

**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)
_____)

**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.

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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.

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.

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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.

Marshall Y Woodbury Date: 10-2-17
MARSHALL Y WOODBURY, Owner(s)
Water Right No(s). 3725, 4854, 8758, 12934, 18895, 20356

Janene Woodbury Date: 10-2-17
JANENE WOODBURY, Owner(s)
Water Right No(s). 4854, 12934, 18895

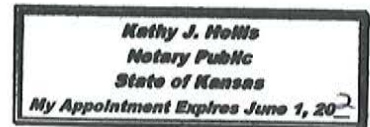
Marshall Woodbury Date: 10-2-17
M WOODBURY TRUST, Owner(s)
Water Right No(s). 4854, 8277-D1, 10960-D, 12934, 18681-D1, 18895

Janene Woodbury Date: 10-2-17
M J W INC, Owner(s)
Water Right No(s). 8277-D1, 10960-D1, 17049, 18681-D1

ACKNOWLEDGMENT

State of KS)

County of Sedire)



This instrument was acknowledged before me on Oct 2, 2017

by Kathy J Hollis

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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

State of Kansas)

County of Riley)

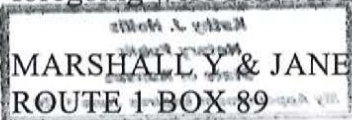
This instrument was acknowledged before me on October 11, 2017

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:


MARSHALL Y & JANENE WOODBURY
ROUTE 1-BOX 89
LEOTI KS 67861

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

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): 3725, 4854, 8277-D1, 8758, 10960-D1, 12934, 17049, 18681-D1, 18895, 20356

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 3725 & 8758; 8277-D1 & 10960-D1; 8758, 3725 & 8758; 10960-D1, 8277-D1 & 10960-D1

Authorized Point of Diversion Water Right # 3725:

One well located in the Central West Quarter of the Northwest Quarter of the Southwest Quarter (CW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 4854:

One well located in Section 9, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 8277-D1:

One well located in the North Half Quarter of the Northeast Quarter of the Southwest Quarter (N2 $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 8758:

One well located in the Central West Quarter of the Northwest Quarter of the Southwest Quarter (CW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 10960-D1:

One well located in the North Half Quarter of the Northeast Quarter of the Southwest Quarter (N2 $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 12934:

One well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 17049:

One well located in the Central West Quarter of the Southwest Quarter (CW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, Township 16 South, Range 38 West, Wichita County, Kansas.

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Authorized Point of Diversion Water Right # 18681-D1:

One well located in the North Half Quarter of the Northwest Quarter of the Northeast Quarter (N2 1/4NW 1/4NE 1/4) of Section 8, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 18895:

One well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW 1/4NW 1/4NW 1/4) of Section 9, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 20356:

One well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW 1/4SW 1/4NW 1/4) of Section 10, Township 16 South, Range 38 West, Wichita County, Kansas.

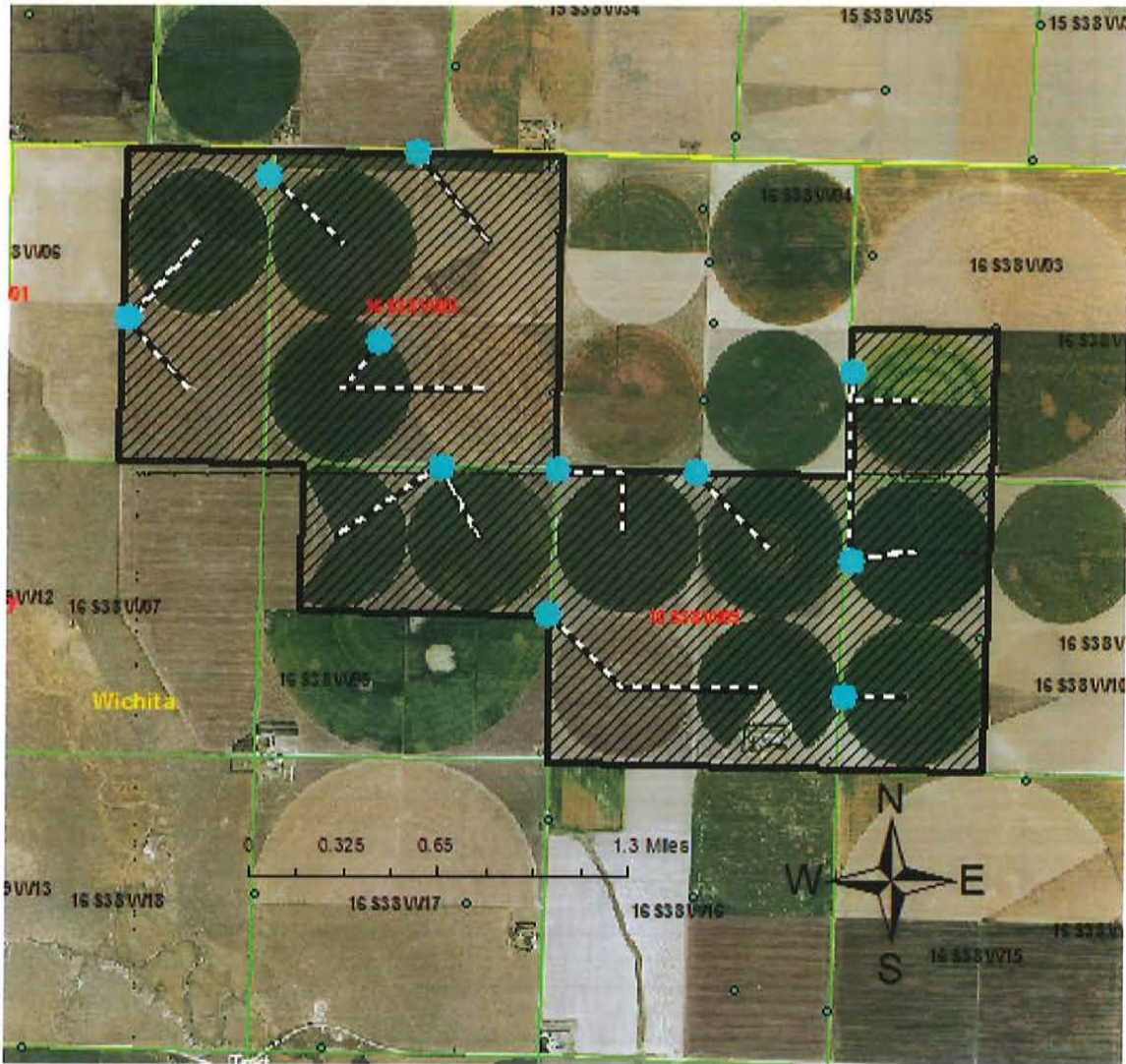
Authorized Place of Use:

S	T	R	NE 1/4 (acres)				NW 1/4 (acres)				SW 1/4 (acres)				SE 1/4 (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	16	38																	160
10	16	38					40	40	40	40	40	40	40	40	40	40	40	40	320
9	16	38	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
5	16	38	49.3 7	51.3 5	40	40	51.3 3	51.3 1	40	40	40	40	40	40	40	40	40	40	683.36
6	16	38	51.5 2	51.8 6	40	40											40	40	343.38
8	16	38	40	40	40	40	40	20	20	40									280

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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 (9-15-2017)



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WCWCA 2009-2015 Water Use History

WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#
3725	1	4854	1	12934	2	17049	2	8277-D1	1	8277-D1	2	8277-D1	3	18895	3	18681	2
Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation	
640 AF		320 AF		600 AF		320 AF		216 AF		216 AF		216 AF		320 AF		549.6 AF	
Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used
2009	164.67	2009	171.64	2009	232.62	2009	222.92	2009	236.45	2009	291.15	2009	184.09	2009	206.46	2009	331.53
2010	192.29	2010	172.79	2010	314.80	2010	192.57	2010	230.00	2010	250.99	2010	200.37	2010	211.23	2010	316.89
2011	243.91	2011	225.88	2011	252.90	2011	255.82	2011	344.16	2011	270.42	2011	400.88	2011	241.53	2011	379.33
2012	215.74	2012	224.63	2012	411.14	2012	218.41	2012	295.21	2012	412.43	2012	416.24	2012	251.07	2012	386.09
2013	160.59	2013	243.97	2013	395.05	2013	261.96	2013	300.55	2013	370.30	2013	534.79	2013	242.68	2013	334.06
2014	129.19	2014	230.52	2014	272.22	2014	272.18	2014	317.35	2014	344.21	2014	294.16	2014	251.71	2014	408.88
2015	163.62	2015	219.60	2015	330.22	2015	214.43	2015	216.30	2015	305.38	2015	264.88	2015	172.10	2015	295.32
Total Use	1270.005 AF	Total Use	1489.035 AF	Total Use	2213.961 AF	Total Use	1638.280 AF	Total Use	1940.043 AF	Total Use	2244.879 AF	Total Use	2175.411 AF	Total Use	1582.780 AF	Total Use	2452.109 AF
Ave Use	181.429 AF	Ave Use	212.719 AF	Ave Use	316.280 AF	Ave Use	234.040 AF	Ave Use	277.149 AF	Ave Use	320.697 AF	Ave Use	310.773 AF	Ave Use	226.111 AF	Ave Use	350.301 AF
*Notes: Overlap WR 8758		*Notes:		*Notes:		*Notes:		*Notes: Overlap WR 10960		*Notes: Overlap WR 10960		*Notes: Overlap WR 10960		*Notes:		*Notes:	
WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#	WR#	ID#
20356	6	18681-D1	3	20356	6	10960-D1	1	10960-D1	2	10960-D1	3	10960-D1	3	10960-D1	3	10960-D1	3
Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation		Base WR Allocation	
367 AF		602.6 AF		367 AF		339.8 AF		339.8 AF		339.8 AF		339.8 AF		339.8 AF		339.8 AF	
Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used	Year	AF Used
2009	79.88	2009	170.41	2009	79.88	2009	0.000	2009	0.000	2009	0.000	2009	0.000	2009	0.000	2009	0.000
2010	58.05	2010	189.74	2010	58.05	2010	0.000	2010	0.000	2010	0.000	2010	0.000	2010	0.000	2010	0.000
2011	134.67	2011	235.69	2011	134.67	2011	0.000	2011	0.000	2011	0.000	2011	0.000	2011	0.000	2011	0.000
2012	254.49	2012	197.26	2012	254.49	2012	0.000	2012	0.000	2012	0.000	2012	0.000	2012	0.000	2012	0.000
2013	186.79	2013	152.43	2013	186.79	2013	0.000	2013	0.000	2013	0.000	2013	0.000	2013	0.000	2013	0.000
2014	116.21	2014	248.50	2014	116.21	2014	0.000	2014	0.000	2014	0.000	2014	0.000	2014	0.000	2014	0.000
2015	221.33	2015	76.59	2015	221.33	2015	0.000	2015	0.000	2015	0.000	2015	0.000	2015	0.000	2015	0.000
Total Use	1051.356 AF	Total Use	1270.616 AF	Total Use	1051.356 AF	Total Use	0.000 AF	Total Use	0.000 AF	Total Use	0.000 AF	Total Use	0.000 AF	Total Use	0.000 AF	Total Use	0.000 AF
Ave Use	150.194 AF	Ave Use	181.517 AF	Ave Use	150.194 AF	Ave Use	0.000 AF	Ave Use	0.000 AF	Ave Use	0.000 AF	Ave Use	0.000 AF	Ave Use	0.000 AF	Ave Use	0.000 AF
*Notes:		*Notes:		*Notes:		*Notes: Reported under 8277		*Notes: Reported under 8277		*Notes: Reported under 8277		*Notes: Reported under 8277		*Notes: Reported under 8277		*Notes: Reported under 8277	

2009-2015 Total Water Use
19328.475 AF

Average Water Use of all listed WR's:
2761.211 AF

WCWCA Annual Quantity of Permissible Groundwater Withdrawal:
For Enrollment in 2017

Allocation Year	Reduction %	Yrs Remaining in Reduction %	Factor	WCA Allocation (AF)
2017	29%	7	0.71	3920.919
2018	29%	6	0.71	1960.460
2019	29%	5	0.71	1960.460
2020	29%	4	0.71	1960.460
2021	29%	3	0.71	1960.460
2022	29%	2	0.71	1960.460
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) = 13723.217 Acre-Feet

2016 Total Irrigated Acres (provided by 2017 Tenant)= 1829.44 Acres

Estimated Yearly Acre-Inches based on 1829.44 Acres and Yearly Allocation of 1960.460 Acre-Feet
= 12.86 Acre-Inches

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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.

Name: Marshall Y Woodbury Signature: *Marshall Y Woodbury* Date: 10-2-17
Full Mailing Address: P.O. Box 67168 Phoenix, AZ 85082 Phone#: 480-390-8103

Name: Janene Woodbury Signature: *Janene Woodbury* Date: 10-2-17
Full Mailing Address: P.O. Box 67168 Phoenix, AZ 85082 Phone#: 620-874-4096

Name: M Woodbury Trust Signature: *Marshall Y Woodbury* Date: 10-2-17
Full Mailing Address: P.O. Box 67168 Phoenix, AZ 85082 Phone#: 480-390-8103

Name: M J W INC Signature: *Janene Woodbury* Date: 10-2-17
Full Mailing Address: P.O. Box 67168 Phoenix, AZ 85082 Phone#: 480-390-8103

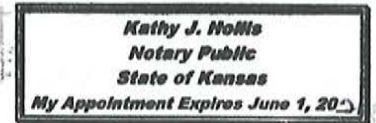
ACKNOWLEDGMENT OF ADDENDUM

State of Kansas

County of Saline

This instrument was acknowledged before me on Oct 2, 2017.

By *Kathy J Hollis*



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.

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DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE
FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David Barfield

David Barfield P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas)

County of Riley)

This instrument was acknowledged before me on October 11, 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:

MARSHALL Y & JANENE WOODBURY
ROUTE 1 BOX 89
LEOTIKS 67861

Copies furnished electronically to:



Groundwater Management District No. 1
Water Commissioner, Garden City Field Office

Kansas Department of Agriculture
Staff Person

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