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.
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.
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.
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)
Water Right No(s). 2830; 9454; 19707

Date: 12-12-17

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

jzeller@fairpoint.net
Email Address

620-325-4822
Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas

County of Wichita

Acknowledged before me on 12-12-17

by Joe Zellner

Signature: Andrea Barneras
Notary Public

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

RECEIVED

WATER RESOURCES RECEIVED
DEC 13 2017

Division of Water Resources

Garden City Field Office

KS DEPT OF AGRICULTURE
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.

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 620-395-4822
Email Address Phone Number

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

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

Garden City Field Office
Division of Water Resources

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David Barfield P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

ACKNOWLEDGMENT OF NOTARY

State of Kansas  )
County of Pilsen  ) SS
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

RECEIVED

DEC 13 2017
Garden City Field Office
Division of Water Resources

Kansas Department of Agriculture
Staff Person

WATER RESOURCES RECEIVED

DEC 18 2017
KS DEPT OF AGRICULTURE
DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE

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\(^1/4\)NW\(^1/4\)NE\(^1/4\)) 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\(^1/4\)SW\(^1/4\)SW\(^1/4\)) 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\(^1/4\)NW\(^1/4\)SE\(^1/4\)) 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\(^1/4\)NW\(^1/4\)NE\(^1/4\)) 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\(^1/4\)SW\(^1/4\)SW\(^1/4\)) 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\(^1/4\)NW\(^1/4\)SE\(^1/4\)) 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\(^3/4\)NW\(^1/4\)SW\(^1/4\)) of Section 23, Township 16 South, Range 36 West, Wichita County, Kansas.

Authorized Place of Use:

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<th>NW ¼ (acres)</th>
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Total Acres 480

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Garden City Field Office
Division of Water Resources

Page 1 of 8
### WCWCA 2009-2015 Water Use History

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

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*Notes: Reported under 2830

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

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*Notes: None

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**2009-2015 Total Water Use:** 1963.440 AF  
**Average Water Use of all listed WR's:** 297.695 AF
### WCWCA Annual Quantity of Permissible Groundwater Withdrawal:
#### For Enrollment in 2018

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<th>Reduction %</th>
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</table>

**Total 7-Year Permissible Groundwater Withdrawal (AF) = 1374.408**
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)
Water Right No(s). 2830; 9454; 19707

Date: 12-12-17

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
)
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)

RECEIVED
DEC 13 2017
Garden City Field Office
Division of Water Resources
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.

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

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

jc zellner @ fairpoint.net
Phone Number

Email Address

ACKNOWLEDGMENT OF NOTARY

State of Kansas )
County of Wichita ) SS

Acknowledged before me on 12-12-17

by Connie L Zellner

Signature: Andrea Barreras
Notary Public

My commission expires: 5-23-2021

(Notary Seal)

NOTARY PUBLIC – State of Kansas

ANDREA BARRERAS
My Appl. Exp. 5-23-2021

RECEIVED

WATER RESOURCES RECEIVED
DEC 13 2017

Garden City Field Office

DEC 18 2017 Division of Water Resources

KS DEPT OF AGRICULTURE
FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David Barfield P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

ACKNOWLEDGMENT OF NOTARY

State of Kansas )
County of Pottawatomie ) SS
Acknowledged before me on 12/21/2017
by ____________________________

Signature: ____________________________
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

RECEIVED

DEC 13 2017

Kansas Department of Agriculture
Staff Person