

**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. 7,299 & 34,703  
\_\_\_\_\_ )

**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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Division of Water Resources**

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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 PARTICIPANTS:** The participating water right owner has signed below, affirming his/her consent to the designation of the Water Conservation Area described herein.

Marv Brant POA

Date: 4-23-18

**MARTHA C KISER TRUST, Owner (Signature)**

Water Right No(s). 7299, 34703

412 S 7<sup>th</sup> St. Leoti KS 67861

Full Mailing Address

mbmb222@yahoo.com

Email Address

620-214-3459

Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )

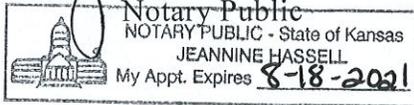
) SS

County of Wichita )

Acknowledged before me on April 23, 2018

by \_\_\_\_\_

Signature: Jeannine Hassell



My commission expires: Aug 18, 2021  
(Notary Seal)

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**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.

Mary Ruth Satterthwaite Date: 4-23-18

**MARY RUTH SATTERTHWAITE LIVING TRUST, Owner (Signature)**

Water Right No(s). 7299, 34703

543 Maple Street, Plymouth MI 48170

Full Mailing Address

dsattert@comcast.net

Email Address

734 455-9389

Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of <sup>Michigan</sup>~~Kansas~~ )  
 ) SS  
County of Wayne )

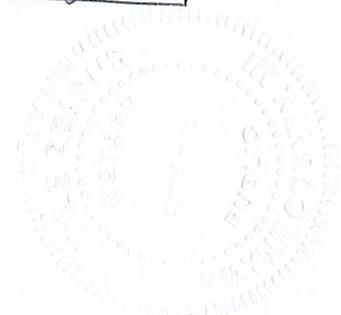
Acknowledged before me on 4/23/2018

by Mary Ruth Satterthwaite

Signature: Kyle Gears  
Notary Public

KYLE GEARNS  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires Jul. 30, 2023  
Acting in the County of Wayne

My commission expires: 7/30/2023  
(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 5/8/2018  
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:

MARTHA C KISER TRUST  
412 S 7<sup>TH</sup> ST  
LEOTI KS 67861

MARY RUTH SATTERTHWAITE LIVING TRUST  
543 MAPLE  
PLYMOUTH MI 48170

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

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Division of Water Resources

Kansas Department of Agriculture  
Staff Person

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Division of Water Resources

**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): 7299 & 34703

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 7299 & 34703

**Authorized Point of Diversion Water Right # 7299**

One well located in the SE Quarter of the SW Quarter of the SE Quarter (SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 18, 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 |             |  |  |
| 18 | 16 | 35 |              |    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |             |  |  |
|    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |             |  |  |
|    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |             |  |  |
|    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |             |  |  |
|    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |              |    |    |    |             |  |  |
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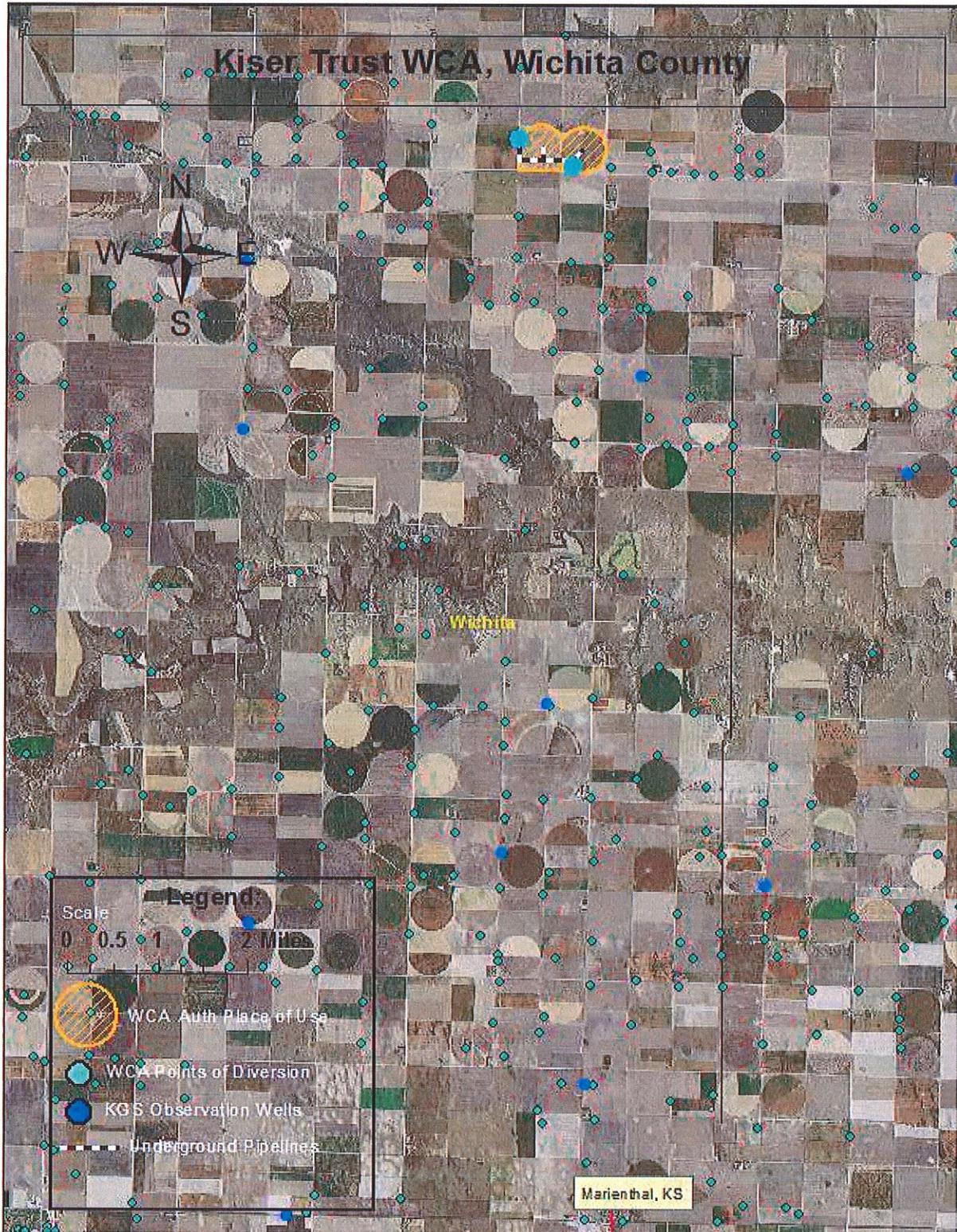
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**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of 4/24/2018**



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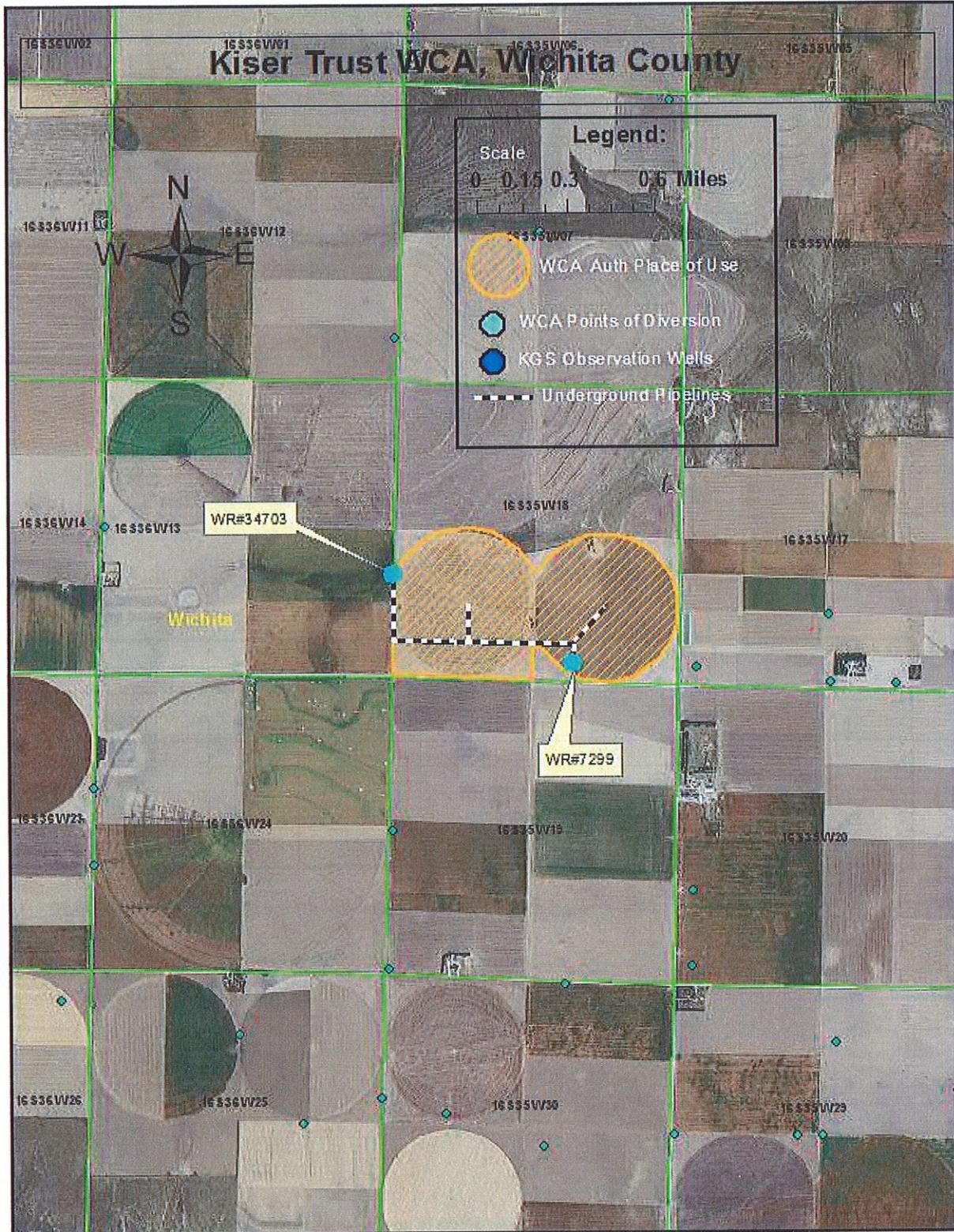
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**WCWCA 2009-2015 Water Use History**

|             |            |
|-------------|------------|
| WR#         | 7299       |
| PDIV#       | 3535       |
| Legal       | 18-16s-35w |
| Auth. Qty.  | 376 AF     |
| <b>Year</b> | <b>Use</b> |
| 2009        | 157.94     |
| 2010        | 100.95     |
| 2011        | 122.04     |
| 2012        | 169.69     |
| 2013        | 138.37     |
| 2014        | 133.65     |
| 2015        | 85.32      |

|             |            |
|-------------|------------|
| WR#         | 34703      |
| PDIV#       | 33781      |
| Legal       | 18-16s-35w |
| Auth. Qty.  | 142 AF     |
| <b>Year</b> | <b>Use</b> |
| 2009        | 142.00     |
| 2010        | 137.91     |
| 2011        | 140.87     |
| 2012        | 142.00     |
| 2013        | 127.77     |
| 2014        | 121.00     |
| 2015        | 58.70      |

Total Use 907.95 AF  
Ave Use 129.71 AF

Total Use 870.25 AF  
Ave Use 124.32 AF

Limitations: None  
Notes:

Limitations: None  
Notes:

2009-2015 Total Water Use  
1778.204 AF

Average Water Use of all listed WR's:  
254.029 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          | 360.721                    |
| 2018                   | 29%                | 6                                 | 0.71          | 180.361                    |
| 2019                   | 29%                | 5                                 | 0.71          | 180.361                    |
| 2020                   | 29%                | 4                                 | 0.71          | 180.361                    |
| 2021                   | 29%                | 3                                 | 0.71          | 180.361                    |
| 2022                   | 29%                | 2                                 | 0.71          | 180.361                    |
| 2023                   | 29%                | 1                                 | 0.71          | 0.000                      |

Total 7-Year Permissible Groundwater Withdrawal (AF) = 1262.525

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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.

Martina Brandt POA Date: 4-23-18

**MARTHA C KISER TRUST, Owner (Signature)**

Water Right No(s). 7299, 34703

412 S 7<sup>TH</sup> ST, LEOTI KS 67861

Full Mailing Address

mbmb222@yahoo.com

Email Address

620-214-3459

Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )

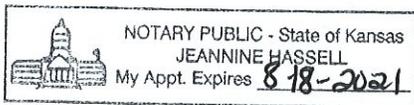
County of Wichita ) SS

Acknowledged before me on April 23, 2018

by \_\_\_\_\_

Signature: Jeannine Hassell  
Notary Public

My commission expires: Aug 18, 2021  
(Notary Seal)



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Mary Ruth Satterthwaite Date: 4-23-18  
**MARY RUTH SATTERTHWAITE LIVING TRUST, Owner (Signature)**  
Water Right No(s).

543 MAPLE PLYMOUTH, MI 48170  
Full Mailing Address

dsattert@comcast.net 734 455-9389  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of <sup>Michigan</sup> ~~Kansas~~ )  
) SS  
County of Wayne )  
Acknowledged before me on 4/23/2018  
by Mary Ruth Satterthwaite  
Signature: Kyle G  
Notary Public

My commission expires: 7/30/2023  
(Notary Seal)

KYLE GEARNS  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires Jul. 30, 2023  
Acting in the County of Wayne

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

**Water Right, File Nos.** 7299, 34703

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 1<sup>st</sup>, 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.

Mamuel Brant POA Marshal Kiser Date: 4-20-18  
Owner Name, Owner (Signature)

412 S. 7<sup>th</sup> St., Leoti, Ks. 67861  
Full Mailing Address

mlomb222@yahoo.com  
Email Address

620-214-3459  
Phone Number

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Approved  
Dave Barber  
5/8/2018

**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:

*The irrigation wells on these Quarters are connected and have exhibited conservation for enrollment effective in 2017.*

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 D* Secretary Date: *4-24-2018*  
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

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

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

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**WAIVER REQUEST TO EXTEND THE WICHITA COUNTY WATER CONSERVATION  
AREA 2017 SIGNUP DEADLINE**  
Water Right, File Nos. 34703, 7299

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Mary Ruth Satterthwaite Date: 4-21-18  
Owner Name, Owner (Signature)  
543 Maple Street, Plymouth, MI 48170  
Full Mailing Address  
dsattert@comcast.net 734 455-9389  
Email Address Phone Number

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Division of Water Resources

*Approved  
Dawn Bevilacqua  
5/8/18*

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Garden City Field Office  
Division of Water Resources

**WICHITA COUNTY WATER CONSERVATION AREA INTERIM BOARD WAIVER  
REQUEST REVIEW**

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**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.

*[Signature]* Secretary Date: 4/24/2018  
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

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

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

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