

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. 845 D1

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



MARCILLE CUTLER

Water right owner

Date: 4/10/19

**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 4/21/17

by Karen Hunter



**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day April of 2017, true and correct copies of the foregoing were sent via first class, U.S. mail, to the following:

MARCILLE CUTLER  
1942 STATE ROUTE 76  
WILLOW SPRINGS MO 65793

JUDD WATT  
992 W COUNTY RD D  
LEOTI KS 67861-6141

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

Karen Hunter  
Kansas Department of Agriculture  
Staff Person



DIVISION OF WATER RESOURCES -- KANSAS DEPARTMENT OF AGRICULTURE  
**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: NO

WR#: 845 D1 Use Made of Water (Circle): Irrigation

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

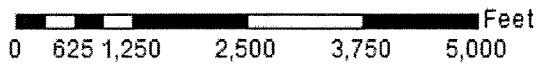
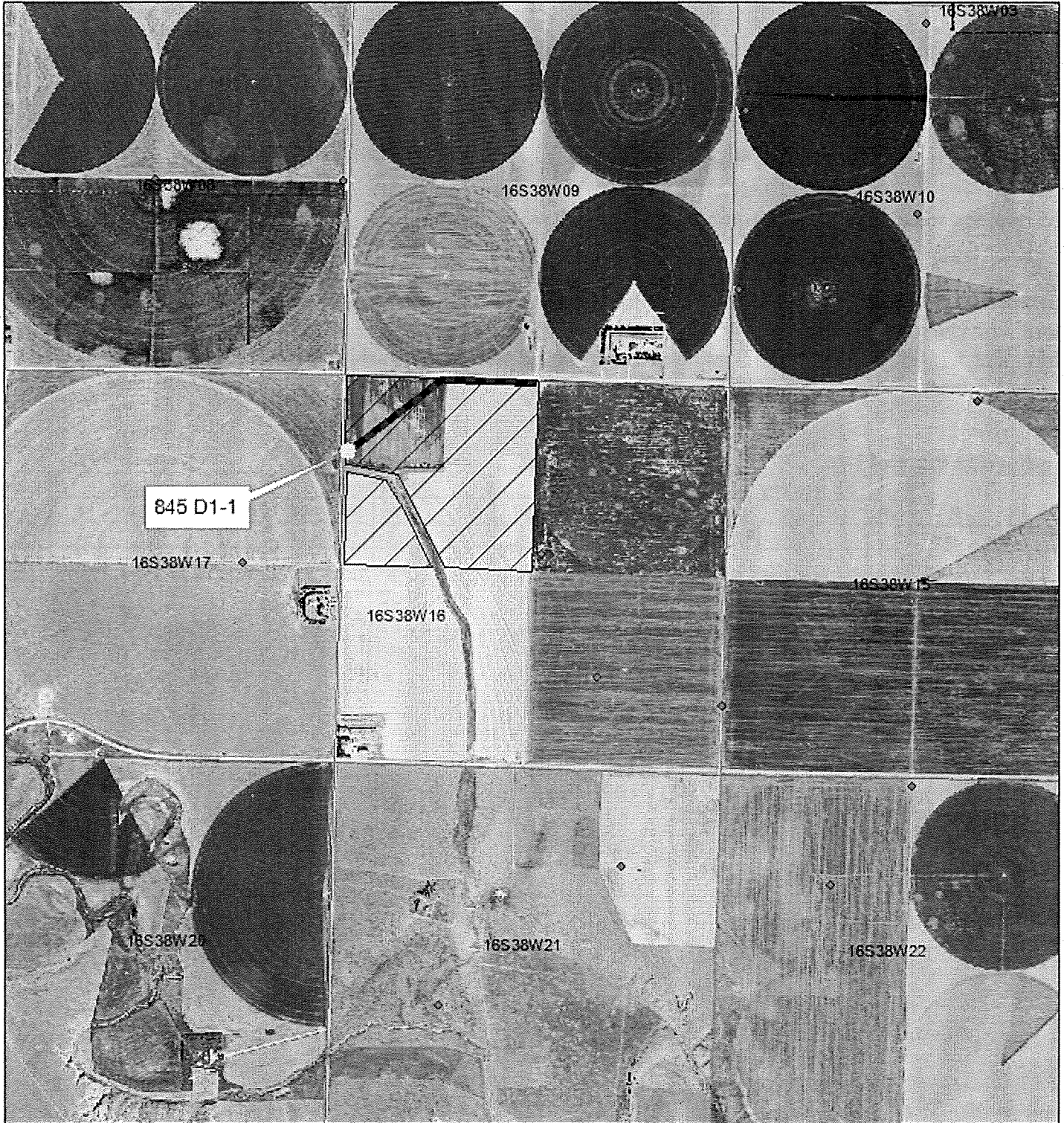
**Authorized Point of Diversion:** one well located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 4,210 feet North and 5,150 feet West of the Southeast corner of said section, Township 16 South, Range 38 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<br>Acres |
|----|-----|-----|--------------------------|----|----|----|--------------------------|----|----|----|--------------------------|----|----|----|--------------------------|----|----|----|----------------|
|    |     |     | NE                       | NW | SW | SE | NE                       | NW | SW | SE | NE                       | NW | SW | SE | NE                       | NW | SW | SE |                |
| 16 | 16S | 38W |                          |    |    |    | 40                       | 35 | 37 | 38 |                          |    |    |    |                          |    |    |    | 150            |
|    |     |     |                          |    |    |    |                          |    |    |    |                          |    |    |    |                          |    |    |    |                |



**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of (3-31-2017)**



**WCWCA 2009-2015 Water Use History**

|                           |                |
|---------------------------|----------------|
| <b>WR#</b>                | <b>ID#</b>     |
| 845 D1                    | 04             |
| <b>Base WR Allocation</b> |                |
| 300                       | AF             |
| <b>Year</b>               | <b>AF Used</b> |
| 2009                      | 175.759        |
| 2010                      | 228.216        |
| 2011                      | 112.912        |
| 2012                      | 31.712         |
| 2013                      | 110.680        |
| 2014                      | 22.110         |
| 2015                      | 60.259         |

**Total Use    741.65    AF**  
**Ave Use        105.95    AF**

\*Notes:

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

| <u>Allocation Year</u> | <u>Reduction %</u> | <u>Yrs<br/>Remaining in<br/>Reduction %</u> | <u>Factor</u> | <u>WCA Allocation (AF)</u> |
|------------------------|--------------------|---|---------------|----------------------------|
| 2017                   | 29%                | 7   | 0.71          | 150.45                     |
| 2018                   | 29%                | 6   | 0.71          | 75.22                      |
| 2019                   | 29%                | 5   | 0.71          | 75.22                      |
| 2020                   | 29%                | 4   | 0.71          | 75.22                      |
| 2021                   | 29%                | 3   | 0.71          | 75.22                      |
| 2022                   | 29%                | 2   | 0.71          | 75.22                      |
| 2023                   | 29%                | 1   | 0.71          | 0                          |

**Total 7-Year Permissible Groundwater Withdrawal (AF) =                    526.57 AF**

**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: Marville Cutler Signature: Marville Cutler Date: 4/10/17

Full Mailing Address: 1942 St. Rt. 76, Willow Springs, MO Phone#: ( ) - 417 469 3794  
65793

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_ Phone#: ( ) - \_\_\_\_\_

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.

**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 )

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