

**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. 12758
_____)

**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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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David 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 4/24/2018
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:

Karlan Koehn
1353 N County Road 14
Marienthal, KS 67863-6337

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

**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: NO

WR#(s): 12758

Use Made of Water (Circle): Irrigation

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

Authorized Point of Diversion Water Right #12758 :

One well located in the **SW** Quarter of the **NW** Quarter of the **NE** Quarter (**SW¹/₄NW¹/₄NE¹/₄**) of Section **29**, Township **16** South, Range **35** West, Wichita County, Kansas.

Authorized Place of Use:

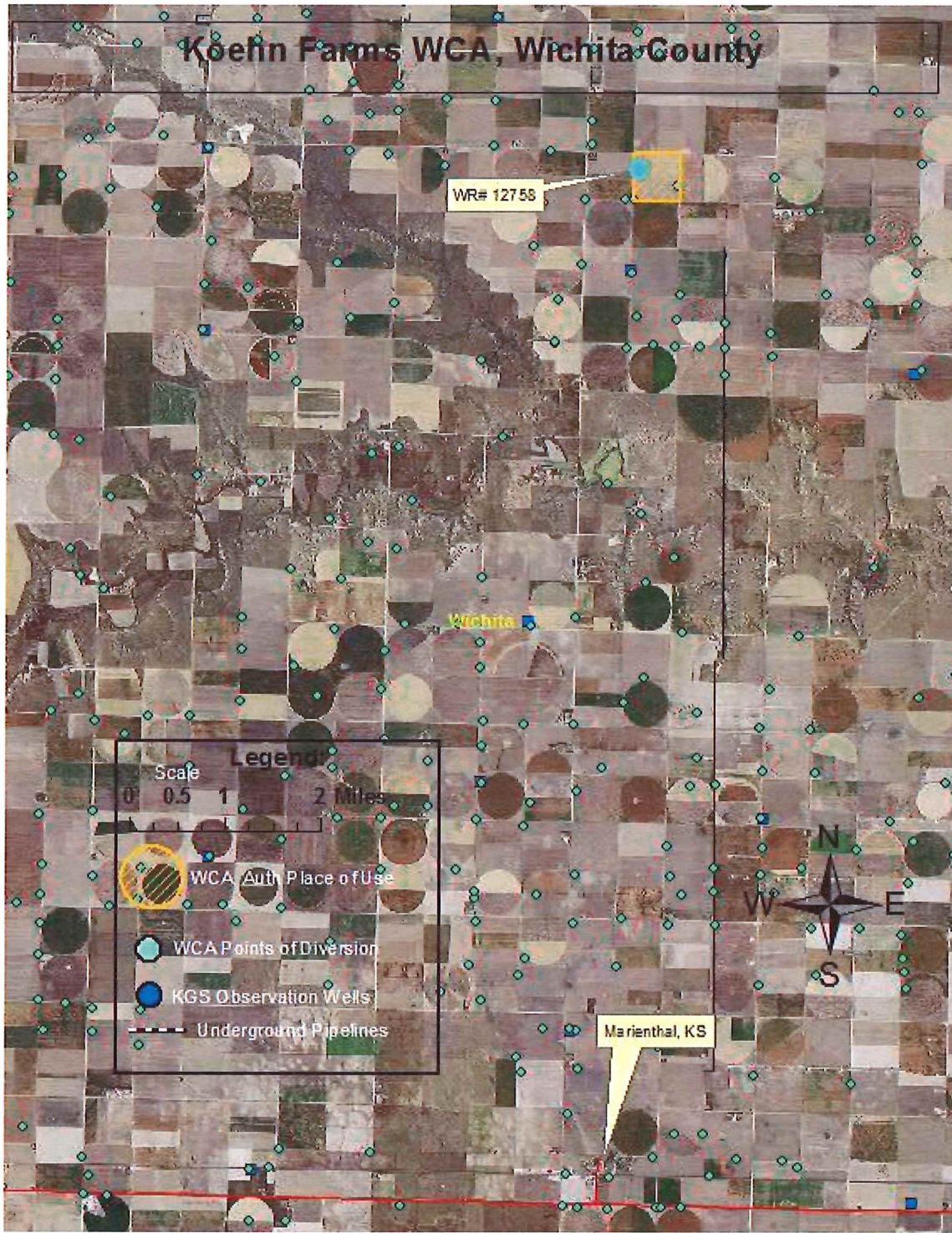
S	T	R	NE ¼ (acres)				NW ¼ (acres)				SW ¼ (acres)				SE ¼ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	16	35	40	40	40	40													160

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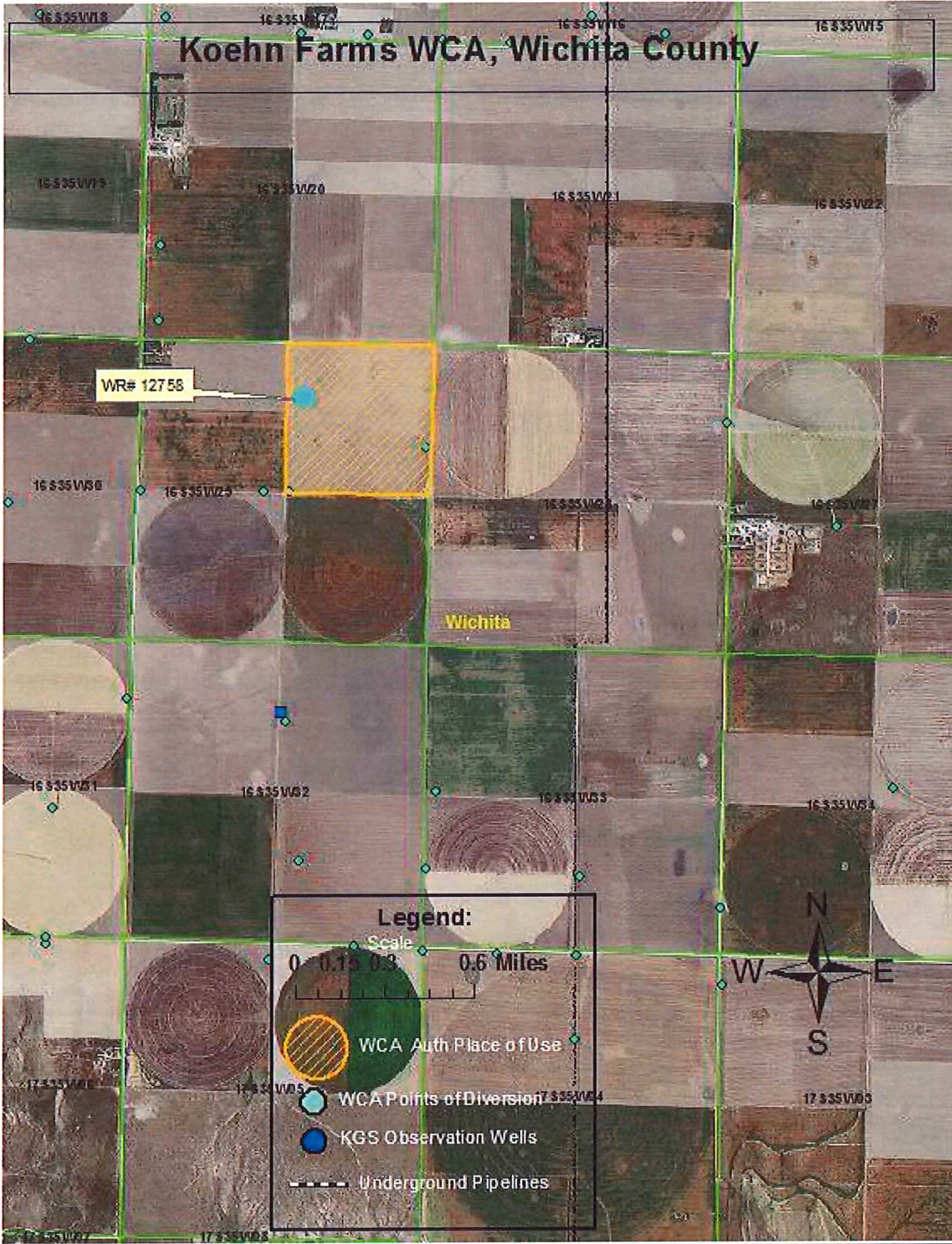
Garden City Field Office
Division of Water Resources

KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (4/13/2018)



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DEPARTMENT OF AGRICULTURE
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Page six of the Wichita County Water Conservation Area Management Plan states, "Points of diversion that do not have complete use history during the period defined by calendar years 2009-2015, inclusive, due to enrollment in a conservation program or voluntary conservation may be included in a WCA Agreement. Years of nonuse (i.e. no reported use or zero use) will be considered as evidence of past conservation. The average use quantity for the point of diversion shall be established according to the procedures outlined in one the following options. The participant shall designate the option to be used in the determination of the average use quantity.

- a. **Option 1-** Actual Use History: sum the quantity of actual use during the basis period and divide the sum by 7 to determine the average use quantity.
- b. **Option 2-** Zero-Use Years Excluded:
 - i. Determine the number of years during the basis period that water use greater than zero was reported.
 - ii. Sum the total actual use during the basis period.
 - iii. Divide the total actual use by the number of years of reported use greater than zero to determine the average use quantity.
- c. **Option 3-** Current Well Capacity:
 - i. The Division of Water Resources shall conduct a flow test on the point of diversion. The test shall be performed within one year of the effective date of the WCA agreement.
 - ii. The flow rate certified by the Division of Water Resources shall be multiplied by 135 days to determine the average quantity that can be pumped during the typical irrigation operation. The resulting quantity shall be stated in units of acre-feet. This quantity shall be the average use quantity.

Average Water Use based off of flow test 1/30/2018

139.304 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	197.812
2018	29%	6	0.71	98.906
2019	29%	5	0.71	98.906
2020	29%	4	0.71	98.906
2021	29%	3	0.71	98.906
2022	29%	2	0.71	98.906
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) =

692.341

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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.

Karla Koehn Date: 4-19-2018

Karlan Koehn, Owner (Signature)
Water Right No(s). 12758

1353 N County Road 14 Marienthal, KS 67863-6337
Full Mailing Address

wheatfield78@gmail.com 620-874-4496
Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

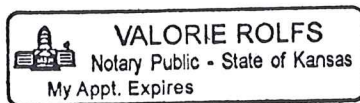
State of Kansas)
) SS
County of Scott)
Acknowledged before me on 4/19/2018
by Karlan Koehn
Signature: Valorie Rolfs
Notary Public

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Division of Water Resources

My commission expires: 05-05-2021
(Notary Seal)



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 4/24/18
by David W. Barfield

Signature: [Signature]
Notary Public



My commission expires: _____
(Notary Seal)

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Division of Water Resources

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:

Karlan Koehn
1353 N County Road 14
Marienthal, KS 67863-6337

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

Kansas Department of Agriculture
Staff Person

METER FLOW RATE/VOLUME TEST

FILE NO. 12758 Date: 1/30/18 Tester: Mitch French Tested 1 of 1 installations

Point of Diversion: SW NW NE Sec. 29, T. 16S, R. 35W

Approximately ft. North and ft. West of SE corner of Sec 29.

How were distances determined? File Latitude Longitude

Person(s) present at the test: Karlen and travis Koehn Relationship(s) to owner: Owner and operator

TEST METER INFORMATION: Test meter location GCFO Last verified 2017

Manufacturer Panametrics Model # PT 878 Serial # 04040

Sensor is 10 in upstream from flowmeter prop.

Sensor is 25 in downstream from Cooling coils

NORMAL CONDITIONS:

R.P.M. POWER UNIT

R.P.M. PUMP UNIT

Pressure at Pump psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT

R.P.M. PUMP UNIT

Pressure at Pump psi

Non-Intrusive Meter Test Meter Type UTTM Meter Serial No. 04040
Ending 1592.602 gal. Beginning 0 gal. Meas. O.D. 6.640 gal. Difference 1592.602 gal. Meas. Wall 0.137 gal. Time 6.82 min. XDCR Setting 153.37 mm Time min. Rate 233.5 gpm. Material Type C. Steel Rate gpm.

Diagnostics:

Signal Strength SS up: 62 SS dn: 61.9 (Should be over 55 highest on PVC, up and dn should be close to the same)

SN DSP: 4826.1 (Should be close to book value for the soundspeed at measured temp) Temp 65 F

Delta T (<Delta>): 97.65 Is this number stable? Yes If no please explain:

T up: 245.38 T dn: 245.29 (Bad: continuous large fluctuations of 1 microsecond or more)

Signal Quality: Q up 3408 Q dn 2761 (Should be + - 300 or greater)

AMPup: 29.9 AMPdn: 29.4 (Should be 20 - 28 fluctuations)

P#up: 508 P#dn: 507 (100 to 900, closest to 500 is best)

Nfup: 1 Nfdn: 1 (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer McCrometer Serial # 99-6-1463N Model # MO306-2200ov

Sensor is 22 in upstream from open discharge

Sensor is 35 in downstream from Cooling coils

Outside Diameter (Stamped) inches (Measured) inches

Inside Diameter (Stamped) inches (Measured) inches

Ending AF gal./AF Beginning AF gal./AF Difference AF gal./AF Time min. min. Rate gpm. gpm.

% Error Calculation: (Test - Meter) / Test X 100 % error

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: Rate test only. Pipe was not full at flowmeter due to open flow test. accurate rate comparison test was not possible.

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Good Test Adequate Test Unacceptable Comparison Reviewed by [Signature] Date 2-7-18 Entered by

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

Water Right, File Nos. 12,758

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 1st, 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.

Karlton Koehn / Karlton Koehn Date: 4-13-2018
Owner Name, Owner (Signature)

1353 North County Road 14, Marietta, KS 67863-6337
Full Mailing Address

wheatfield78@gmail.com
Email Address

620-874-4496 (cell)
Phone Number

Approved
David Banfield
4/24/2018

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Division of Water Resources

WICHITA COUNTY WATER CONSERVATION AREA INTERIM BOARD WAIVER
REQUEST REVIEW

2017/01

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:

Producer has shown water conservation practices through EQUIP Program and qualifies for this waiver.

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.

 Secretary Date: 4/15/2018
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

matt@redbarnenterprises.com
Email Address

620-872-4842
Phone Number

DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE
APPLICATION FOR WICHITA COUNTY WATER CONSERVATION AREA

One application per Water Right (WR)

Today's date: 2/26/2018 WCA Beginning Year: 2017 WCA Ending Year: 2023 WCA Total Years: 7

WR#: 12758 Use Made of Water: Irrigation

Primary Owner's Name: KARLAN KOEHN Phone No.: () -

Full Mailing Address: 1353 N COUNTY ROAD 14 MARIENTHAL KS 67863-6337

*List any additional owners on back of page.

Water Use Correspondent/Tenant: SAME Phone No.: () -

Full Mailing Address: SAME

Overlapping water right(s) on same point of diversion (well): NONE

Overlapping water right(s) on same Place of Use: NONE

POINT OF DIVERSION- Groundwater withdrawn from # of well(s): 1

First [1] Point of Diversion located on the SW Qtr of NW Qtr of NE Qtr of Section 29 Township 16 S Range 35 W

*List any remaining points of diversion on back of page.

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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	
29	16	35	40	40	40	40													160

*List any additional places of use on back of page.

I would like to incorporate this water right as a management unit (circle): NO

List all water rights intending to group together within this management unit:

(Optional) Reason for interest in participating in a WCA: _____

I, the undersigned, hereby tentatively agree to voluntarily participate in the Wichita County WCA (WCWCA) program. I understand there will be a review of water use, based on 2009-2015 use, and place of use on the listed water right in order to create a management plan to discuss with the KDA-Division of Water Resources (DWR) at a later time. I agree to submit any paperwork to KDA-DWR needed to assist in creating my WCA management plan. I am aware of the Wichita County WCA Management Plan and, subject to my final review of its allocations for my subject water rights, intend to enroll and abide by the terms of the WCWCA for this enrollment period. I understand that in order for any water right to be included in a WCA that ALL the water right & land (place of use) owners must consent to participate.

Name: KARLAN KOEHN Signature: Karla Koehn Date: 4-19-2018

Phone No.: (620) 874-4496 Email: wheatfield78@gmail.com (Circle) Owner Tenant

*All owners must sign for approval on last page of application.

Wichita County Water Conservation Area Water Right/Land Owner Approval:

I the owner of the water right file # 12758, located in the NE Quarter of Sect 29 Township 16 S Range 35 W, hereby tentatively agree to voluntarily participate in the Wichita County WCA (WCWCA) program. I understand there will be a review of water use, based on 2009-2015 use, and place of use on the listed water right in order to create a management plan to discuss with the KDA-Division of Water Resources (DWR) at a later time. I agree to submit any paperwork to KDA-DWR needed to assist in creating my WCA management plan. I am aware of the Wichita County WCA Management Plan and, subject to my final review of its allocations for my subject water rights, intend to enroll and abide by the terms of the WCWCA for this enrollment period. I understand that in order for any water right to be included in a WCA that ALL the water right & land (place of use) owners must consent to participate.

Name: KARLAN KOEHN Signature: Karla - Koeh- Date: 4-19-2018

Phone No.: (620) 874-4496 Email: wheatfield78@gmail.com

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