

**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. 17065  
& 12918

**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.

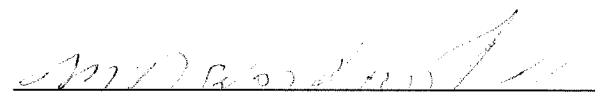
Pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.* or by any other applicable Kansas law, participants waive all rights to a hearing on or appeal of this agreement and Order Designating a Water Conservation Area.

### **FOR THE PARTICIPANT:**

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

  
Anthony G. Winter  
Water Right Owner  
Date: 4/21/17

  
Jennifer Winter  
Water Right Owner  
Date: 4/21/17

  
M.D. Woodroof  
Water Right Owner  
Date: 4/21/17

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 5/1/2017

by Karen Hunter.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day May of 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

ANTHONY WINTER  
M.D. WOODROOF  
501 S 8TH ST  
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#: 17065 & 12918 Use Made of Water (Circle): Irrigation

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

**Authorized Point of Diversion:** one well located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 2,600 feet North and 3000 feet West of the Southeast corner of said section, Township 16 South, Range 35 West, Wichita County, Kansas.

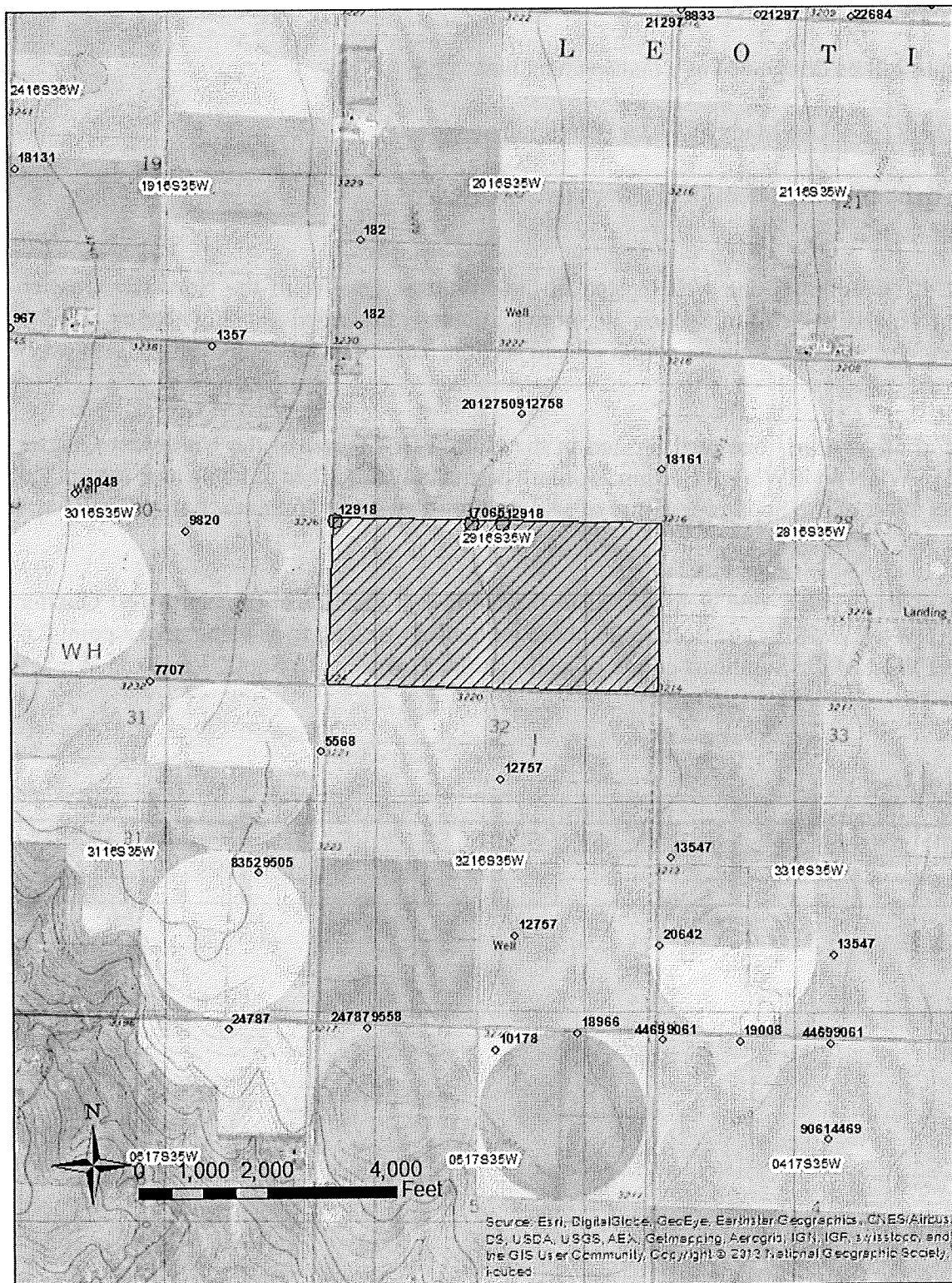
**Authorized Point of Diversion:** one well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 2,600 feet North and 5150 feet West of the Southeast corner of said section, Township 16 South, Range 35 West, Wichita County, Kansas.

**Authorized Point of Diversion:** one 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 29, more particularly described as being near a point 2,610 feet North and 2530 feet West of the Southeast corner of said section, Township 16 South, Range 35 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	
29	16S	35W									40	40	40	40	40	40	40	40	320

**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (04-03-2017)**



**WCWCA 2009-2015 Water Use History**

WR#	ID#
12918	2
<b>Base WR Allocation</b>	
320	AF
Year	AF Used
2009	93.20
2010	133.00
2011	91.28
2012	148.46
2013	148.18
2014	113.12
2015	77.37

**Total Use** 804.605  
**Ave Use** 114.944

\*Notes:

WR#	ID#
12918	3
<b>Base WR Allocation</b>	
104	AF
Year	AF Used
2009	50.12
2010	65.96
2011	69.23
2012	55.47
2013	61.85
2014	42.14
2015	32.17

**Total Use** 376.939  
**Ave Use** 53.848

\*Notes:

WR#	ID#
17065	4
<b>Base WR Allocation</b>	
216	AF
Year	AF Used
2009	63.85
2010	76.13
2011	75.31
2012	70.89
2013	68.50
2014	53.00
2015	41.43

**Total Use** 449.096  
**Ave Use** 64.157

\*Notes:

**2009-2015 Total Water Use**

1630.640 AF

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

232.949 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	330.787
2018	29%	6	0.71	165.393
2019	29%	5	0.71	165.393
2020	29%	4	0.71	165.393
2021	29%	3	0.71	165.393
2022	29%	2	0.71	165.393
2023	29%	1	0.71	0.000

**Total 7-Year Permissible Groundwater Withdrawal (AF) =** 1157.754



**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: Anthony Winter Signature: \_\_\_\_\_ Date: 4/21/17.

Full Mailing Address: 501 S. 8TH Leoti KS 67861 Phone#: ( ) - .

Name: Jennifer Winter Signature: Jennifer Winter Date: 4/21/17.

Full Mailing Address: 501 S. 8TH Leoti KS 67861 Phone#: ( ) - .

M.D. Woodroof M.D. Woodroof 4/21/17

address = same as above

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

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 5/1/2017.

By Karen Hunter



**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of May, 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

ANTHONY WINTER  
M.D. WOODROOF  
501 S 8TH ST  
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Staff Person