

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. 4,839 & 9,149**

**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 PARTICIPANT:

The participating water right owner has signed below, affirming his/her consent to the designation of the Water Conservation Area described herein.

Anthony G Winter

Date: 12/4/17

ANTHONY G WINTER, Owner(s)
Water Right No(s). 4839, 9149

Jennifer L Winter

Date: 12/4/17

JENNIFER L WINTER, Owner(s)
Water Right No(s). 4839, 9149

ACKNOWLEDGMENT

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on December 4, 2017

by Anthony G. Winter and Jennifer L Winter.

Lisa K Ridder

NOTARY PUBLIC - State of Kansas
LISA K. RIDDER
My Appt. Expires: 9-28-19

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David W 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 December 11, 2017

by Karen Hunter.



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:

ANTHONY G & JENNIFER L WINTER
MORRIS DEAN & BETTY L WOODROOF FAMILY TRUST
501 S 8TH ST
LEOTI KS 67861

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

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: 2017 WCA Ending Year: 2023 WCA Total Years: 7

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

WR#(s): 4839, 9149

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): 4839 & 9149

Authorized Point of Diversion Water Right # 4839:

One well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, Township 16 South, Range 36 West, Wichita County, Kansas.

Authorized Point of Diversion Water Right # 9149:

One well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, Township 16 South, Range 36 West, Wichita County, Kansas. The second well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, Township 16 South, Range 36 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	
23	16	36	40	40	40	40													160
23	16	36										20	40						60

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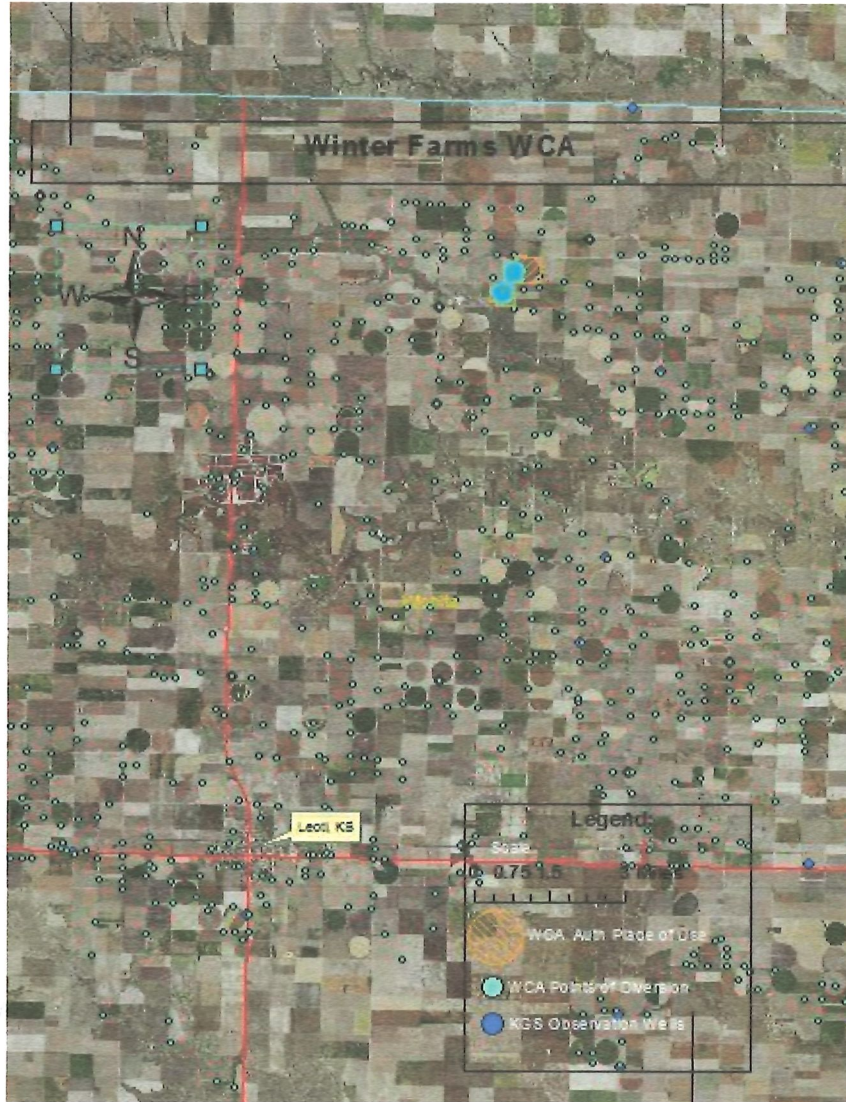
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KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (11-21-2017)



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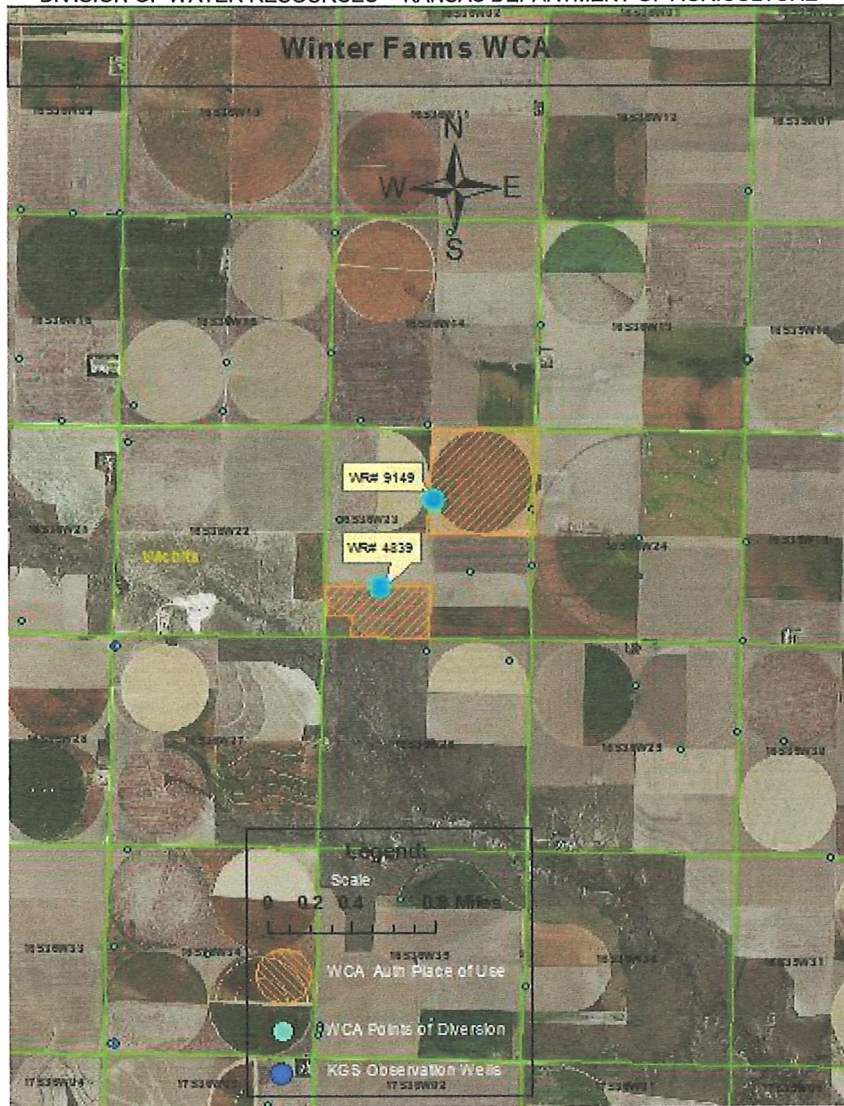
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Winter Farms WCA, Garden City, Kansas
 [Illegible text]

Well ID	Well Name	Well Type	Well Status	Well Depth	Well Construction	Well Completion	Well Production
17539W02
17539W03
17539W04
17539W05
17539W06
17539W07
17539W08
17539W09
17539W10
17539W11
17539W12
17539W13
17539W14
17539W15
17539W16
17539W17
17539W18
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17539W35
17539W36
17539W37
17539W38
17539W39
17539W40
17539W41
17539W42
17539W43
17539W44
17539W45
17539W46
17539W47
17539W48
17539W49
17539W50

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WCWCA 2009-2015 Water Use History

WR#	ID#
4839	5
Base WR Allocation	
515	AF
Year	AF Used
2009	173.83
2010	183.98
2011	216.96
2012	219.04
2013	209.36
2014	184.41
2015	134.28

Total Use 1321.860 AF
Ave Use 188.837 AF

*Notes:

WR#	ID#
9149	5
Base WR Allocation	
516	AF
Year	AF Used
2009	
2010	
2011	
2012	
2013	
2014	
2015	

Total Use 0.000 AF
Ave Use 0.000 AF

*Notes: Reported Under 4839

WR#	ID#
9149	3
Base WR Allocation	
	AF
Year	AF Used
2009	31.29
2010	
2011	
2012	
2013	
2014	
2015	

Total Use 31.288 AF
Ave Use 31.288 AF

*Notes: In conservation program

2009-2015 Total Water Use
1353.148 AF

Average Water Use of all listed WR's:
220.125 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	312.578
2018	29%	6	0.71	156.289
2019	29%	5	0.71	156.289
2020	29%	4	0.71	156.289
2021	29%	3	0.71	156.289
2022	29%	2	0.71	156.289
2023	29%	1	0.71	0.000

Total 7-Year Permissible Groundwater Withdrawal (AF) =

1094.022

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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 G Winter Signature: *Anthony G Winter* Date: 12/4/17

Full Mailing Address: 501 S 8th St. Leoti, KS 67861 Phone#: _____

Name: Jennifer L Winter Signature: *Jennifer L Winter* Date: 12/4/17

Full Mailing Address: 501 S 8th St. Leoti, KS 67861 Phone#: 620-375-4869

ACKNOWLEDGMENT OF ADDENDUM

State of Kansas)

County of Wichita)

This instrument was acknowledged before me on December 4, 2017.

By Anthony G. Winter and Jennifer L Winter

NOTARY PUBLIC - State of Kansas
LISA K. RIDDER
My Appt. Expires: _____

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.

Lisa K. Ridder
NOTARY PUBLIC - State of Kansas
LISA K. RIDDER
My Appt. Expires: 9-28-19

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FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David W 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 December 11, 2017

By [Signature]



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:

ANTHONY G & JENNIFER L WINTER
MORRIS DEAN & BETTY L WOODROOF FAMILY TRUST
501 S 8TH ST
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Staff Person