

STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:)
Wichita County Water Conservation Area)
Wichita County, Kansas) Water Right File Nos. 9,637 & 21,545

ORDER REMOVING WATER RIGHT NOS. 9637 & 21545 FROM THE
WICHITA COUNTY WATER CONSERVATION AREA

Upon the request of Joseph F. Bauck JR & Lisha A. Bauck Trusts, (“Owner”), of Water Right, File Nos. 9,637 and 21,545, to withdraw from the Wichita County Water Conservation Area (“WCWCA”), and pursuant to K.S.A. 82a-745 and the WCWCA Management Plan, such request is hereby approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources (“Chief Engineer”) and the WCWCA Consent Agreement and Order of Designation shall be amended as set forth herein.

I. APPLICABLE LAW

1. The Kansas Legislature enacted K.S.A. 82a-745 to provide a tool for water right owners to work in conjunction with the Chief Engineer to develop localized Water Conservation Area management plans. The participants in the WCWCA have combined individual water rights into a legally enforceable plan to reduce groundwater pumping to preserve the life of the aquifer.
2. Pursuant to K.S.A. 82a-745(k)(1)(B), the Chief Engineer may, with the consent of all participating water right owners, amend a consent agreement and order of designation in order add or remove water rights upon the request of such water right owners.
3. Pursuant to K.S.A. 82a-745(k)(2), amendments that remove a water right upon the request of the owner do not require the consent of all participating water right owners, unless such a requirement is made a part of the management plan.

II. FINDINGS OF FACT

1. The WCWCA was established on March 7, 2017, when the Chief Engineer issued the Findings and Order Designating a Water Conservation Area. This document incorporated the Management Plan and made it part of the order and consent agreement.
2. The WCWCA Management Plan contains the following provision:

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The renewal process may be terminated if a participant provides written notice of withdrawal or the desire not to renew the WCA Agreement.... prior to the expiration date of the WCA Agreement.

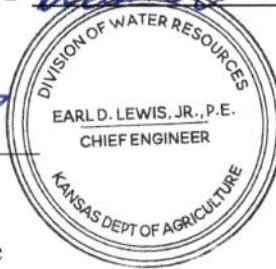
3. The WCWCA Management Plan does require consent of all participating water right owners in the case of a request to remove a water right due request of withdrawal or not to renew the WCA Agreement.
4. The Chief Engineer received a request prior to December 31, 2023, the last year of the current seven-year term, to withdraw or not to have the WCA Agreement renewed.
5. In accordance with the WCWCA Management Plan, Owner has requested to withdraw Water Right Nos. 9,637 and 21,545 from the WCWCA.

III. ORDER

THEREFORE, it is ordered by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that Water Right Nos. 9,637 and 21,545 shall be removed from the Wichita County Water Conservation Area and this Order shall amend the WCWCA Consent Agreement and Order of Designation and remove Water Right Nos. 9,637 and 21,545.

ENTERED THIS 28th DAY OF December 2023.

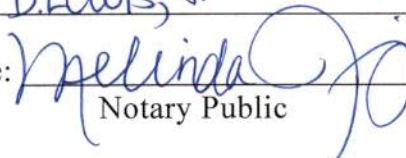

 Earl D. Lewis, Jr., P.E.
 Chief Engineer
 Kansas Department of Agriculture



ACKNOWLEDGMENT OF NOTARY

State of Kansas)
) SS
 County of Riley)

Acknowledged before me on 28 December 2023
 by Earl D. Lewis, Jr.

Signature: 
 Notary Public

My commission expires: April 7, 2025
 (Notary Seal)



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CERTIFICATE OF SERVICE


I hereby certify that on this 20 day of December, 2023 copies of the foregoing were sent via first class, U.S. mail, to the following:

JOSEPH F BAUCK JR & LISHA A BAUCK TRUSTS
646 N COUNTY ROAD 6
LEOTI, KS 67861-6154

Copies furnished electronically to:

BRIAN W BAUCK
916 W COUNTY RD I
LEOTI, KS 67861

Groundwater Management District No. 1
Water Commissioner, Garden City Field Office



Kansas Department of Agriculture
Staff Person