLAP
My Appt. Exp. 5/28/2020

RECEIVED
SEP 26 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

KIMBERLY WATT
Print Name

Kimberly Watt
Signature

9-25-17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on September 25, 2017

by Patti L. Dunlap

NOTARY PUBLIC - State of Kansas
PATTI L. DUNLAP
My Appt. Exp. 5-28-2020

NOTARY PUBLIC - State of Kansas
PATTI L. DUNLAP
My Appt. Exp. 5-28-2020

RECEIVED
SEP 26 2017
Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

ANTHONY G WINTER
Print Name

Anthony G Winter
Signature

9/29/17
Date

ACKNOWLEDGMENT

State of Kansas

County of Wichita

This instrument was acknowledged before me on 09-29-17

by Anthony G. Winters



Janice Campas

RECEIVED

OCT 02 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

JENNIFER L WINTER
Print Name

Jennifer L Winter
Signature

9/29/17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on 09-29-2017

by Jennifer L.
Winter



Janice Campas

RECEIVED

RECEIVED

OCT 02 2017

OCT 02 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

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<u>Marshall Y Woodbury</u> Print Name	<u><i>Marshall Y Woodbury</i></u> Signature	<u>10-2-17</u> Date
<u>Janene Woodbury</u> Print Name	<u><i>Janene Woodbury</i></u> Signature	<u>10-2-17</u> Date
<u>M Woodbury Trust</u> Print Name	<u><i>Marshall Woodbury</i></u> Signature	<u>10-2-17</u> Date
<u>M J W INC</u> Print Name	<u><i>Janene Woodbury</i></u> Signature	<u>10-2-17</u> Date

ACKNOWLEDGMENT

State of KS

County of Saline

This instrument was acknowledged before me on Oct 2 2017

By *Kathy J. Helle*



RECEIVED

OCT 04 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

TED C & KAYE WOODBURY REV LIVING TRUST
Print Name

Ted C Woodbury, Trustee
Signature

9/25/17
Date

ACKNOWLEDGMENT

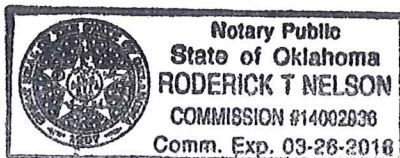
State of Oklahoma)

County of Tulsa)

This instrument was acknowledged before me on 09/25/17

by Ted C Woodbury.

Roderick T Nelson
NOTARY PUBLIC



RECEIVED

SEP 28 2017

Garden City Field Office
Division of Water Resources

FOR THE PARTICIPANTS:

By signing this amendment, we the undersigned, hereby mutually agree and consent to the proposed amendment to the Wichita County Water Conservation Area Consent Agreement and Order of Designation. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

MORRIS DEAN WOODROOF
Print Name

M D Woodroof
Signature

9/29/17
Date

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on 09-29-2017

by Morris Dean Woodroff



Janice Campas

RECEIVED
OCT 02 2017
RECEIVED
OCT 02 2017
Garden City Field Office
Division of Water Resources
Garden City
Division of Water Resources