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.
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, Owner(s)
Water Right No(s). 3725, 4854, 8758, 12934, 18895, 20356

Date: 10-2-17

JANENE WOODBURY, Owner(s)
Water Right No(s). 4854, 12934, 18895

Date: 10-2-17

M WOODBURY TRUST, Owner(s)
Water Right No(s). 4854, 8277-D1, 10960-D, 12934, 18681-D1, 18895

Date: 10-2-17

M.J W INC, Owner(s)
Water Right No(s). 8277-D1, 10960-D1, 17049, 18681-D1

Date: 10-2-17

ACKNOWLEDGMENT

State of KS
County of Sedine

This instrument was acknowledged before me on Oct 2, 2017

by Kathy J. Holley

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

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 & 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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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): 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 (CW¼NW¼SW¼) 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 (N2¼NE¼SW¼) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northeast Quarter (NW¼NW¼) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼NW¼SE¼) 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 Northeast Quarter of the Southwest Quarter (CW¼NW¼SW¼) 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 (N2¼NE¼SW¼) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northeast Quarter (NW¼NW¼) of Section 5, Township 16 South, Range 38 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼NW¼SE¼) 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 (NW¼NW¼SW¼) 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 (CW¼SW¼) of Section 10, Township 16 South, Range 38 West, Wichita County, Kansas.
**Authorized Point of Diversion Water Right # 18681-D1:**
One well located in the North Half Quarter of the Northwest Quarter of the Northeast Quarter (N2¼NW¼NE¼) 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 (NW¼NW¼NW¼) 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 (NW¼SW¼NW¼) of Section 10, Township 16 South, Range 38 West, Wichita County, Kansas.

### Authorized Place of Use:

<table>
<thead>
<tr>
<th></th>
<th>NE ¼ (acres)</th>
<th>NW ¼ (acres)</th>
<th>SW ¼ (acres)</th>
<th>SE ¼ (acres)</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>T</td>
<td>R</td>
<td>NE</td>
<td>NW</td>
<td>SW</td>
</tr>
<tr>
<td>3</td>
<td>16</td>
<td>38</td>
<td>40</td>
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<td>16</td>
<td>38</td>
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<td>51.3</td>
<td>40</td>
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<td>16</td>
<td>38</td>
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<td>8</td>
<td>16</td>
<td>38</td>
<td>40</td>
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</tbody>
</table>

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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 (9-15-2017)
### WCWCA 2009-2015 Water Use History

<table>
<thead>
<tr>
<th>Year</th>
<th>Base WR Allocation</th>
<th>Total Use</th>
<th>Ave Use</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>2009</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
</tr>
<tr>
<td>2010</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
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<tr>
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<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
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<tr>
<td>2012</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
</tr>
<tr>
<td>2013</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
</tr>
<tr>
<td>2014</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
</tr>
<tr>
<td>2015</td>
<td>143.67</td>
<td>146.67</td>
<td>181.46</td>
<td>Notes: Overuse WR 8756</td>
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### WCWCA Annual Quantity of Permissible Groundwater Withdrawal:

**For Enrollment in 2017**

<table>
<thead>
<tr>
<th>Allocation Year</th>
<th>Reduction %</th>
<th>Years Remaining in Reduction %</th>
<th>Factor</th>
<th>WCWCA Allocation (AF)</th>
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</thead>
<tbody>
<tr>
<td>2017</td>
<td>29%</td>
<td>7</td>
<td>0.71</td>
<td>3920.460</td>
</tr>
<tr>
<td>2018</td>
<td>29%</td>
<td>6</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
<tr>
<td>2019</td>
<td>29%</td>
<td>5</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
<tr>
<td>2020</td>
<td>29%</td>
<td>4</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
<tr>
<td>2021</td>
<td>29%</td>
<td>3</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
<tr>
<td>2022</td>
<td>29%</td>
<td>2</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
<tr>
<td>2023</td>
<td>29%</td>
<td>1</td>
<td>0.71</td>
<td>1904.400</td>
</tr>
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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
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 by the rules and regulations stated within the Wichita County WCA Consent Order and Agreement and requirements of this addendum.

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

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

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

Name: M J W INC  Signature:  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 Sedgwick  
This instrument was acknowledged before me on Oct 2, 2017.

By Kelly J. Hollis  
Notary Public  
State of Kansas  
My Appointment Expires June 1, 2020

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.
FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

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
My Appointment Expires
October 24, 2018

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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