

**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. 10,892 & 18,965
_____)

**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.

RECEIVED

DEC 11 2017

Garden City Field Office
Division of Water Resources

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.



Date: 10/23/2017

J T W O LLC, Owner(s)
Water Right No(s). 10892, 18965

Date: _____

ALICE M. BOLEN TRUST Owner(s)
Water Right No(s). 10892, 18965

DIVISION OF WATER RESOURCES
GARDEN CITY FIELD OFFICE

OCT 3 2 2017

RECEIVED

RECEIVED

OCT 25 2017

Garden City Field Office
Division of Water Resources

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.

_____ Date: _____
 J TWO LLC, Owner(s)
 Water Right No(s). 10892, 18965

 _____ Date: 12/8/2017
 ALICE M. BOLEN TRUST Owner(s)
 Water Right No(s). 10892, 18965

RECEIVED

RECEIVED
 DEC 11 2017

Garden City Field Office
 Division of Water Resources

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 Leavenworth)

This instrument was acknowledged before me on Dec 29, 2017

by Karen Hunter



CERTIFICATE OF SERVICE

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

J Two LLC
Attn: Jan Shaw
P.O. Box 990
Ashland, KS 67831

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

Kansas Department of Agriculture
Staff Person

RECEIVED

DEC 11 2017

Garden City Field Office
Division of Water Resources

DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE
**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): 10892, 18965 Use Made of Water (Circle): Irrigation

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

Authorized Point of Diversion Water Right # 10892:

One well located in Lot 4 of the Northwest Quarter of the Northwest Quarter (NW¼) of Section 4, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 18965:

One well located in the Central West Quarter of the Southwest Quarter (CW¼ SW¼) of Section 4, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Place of Use:

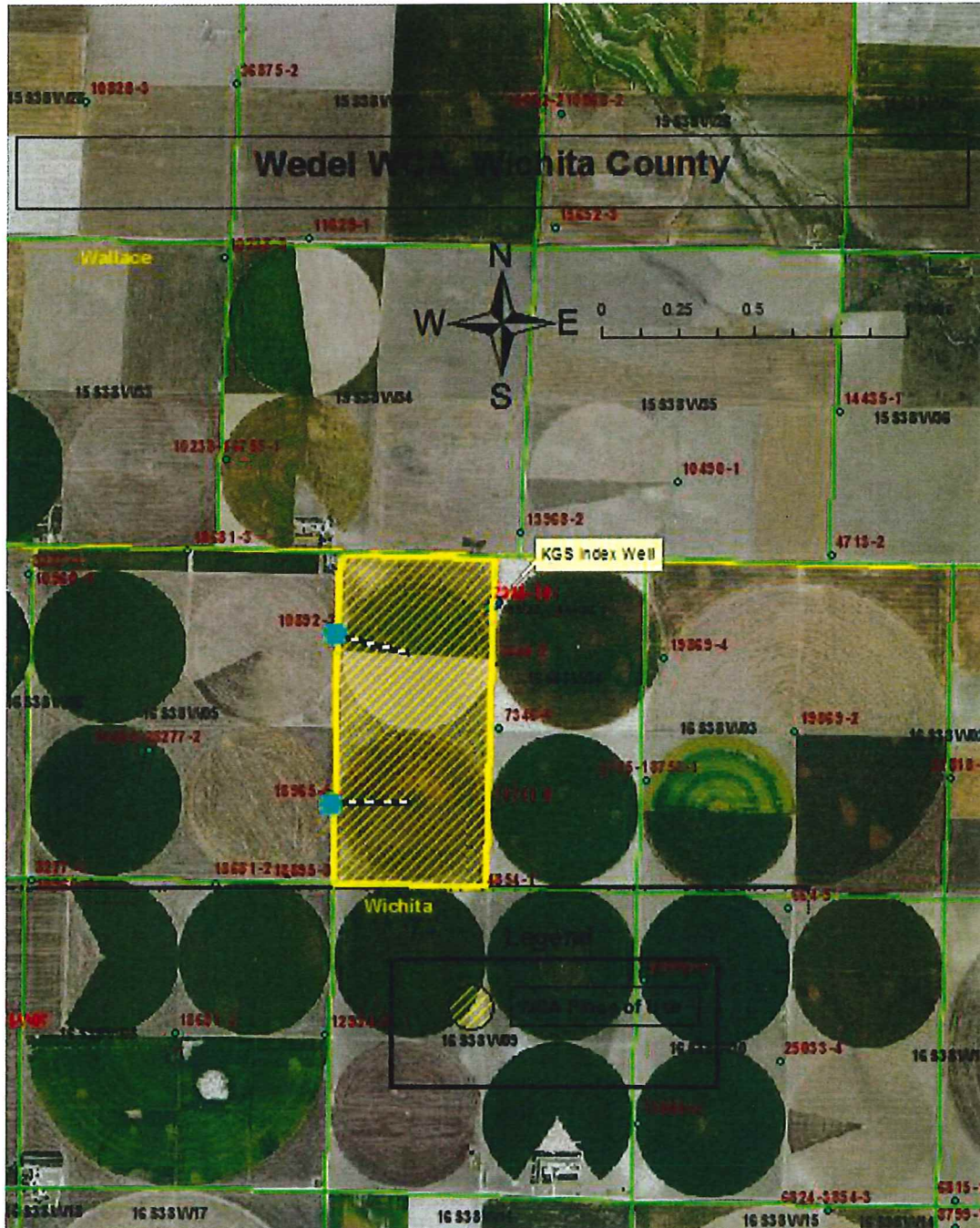
S	T	R	NE ¼ (acres)				NW ¼ (acres)				SW ¼ (acres)				SE ¼ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	16S	38W					51.2 3	51.4 3	40	40	40	40	40	40	40	40	40	40	342.66

RECEIVED

DEC 18 2017

Garden City Field Office
 Division of Water Resources

KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (10-10-2017)



RECEIVED

DEC 18 2017

Garden City Field Office
Division of Water Resources

WCWCA 2009-2015 Water Use History

WR#	ID#
18965	5
Base WR Allocation	
342 AF	
Year	AF Used
2009	148.40
2010	124.20
2011	151.90
2012	157.20
2013	141.40
2014	167.60
2015	123.10

Total Use 1013.800 AF

Ave Use 144.829 AF

*Notes:

WR#	ID#
10892	3
Base WR Allocation	
342 AF	
Year	AF Used
2009	159.80
2010	157.18
2011	176.84
2012	161.88
2013	174.10
2014	187.90
2015	165.80

Total Use 1183.500 AF

Ave Use 169.071 AF

*Notes:

2009-2015 Total Water Use

2197.300 AF

Average Water Use of all listed WR's:

313.900 AF

WCWCA Annual Quantity of Permissible Groundwater Withdrawal:

For Enrollment in 2017

<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	445.738
2018	29%	6	0.71	222.869
2019	29%	5	0.71	222.869
2020	29%	4	0.71	222.869
2021	29%	3	0.71	222.869
2022	29%	2	0.71	222.869
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) =

1560.083

RECEIVED

DEC 18 2017

Garden City Field Office
Division of Water Resources

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: J TWO LLC Signature: *[Signature]* Date: 12/19/2017

Full Mailing Address: ATTN: JAN SHAW P.O. BOX 990 ASHLAND, KS 67831 Phone#: () -

Name: ALICE M. BOLEN TRUST Signature: _____ Date: _____

Full Mailing Address: 4215 Glencoe Ave. Unit 421 Marina Del Rey, CA 90292 Phone#: () -

ACKNOWLEDGMENT OF ADDENDUM

State of KANSAS)

County of CLARK)

This instrument was acknowledged before me on 15/12/17

By *[Signature]*



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.

RECEIVED
DEC 27 2017
Garden City Field Office
Division of Water Resources

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: J TWO LLC Signature: _____ Date: _____

Full Mailing Address: ATTN: JAN SHAW P.O. BOX 990 ASHLAND, KS 67831 Phone#: () -

Name: ALICE M. BOLEN TRUST Signature: *ALM* Date: 12/12/2017

Full Mailing Address: 4215 Glencoe Ave. Unit 421 Marina Del Rey, CA 90292 Phone#: (310) 722-4476

ACKNOWLEDGMENT OF ADDENDUM

State of California)

County of Los Angeles -)

This instrument was acknowledged before me on December 12, 2017

By *Marc Cain* Notary Public -



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.

RECEIVED

DEC 18 2017

Garden City Field Office
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

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas

County of Reynolds

This instrument was acknowledged before me on Dec 29 2017.

By Karen Hunter



CERTIFICATE OF SERVICE

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

J Two LLC
Attn: Jan Shaw
P.O. Box 990
Ashland, KS 67831

Copies furnished electronically to:

Alice M Bolen Trust

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

Kansas Department of Agriculture
Staff Person

RECEIVED

DEC 18 2017