

**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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Division of Water Resources

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.

Ted C Woodbury, Trustee Date: 9/25/17
TED C & KAYE WOODBURY REV LIVING TRUST, Owner(s)
Water Right No(s). 8,277-D2; 10,960-D2; 18,681-D2; 31,771

ACKNOWLEDGMENT

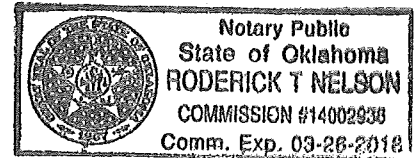
State of Oklahoma)

County of Tulsa)

This instrument was acknowledged before me on 09/25/17

by Ted C. Woodbury.

RH JNH
NOTARY PUBLIC



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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

State of Kansas)

County of Riley)

This instrument was acknowledged before me on October 4, 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:

Ted C & Kaye Woodbury
4317 S Chestnut Ave
Broken Arrow, OK 74011-1449

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

**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): 8277-D2, 10960-D2, 18681-D2, 31771 Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 8277-D2 & 10960-D2

Authorized Point of Diversion Water Right # 8277-D2:

One well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW¹/₄SW¹/₄NW¹/₄) of Section 17, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¹/₄NW¹/₄NW¹/₄) of Section 8, Township 16 South, Range 38 West, Wichita County, Kansas

Authorized Point of Diversion Water Right # 10960-D2:

One well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW¹/₄SW¹/₄NW¹/₄) of Section 17, Township 16 South, Range 38 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¹/₄NW¹/₄NW¹/₄) of Section 8, Township 16 South, Range 38 West, Wichita County, Kansas

Authorized Point of Diversion Water Right # 18681-D2:

One well located in the North Central Quarter (NC¹/₄) of Section 8, Township 16 South, Range 38 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 31771:

One well located in the Central South Quarter of the Northeast Quarter (CS¹/₄NE¹/₄) of Section 17, Township 16 South, Range 38 West, Wichita County, Kansas.

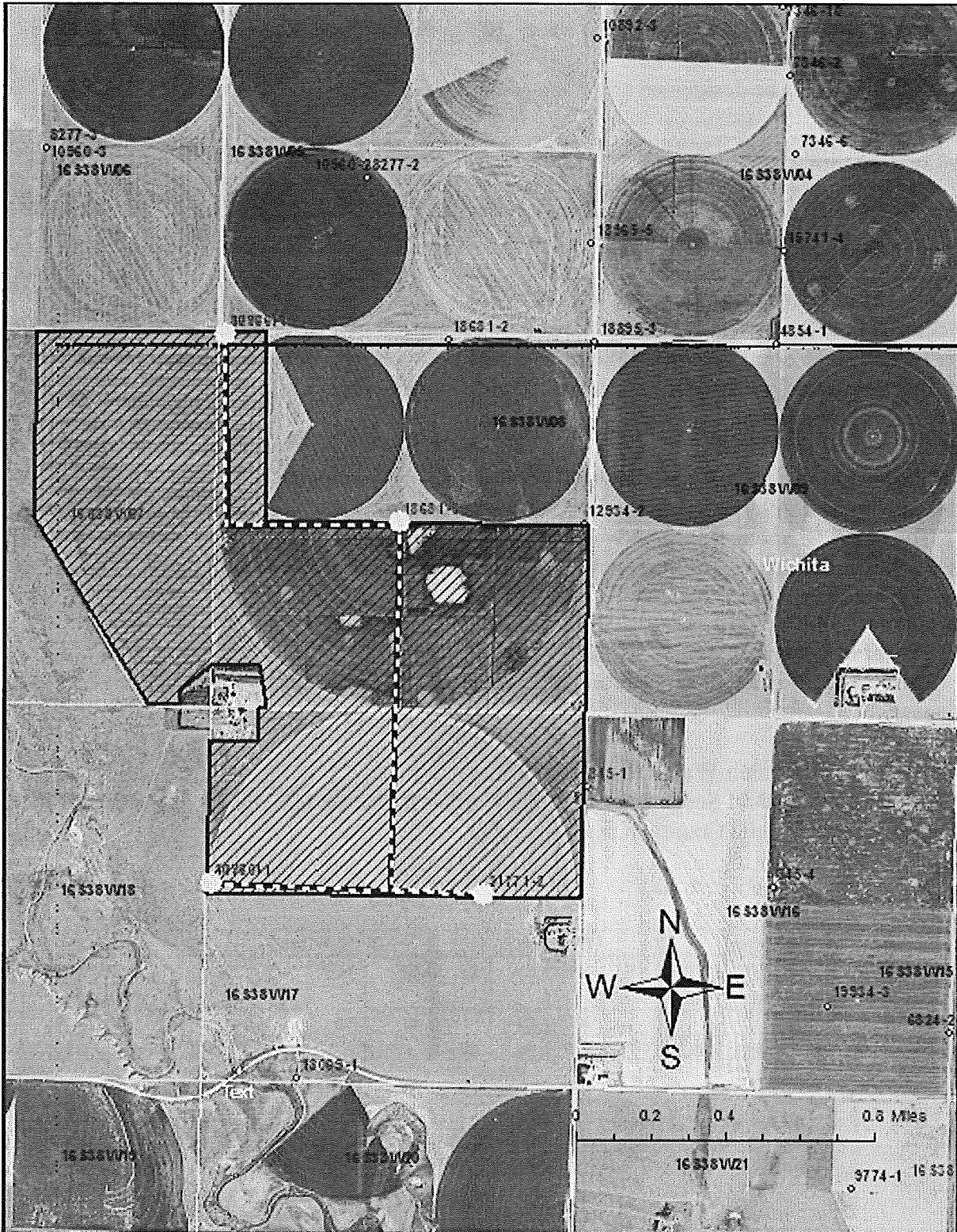
Authorized Place of Use:

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	
7	16s	38w	40	40	40	40													270
8	16s	38w						20	20			40	40	25	40				345
17	16s	38w	40	40	40	40	40	25	40	40									305

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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 (9-7-2017)



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WCWCA 2009-2015 Water Use History

WR#	ID#
8277-D2	1
Base WR Allocation	
1080	AF
Year	AF Used
2009	81.85
2010	189.49
2011	225.43
2012	209.98
2013	160.64
2014	260.67
2015	157.41

Total Use 1285.467 AF
Ave Use 183.638 AF
*Notes:

WR#	ID#
18681-D2	4
Base WR Allocation	
553.2	AF
Year	AF Used
2009	28.70
2010	66.52
2011	71.43
2012	52.30
2013	48.36
2014	57.75
2015	32.01

Total Use 357.058 AF
Ave Use 51.008 AF
*Notes:

WR#	ID#
31771	2
Base WR Allocation	
434	AF
Year	AF Used
2009	44.98
2010	46.10
2011	41.61
2012	35.48
2013	62.47
2014	27.73
2015	24.24

Total Use 282.609 AF
Ave Use 40.373 AF
*Notes: 610AF/YR COM/W #8277, 10199, 10960 & 18681

WR#	ID#
8277-D2	1
Base WR Allocation	
1080	AF
Year	AF Used
2009	383.60
2010	289.06
2011	422.14
2012	631.18
2013	347.50
2014	420.79
2015	253.34

Total Use 2747.604 AF
Ave Use 392.515 AF
*Notes:

WR#	ID#
10960-D2	1
Base WR Allocation	
5334	AF
Year	AF Used
2009	
2010	
2011	
2012	
2013	
2014	
2015	

Total Use 0.000 AF
Ave Use 0.000 AF
*Notes: Reported under 8277

WR#	ID#
10960-D2	1
Base WR Allocation	
5334	AF
Year	AF Used
2009	
2010	
2011	
2012	
2013	
2014	
2015	

Total Use 0.000 AF
Ave Use 0.000 AF
*Notes: Reported under 8277

2009-2015 Total Water Use
4672.738 AF

Average Water Use of all listed WR's:
667.534 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	947.898
2018	29%	6	0.71	473.949
2019	29%	5	0.71	473.949
2020	29%	4	0.71	473.949
2021	29%	3	0.71	473.949
2022	29%	2	0.71	473.949
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) = 3317.644

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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: TED C & KAYE WOODBURY REV LIVING TRUST

Signature: *Ted C Woodbury, Trustee* Date: 9/25/17

Full Mailing Address: 4317 S CHESTNUT AVE, BROKEN ARROW, OK 74011-1449

Phone#: (918) 510 - 7105

ACKNOWLEDGMENT OF ADDENDUM

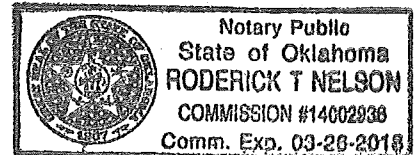
State of Oklahoma)

County of Tulsa)

This instrument was acknowledged before me on 09/25/17.

By *Ted C. Woodbury*.

Roderick T Nelson
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.

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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 Pleasant)

This instrument was acknowledged before me on October 4, 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:

Ted C & Kaye Woodbury
4317 Chestnut Ave
Broken Arrow, OK 74011-1449

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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