

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 No. 845 D2  
& 19934

**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.

**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.

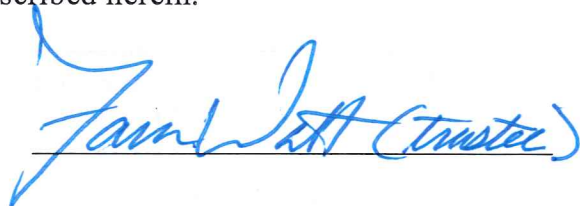
Pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.* or by any other applicable Kansas law, participants waive all rights to a hearing on or appeal of this agreement and Order Designating a Water Conservation Area.

### **FOR THE PARTICIPANT:**

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



VMW Land Trust Trustee  
Water right owner



Date: 4-3-17

**FOR THE KDA:**

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 April 10, 2017

by Karen Hunter.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day April of 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

VMW LAND TRUST  
FARRIN & BETTY WATT TRUSTEES  
206 S BELL  
LEOTI KS 67861

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

Karen Hunter  
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: YES

WR#: 845 D2 & 19934 Use Made of Water (Circle): Irrigation

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

**Authorized Points of Diversion:**

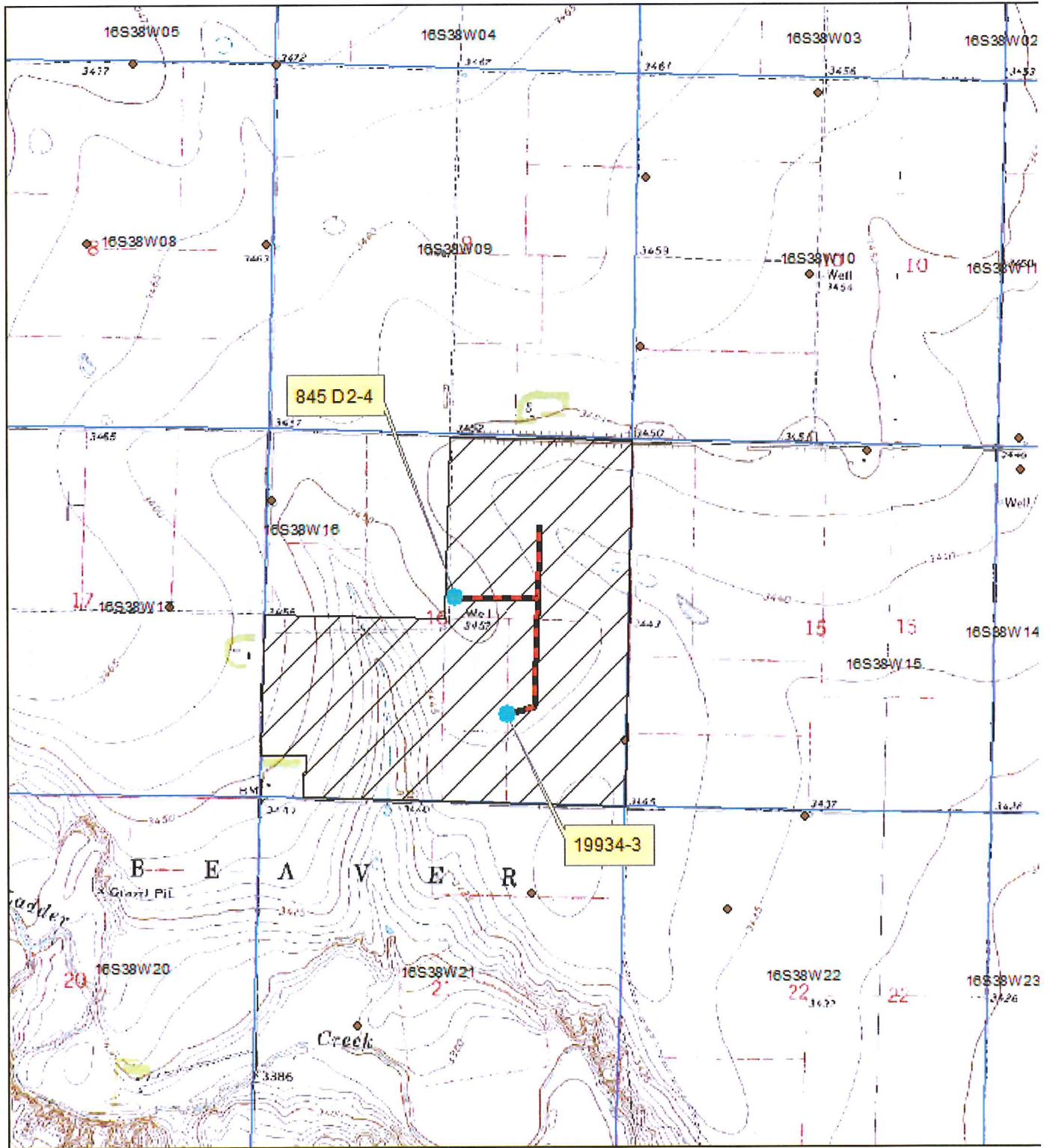
**WR# 845 D2:** one well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 2,960 feet North and 2,552 feet West of the Southeast corner of said section, Township 16 South, Range 38 West, Wichita County, Kansas.

**WR# 19934:** one well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 1,267 feet North and 1,773 feet West of the Southeast corner of said section, Township 16 South, Range 38 West, Wichita County, Kansas.

**Authorized Place of Use:**

S	T	R	NE $\frac{1}{4}$ (acres)				NW $\frac{1}{4}$ (acres)				SW $\frac{1}{4}$ (acres)				SE $\frac{1}{4}$ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	16S	38W	40	40	40	35					37	40	36	37	40	40	40	40	465

**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of ( 3-30-17 )**



**WCWCA 2009-2015 Water Use History**

WR#	ID#
845 D2	4
Base WR Allocation	
930	AF
Year	AF Used
2009	62.461
2010	53.736
2011	63.250
2012	37.240
2013	18.225
2014	0
2015	0

WR#	ID#
19934	3
Base WR Allocation	
539	AF
Year	AF Used
2009	76.465
2010	77.903
2011	37.318
2012	34.113
2013	18.000
2014	0
2015	0

**Total Use 234.912**

**Ave Use 33.559**

\*Notes: 5-Yr  
Ave

**AF Total Use 244.028 AF**

**AF Ave Use 34.861 AF**

\*Notes: 5-Yr  
Ave

**2009-2015 Total Water Use**

478.940 AF

**Average Water Use of all listed WR's:**

68.420 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	97.11
2018	29%	6	0.71	48.55
2019	29%	5	0.71	48.55
2020	29%	4	0.71	48.55
2021	29%	3	0.71	48.55
2022	29%	2	0.71	48.55
2023	29%	1	0.71	0

**Total 7-Year Permissible Groundwater Wthdrawal (AF) =**

**339.88**

**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: Farrin Watt Signature: Farrin Watt Date: 4-3-17

Full Mailing Address: Farrin-Watt@paho.com Phone#: (620)-874-2466

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_ Phone#: ( ) - \_\_\_\_\_

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 W 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 April 10, 2017.

By Karen Hunter



**CERTIFICATE OF SERVICE**

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