

**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.  
13368 & 25217

**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/her consent to the designation of the Water Conservation Area described herein.

Name: Connie M Loken Signature: Connie M. Loken Date: 5/30/17  
 Full Mailing Address: 1617 Red Hawk Ct., Steamboat Springs, CO 80487.  
 Phone#: (970) 870 - 0381

Name: Linda French Signature: Linda M. French Date: 5-22-17  
 Full Mailing Address: 2201 Twin Is. Court, Ann Arbor, MI 48108  
 Phone#: (734) 994-4599

**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 6/12/17

by Karen Hunter



**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day June of 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

T REX WHALEN  
106 S HIGHWAY 25  
LEOTI KS 67861-6210

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#s: 13368 & 25217 Use Made of Water (Circle): Irrigation

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

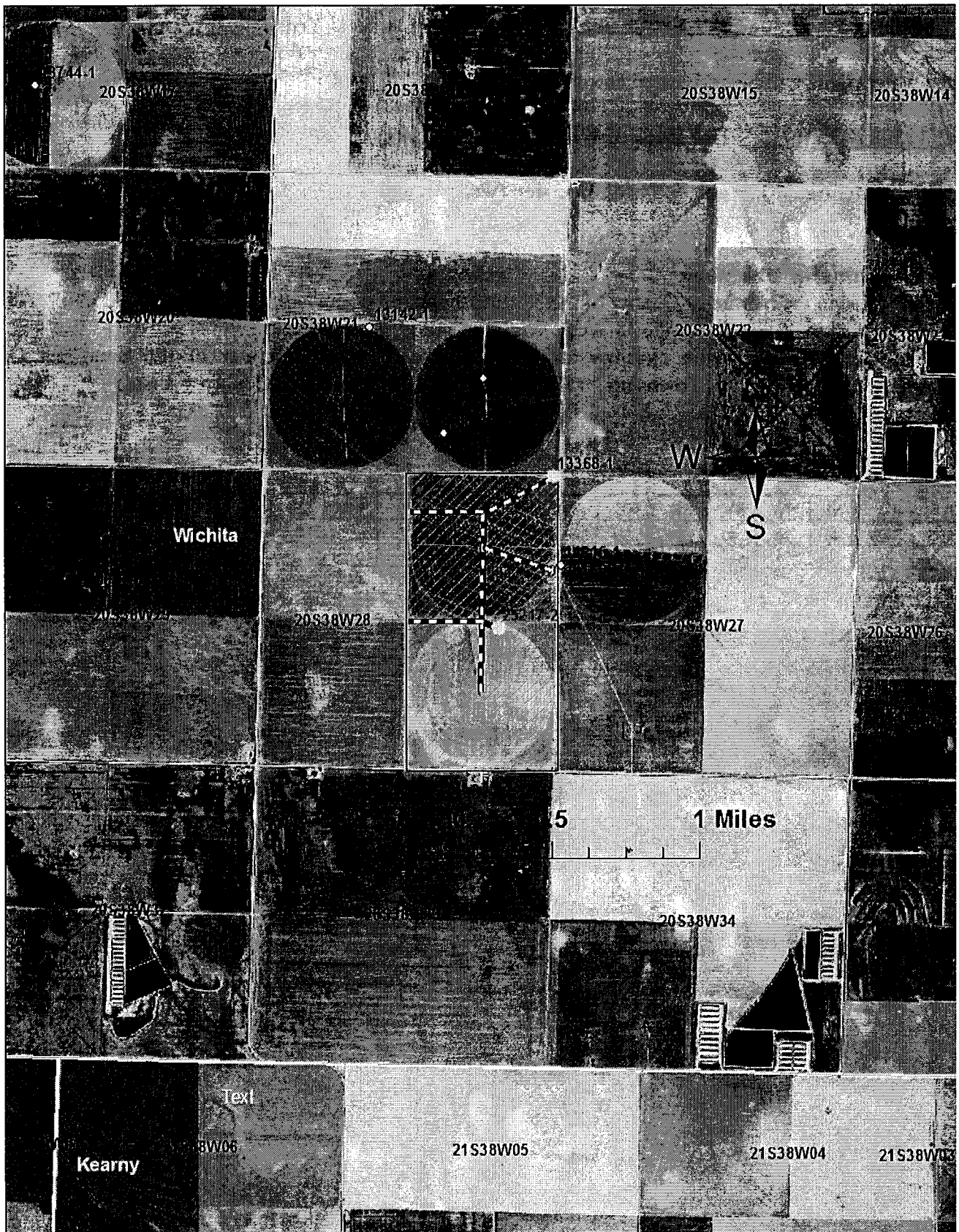
**Authorized Point(s) of Diversion:**

- One well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 28, Township 20 South, Range 38 West, Wichita County, Kansas.
- A second well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 28, Township 20 South, Range 38 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	
28	20S	38W	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 (4-29-2017)**



**WCWCA 2009-2015 Water Use History**

WR#	ID#
13368	1
Base WR Allocation	
386	AF
Year	AF Used
2009	136.944
2010	59.631
2011	215.399
2012	205.809
2013	137.484
2014	185.023
2015	158.972

Total Use 1099.263 AF  
Ave Use 157.038 AF

\*Notes: None

WR#	ID#
25217	2
Base WR Allocation	
254	AF
Year	AF Used
2009	114.820
2010	26.142
2011	104.926
2012	109.869
2013	143.574
2014	129.259
2015	108.601

Total Use 737.191 AF  
Ave Use 105.313 AF

\*Notes: None

**2009-2015 Total Water Use**

1836.454 AF

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

262.351 AF

**WCWCA Annual Quantity of Permissible Groundwater Withdrawal:  
For Enrollment In 2017**

Allocation Year	Reduction %	Yrs Remaining In Reduction %	Factor	WCA Allocation (AF)
2017	29%	7	0.71	372.538
2018	29%	6	0.71	186.269
2019	29%	5	0.71	186.269
2020	29%	4	0.71	186.269
2021	29%	3	0.71	186.269
2022	29%	2	0.71	186.269
2023	29%	1	0.71	0.000

**Total 7-Year Permissible Groundwater Withdrawal (AF) = 1303.882**

**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: Connie M Loken Signature: Connie M. Loken Date: 5/30/17

Full Mailing Address: 1617 Red Hawk Ct, Steamboat Springs CO 80487 Phone#: (970) 970-0381

Name: Linda French Signature: Linda M. French Date: 5-22-17

Full Mailing Address: 2201 Twin Islands Ct. ANN ARBOR, MI 48108 Phone#: (734) 974-6599

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.

DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE  
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 6/12/17

By Karen Hunter



**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of June, 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

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