

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. 2830, 9454, & 19707  
\_\_\_\_\_ )

**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 and its addendum, all previous amendments to the order designating the WCWCA approved by the Chief Engineer, and attached WCWCA Management Plan, as amended by the participants and the Chief Engineer, 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, as amended.

**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, as amended, unless the participant(s) submits a request to forgo renewal.

**Corrective Control Provisions and Plan for Conservation**

The attached WCWCA Management Plan, as amended, 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.
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, as amended.

## 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, as amended.

This agreement may be modified as set forth in the terms of the WCWCA Management Plan, as amended, 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.

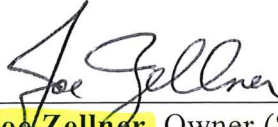
Pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.* or by any other applicable Kansas law, participants waive all rights to a hearing on or appeal of this agreement and Order Designating a Water Conservation Area.

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**FOR THE PARTICIPANTS:** All participating water right owner(s) signing below, affirm their approval of this WCA Management Plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

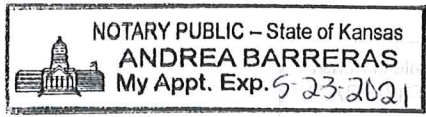
  
Joe Zellner, Owner (Signature) Date: 12-12-17  
 Water Right No(s). 2830; 9454; 19707

416 W HIGHWAY 96, LEOTI, KS 67861  
 Full Mailing Address  
jz Zellner@fairpoint.net 620-325-4822  
 Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
 ) SS  
 County of Wichita )  
 Acknowledged before me on 12-12-17  
 by Joe Zellner  
 Signature: Andrea Barreras  
 Notary Public

My commission expires: 5-23-2021  
 (Notary Seal)



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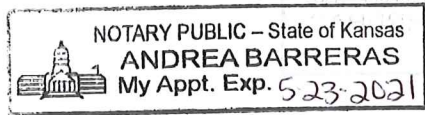
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Connie L. Zellner Date: 12-12-17  
**Connie L Zellner**, Owner (Signature)  
Water Right No(s). 2830; 9454; 19707  
416 W HIGHWAY 96, LEOTI, KS 67861  
Full Mailing Address  
jczellner @ fairpoint.net 620-375-4822  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas                                        )  
   ) SS  
County of Wichita                                 )  
Acknowledged before me on 12-12-17  
by Connie L Zellner  
Signature: Andrea Barreras  
Notary Public

My commission expires: 5-23-2021  
(Notary Seal)



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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 OF NOTARY**

State of Kansas )  
 ) SS  
County of Riley )  
Acknowledged before me on 12/21/2017  
by DAVID BARFIELD.  
Signature: Karen Hunter  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day \_\_\_\_\_ of 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

JOE & CONNIE L ZELLNER  
416 W HIGHWAY 96  
LEOTI KS 67861

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

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\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person

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**ADDENDUM TO THE WICHITA COUNTY WATER CONSERVATION AREA  
CONSENT AGREEMENT AND ORDER**

WCA Beginning Year: 2018 WCA Ending Year: 2024 WCA Total Years: 7

All listed water rights will be designated as a management unit: YES

WR#(s): 2830, 9454, 19707

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 2830 & 9454

**Authorized Point of Diversion Water Right # 2830:**

One well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas. The second well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas.

**Authorized Point of Diversion Water Right # 9454:**

One well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas. The second well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas. The third well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 8, Township 18 South, Range 37 West, Wichita County, Kansas.

**Authorized Point of Diversion Water Right # 19707:**

One well located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>) of Section 23, Township 16 South, Range 36 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	
8	18	37	40	40	40	40					40	40	40	40	40	40	40	40	480

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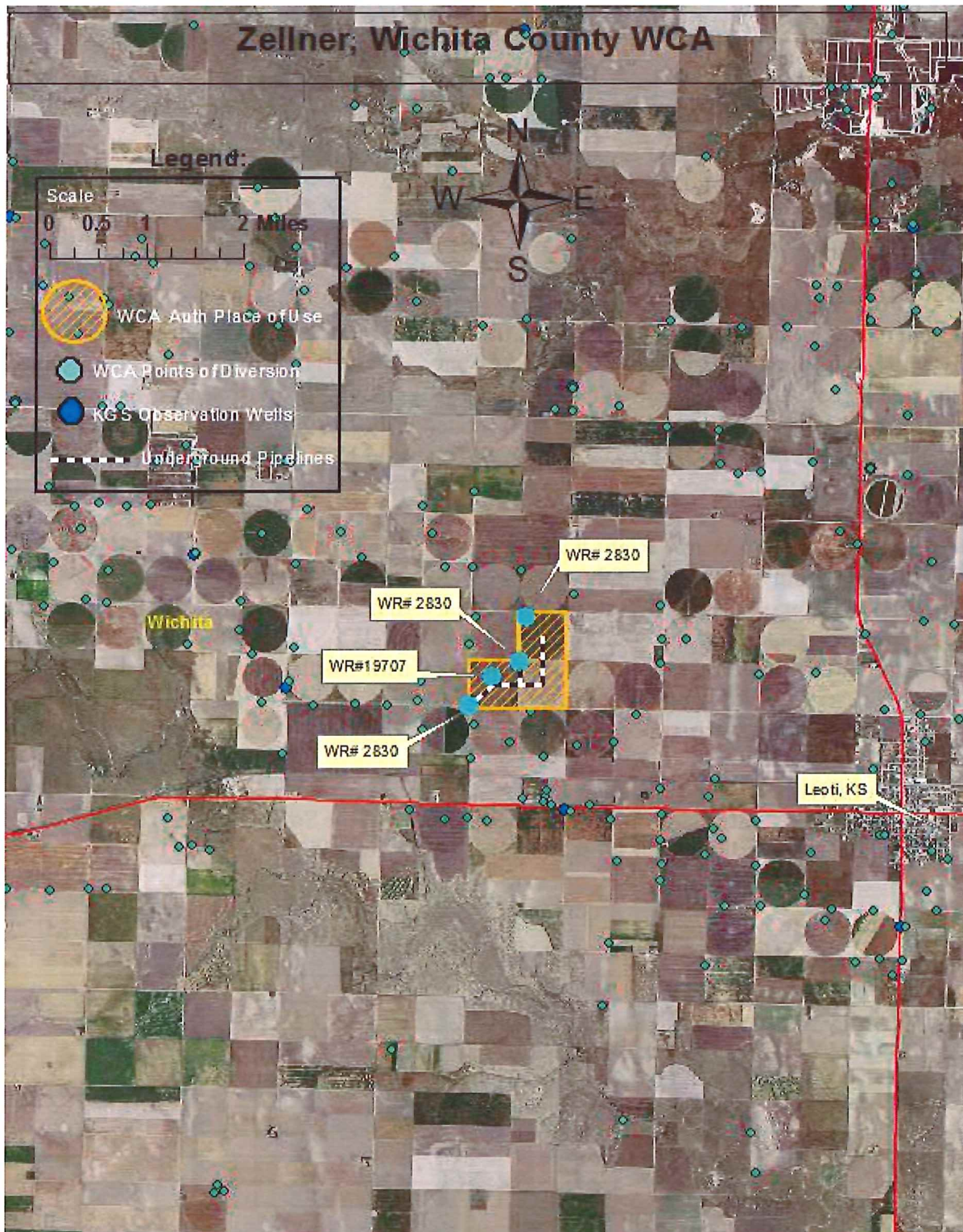
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**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (12-7-2017)**



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**WCWCA 2009-2015 Water Use History**

WR#	ID#
2830	1
Base WR Allocation	
619	AF
Year	AF Used
2009	No Use
2010	No Use
2011	No Use
2012	No Use
2013	No Use
2014	No Use
2015	No Use

Total Use 0.000 AF  
Ave Use 0.000 AF

WR#	ID#
2830	2
Base WR Allocation	
619	AF
Year	AF Used
2009	178.09
2010	254.79
2011	268.31
2012	257.48
2013	90.68
2014	93.40
2015	98.12

Total Use 1240.870 AF  
Ave Use 177.267 AF

WR#	ID#
2830	3
Base WR Allocation	
619	AF
Year	AF Used
2009	79.56
2010	115.64
2011	75.34
2012	58.37
2013	46.93
2014	16.24
2015	No Use

Total Use 392.080 AF  
Ave Use 65.347 AF

\*Notes: 619 AF authorized for all points of diversion under WR #2830

WR#	ID#
9454	1
Base WR Allocation	
960	AF
Year	AF Used
2009	WR #2830
2010	WR #2830
2011	WR #2830
2012	WR #2830
2013	WR #2830
2014	WR #2830
2015	WR #2830

Total Use 0.000 AF  
Ave Use 0.000 AF

WR#	ID#
9454	2
Base WR Allocation	
960	AF
Year	AF Used
2009	WR #2830
2010	WR #2830
2011	WR #2830
2012	WR #2830
2013	WR #2830
2014	WR #2830
2015	WR #2830

Total Use 0.000 AF  
Ave Use 0.000 AF

WR#	ID#
9454	3
Base WR Allocation	
960	AF
Year	AF Used
2009	WR #2830
2010	WR #2830
2011	WR #2830
2012	WR #2830
2013	WR #2830
2014	WR #2830
2015	WR #2830

Total Use 0.000 AF  
Ave Use 0.000 AF

\*Notes: Reported under 2830

\*Notes: Reported under 2830

\*Notes: Reported under 2830

\*Notes: 960 AF authorized combined total for all points of diversion under WR #9454 & #2830

WR#	ID#
19707	5
Base WR Allocation	
167	AF
Year	AF Used
2009	No Use
2010	80.87
2011	71.37
2012	69.36
2013	44.37
2014	29.37
2015	35.15

Total Use 330.490 AF  
Ave Use 55.082 AF

\*Notes: None

**2009-2015 Total Water Use**  
**1963.440 AF**

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

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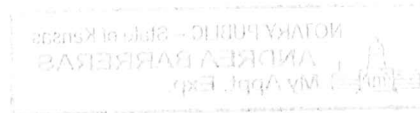
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**WCWA Annual Quantity of Permissible Groundwater Withdrawal:**  
**For Enrollment in 2018**

<u>Allocation Year</u>	<u>Reduction %</u>	<u>Yrs Remaining in Reduction %</u>	<u>Factor</u>	<u>WCA Allocation (AF)</u>
2018	30%	7	0.70	392.688
2019	30%	6	0.70	196.344
2020	30%	5	0.70	196.344
2021	30%	4	0.70	196.344
2022	30%	3	0.70	196.344
2023	30%	2	0.70	196.344
2024	36%	1	0.64	0.000

**Total 7-Year Permissible Groundwater Withdrawal (AF) =      1374.408**



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*Joe Zellner*

Date: 12-12-17

**Joe Zellner**, Owner (Signature)  
Water Right No(s). 2830; 9454; 19707

416 W HIGHWAY 96, LEOTI, KS 67861  
Full Mailing Address

jozellner@fairpoint.net  
Email Address

620-375-4822  
Phone Number

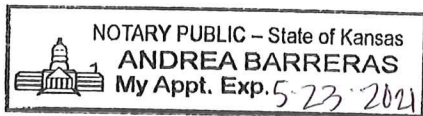
**ACKNOWLEDGMENT OF NOTARY**

State of Kansas                    )  
  ) SS  
County of Wichita            )

Acknowledged before me on 12-12-17  
by Joe Zellner

Signature: Andrea Barreras  
Notary Public

My commission expires: 5-23-2021  
(Notary Seal)



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Kansas Department of Agriculture

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**Connie L Zellner**, Owner (Signature)  
Water Right No(s). 2830; 9454; 19707

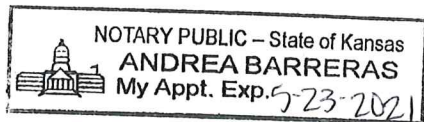
416 W HIGHWAY 96, LEOTI, KS 67861  
Full Mailing Address

jc.zellner@sarpoin.com 620-325-4822  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
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County of Wichita )  
Acknowledged before me on 12-12-17  
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Signature: Andrea Barreras  
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 OF NOTARY**

State of Kansas )  
 ) SS  
County of  Riley  )

Acknowledged before me on  12/21/2017   
by  DAVID BARFIELD

Signature:  Karen Hunter   
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



**CERTIFICATE OF SERVICE**

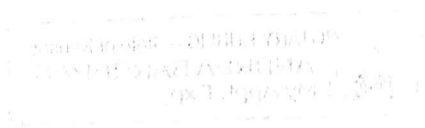
I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

JOE & CONNIE L ZELLNER  
416 W HIGHWAY 96  
LEOTI KS 67861

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office



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Division of Water Resources

\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person