

**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. 5386
& 20752

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

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

Jennifer Winter
 Jennifer Winter
 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 5/1/17

by Karen Hunter.



CERTIFICATE OF SERVICE

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

ANTHONY & JENNIFER 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#: 5386 & 20752 Use Made of Water (Circle): Irrigation

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

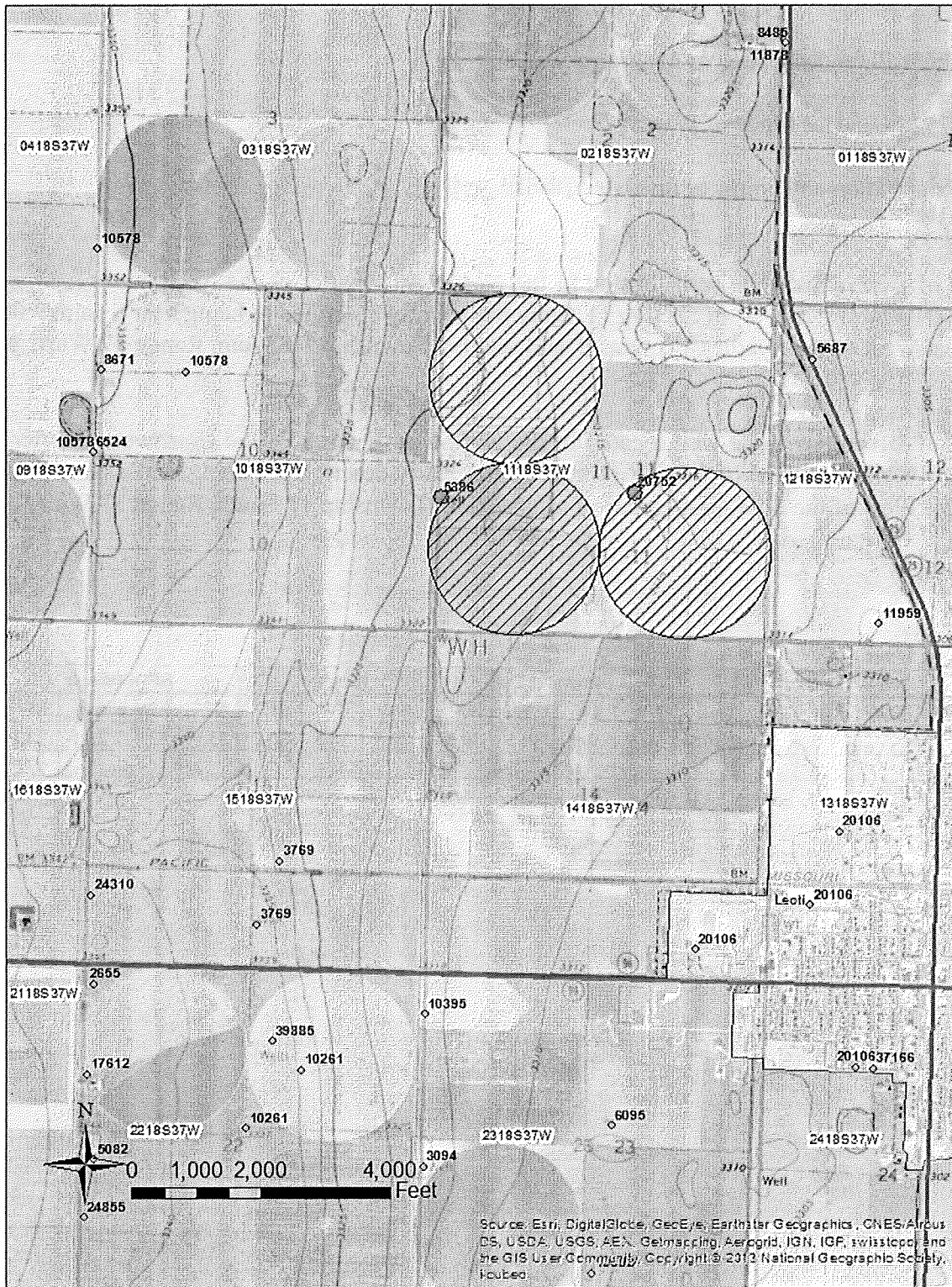
Authorized Point of Diversion: one well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,066 feet North and 5,258 feet West of the Southeast corner of said section, Township 18 South, Range 37 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 11, more particularly described as being near a point 2,200 feet North and 2,200 feet West of the Southeast corner of said section, Township 18 South, Range 37 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				
11	18S	37W					30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	33.1	33.1	33.1	33.1	376.52	

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#
5386	01
Base WR Allocation	
488	AF
Year	AF Used
2009	358.04
2010	121.96
2011	130.20
2012	189.05
2013	165.39
2014	121.33
2015	186.98

WR#	ID#
20752	02
Base WR Allocation	
265	AF
Year	AF Used
2009	39.49
2010	38.82
2011	54.10
2012	59.31
2013	49.61
2014	46.48
2015	61.84

Total Use 1272.950
Ave Use 181.850

AF Total Use 349.650 AF
AF Ave Use 49.950 AF

*Notes:

*Notes:

2009-2015 Total Water Use
1622.600 AF

Average Water Use of all listed WR's:
231.800 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	329.156
2018	29%	6	0.71	164.578
2019	29%	5	0.71	164.578
2020	29%	4	0.71	164.578
2021	29%	3	0.71	164.578
2022	29%	2	0.71	164.578
2023	29%	1	0.71	0

Total 7-Year Permissible Groundwater Wthdrawal (AF) = 1152.046

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: Anthony Winter Date: 4/21/17

Full Mailing Address: 501 S. 8TH, Leoti KS 67861 Phone#: (620) 375 4869

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

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

M.D. Woodroof M.D. Woodroof

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 5/1/17

By Karen Hunter



CERTIFICATE OF SERVICE

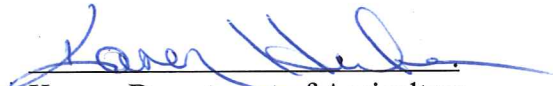
I hereby certify that on this 1st day of May, 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

ANTHONY & JENNIFER WINTER
M.D. WOODROOF
501 S 8TH ST
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