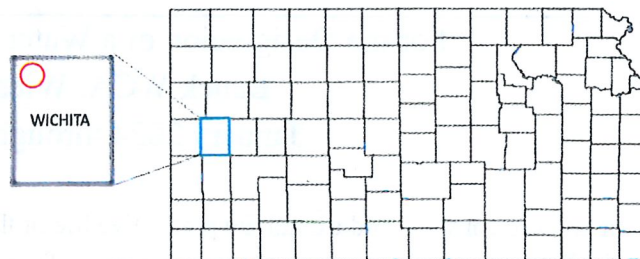


January 2024 through December 2030

33-16-38 WCA

Water Conservation Area Management Plan



Water Conservation Area Executive Summary

WCA Acres: 282

Number of IRR Water Rights: 2 **Number of IRR Wells:** 2

WCA Allocation:

- 882 acre-feet (AF) during period of WCA.
- 20% average reduction from historic average water use (2008-2017).
- 5% reduction from the total combined Wichita County LEMA allocation of referenced water rights.

Corrective Controls:

- All water rights are limited to their annual authorized maximum rate of diversion and annual authorized quantity.
- Water Right, File Nos. 9637 and 21545 are limited to 252 AF during the first 2 years of the WCA period.
- Potential carryover of 1 year's WCA allocation with subsequent WCA upon review and approval.

Total Water Conserved Over WCA Period (based on historical use): 217.29 AF.

RECEIVED

JUL 17 2024

Garden City Field Office
Division of Water Resources

MANAGEMENT PLAN

For the Designation of a Water Conservation Area (WCA)

Bauk WCA; Wichita County, KS

January 2024 through December 2030

In order to conserve and extend the productive life of the aquifer in our region and increase the value and viability of our water rights and water resources for future generations we, the undersigned water right owners propose the following management plan, pursuant to K.S.A. 82a-745 (WCA Law), to form the basis of a Consent Agreement and Order Designating a Water Conservation Area (WCA).

Expression of Conservation Goals

The water right owners of the Bauk WCA desire to conserve and extend the productive life of the aquifer of this region. We desire future generations to benefit from our water rights and water resources which will increase in value through conservation of the Ogallala Aquifer. Our goal is to extend the life of the aquifer in the immediate area and continue the economic benefit of using groundwater for irrigation use.

We, the water right owners are consenting to the term and conditions of this WCA and commit to holding water use for seven (7) years, which will be less than the Wichita County Local Enhanced Management Area (WCL), through a 5% reduction from the WCL or a 20% reduction from the historic use of all water rights enrolled in this WCA.

Water Rights Enrolled and Geographic Boundaries

This WCA shall include the water rights listed in the attached document. This list includes details of all points of diversion associated with those water rights; as well as legal descriptions of the locations of the points of diversion and/or identification numbers.

The water rights in this WCA consist of 2 wells and currently authorize a total of 282 acres for irrigation use. The current total appropriations authorized for all water rights included in this WCA are 530 acre-feet (AF) per year, with an average annual use during the period 2008-2017 of 157.042 AF. With the proposed reduction from historic annual average water use, the 7-year WCA allocation is 882 AF.

The geographic boundary for this WCA is shown on the attached map(s) and attached table defined by legal locations. This table includes total acres and legal definitions by section, township, and range of the WCA boundary.

Findings Regarding Groundwater Conditions

We understand that the WCA Law requires a finding that one of the following circumstances be present within the area geographic boundaries of this WCA; specified in K.S.A. 82a-1036 (a) through (d):

- a) Groundwater levels in the area in question are declining or have declined excessively;
- b) The rate of withdrawal of groundwater in the area equals or exceeds the rate of recharge within such area;

- c) Preventable waste of water is occurring or may occur within the area in questions; or
- d) Unreasonable deterioration of the quality of water is occurring or may occur within the area in question.

and amendments thereto, exist, or include a finding or findings that the area within the geographic boundaries described in paragraph (1) has been closed to new appropriations by rule, regulation, or order of the Chief Engineer.

We have been informed that the following conditions exist:

- Groundwater levels in the area are declining or have declined excessively.
- The rate of withdrawal of groundwater in the area equal or exceeds the rate of recharge.

These conditions suggest the advisability of implementing this WCA.

See the attached maps and figures supporting these findings and observations. Such attached documents may include:

- Maps with WCA geographic boundaries defined- Attachment A
- Summary of water rights and authorized place of use- Attachment B
- Summary of recent historical use- Attachment C
- KGS Observation well(s) data- Attachment D

Per the Corrective Control Provisions and Plan for Conservation section, under this WCA management plan no water right, or point of diversion, is allowed any additional authorities than is currently authorized in the base water right. Therefore, it is determined that no further analysis, to determine possible impairments, needs to be completed for this WCA.

Due Consideration for Past Conservation

We acknowledge that as described in the law, a water conservation area (WCA) management plan shall give due consideration to water users who have previously implemented reductions in water use resulting from voluntary conservation measures.

We request that consideration be given to past conservation for the two water rights within this WCA. The two water rights, File Nos. 9,637 and 21,545 have voluntarily been enrolled in the Wichita County WCA since the start of the WCA plan in 2017 but did withdraw from the WCA plan in 2023. In addition, the two water rights are currently in the Wichita County LEMA (Local Enhanced Management Area). Participation in these plans have allowed the water right owners to better commit to best water management practices and request that this past water conservation be considered as part of this management plan and future management plans.

Corrective Control Provisions and Plan for Conservation

We acknowledge that the following corrective controls will be in effect within this WCA during the term of the WCA period listed:

1. Water rights, at the discretion of the owners, may be pumped as directed by the owner, provided that:
 - a. All points of diversion are limited to their annual authorized maximum rate of diversion and their authorized annual quantity.
 - b. The sum of Water Right File Nos. 9,637 and 21,545 shall be limited to no more than 882 AF during the WCA.
 - c. During calendar years 2024-2025 the sum of the referenced water rights, File Nos. 9,637 and 21,545 shall be limited to no more than a 252 AF.
 - d. The option to adjust the terms of the WCA may be dependent on any new LEMA in Wichita after the current LEMA expires after calendar year 2025.
2. The corrective control provisions of this WCA cannot conflict with applicable rules and regulations of the local groundwater management district (GMD) that result in greater overall conservation of water resources. If a Local Enhanced Management Area (LEMA) plan or an Intensive Groundwater Use Control Area (IGUCA) is formed after the initiation of this WCA, and the WCA is partially or wholly within the LEMA or IGUCA, the corrective control provisions that result in the greater overall conservation of water resources based on inches per acre and not based on percent reduction of average historical use shall prevail. However, any LEMA or IGUCA must give due consideration to the conservation achieved by WCA participants pursuant to 82a-745(a)(6). The Chief Engineer is authorized to amend the provision of the WCA to conform to any applicable rules, regulations, or requirements that result in greater conservation of the water resource subject to the foregoing due consideration for past and current conservation.

We, the water right owners enrolling in this WCA understand we may gain the following additional incentive(s) in consideration for our WCA participation.

3. Up to the annual WCA allocation 126 AF may be carried over and added to a subsequent WCA period after (last year of WCA); if unused during the duration of this WCA period. For the carryover quantity to be included, all owners must enter into agreement to participate in a subsequent WCA by December 31st of the last year of this WCA period. Upon review, should a subsequent WCA be entered, the potential carryover will not allow any well to exceed its annual authorized quantity or the agreed upon corrective controls.

Compliance Monitoring and Enforcement

We, the owners, understand that the following compliance monitoring and enforcement provisions are proposed. This section also includes any specific provisions regarding measuring or reporting water usage.

There are a 2 recognized observation well(s) within one (1) mile of this WCA boundary that have for many years been measured annually by the Kansas Geological Survey (KGS). See attached maps for locations. The well(s) will continue to be measured annually and the data collected will help in evaluating the

effectiveness of the WCA. An onsite observation well may be necessary to monitor the local water level more accurately.

We will submit an annual report no later than March 1st and maintain a spreadsheet detailing the following information for each well and all wells combined: beginning and ending meter readings, quantity of water diverted, acres irrigated, the inches per acre, and the quantity of water remaining for the WCA period listed. These records will be available to KDA-DWR upon request.

We will ensure backup measurements will be supported or an alternate measurement device will be available to be put into service in case the water flowmeter record for any given well is questionable or not reliable.

We acknowledge that water flowmeters within the WCA will be sealed to the measurement chamber by KDA-DWR during the duration of this management plan to ensure an accurate water use record.

We, water right owners within this WCA shall be responsible for ensuring the water flowmeters comply with state and local law(s). Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the KDA-DWR concerning the matter. Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall notify the KDA-DWR within seven (7) days on a form prescribed by the Chief Engineer of the water flowmeter installation and any water flowmeter repair or replacement event.

We acknowledge that failure to abide by the terms of this agreement may result in the termination of the WCA. Failure to abide by the terms, conditions, and limitations of the individual water rights will be subject to the civil penalties outlined in K.A.R. 5-14-10 and K.A.R. 5-14-12.

Review of Effectiveness

We acknowledge that a review of this WCA shall be completed prior to November 1st of the final year of the WCA period listed to ensure the above terms remain appropriate and are achieving the stated goals of this WCA. Should the Chief Engineer find that the terms are no longer appropriate or that no progress has been made towards the stated goal, the Chief Engineer may refuse to renew a WCA and may suggest new terms and goals. We understand that upon review, and a finding by the Chief Engineer that the WCA has achieved or made progress towards its goals and that the same terms be included in a subsequent WCA for another designated period. The terms of the WCA may be continued as long as this WCA is in good standing with its most recent WCA period and upon formal approval by the Chief Engineer. The Chief Engineer shall issue findings addressing the terms and goals of the existing management plan prior to any renewal of a subsequent WCA.

We acknowledge that unless terminated under the provisions below (e.g. due to the development of a LEMA), the WCA will be in effect for the listed period with an evaluation at the end of every WCA period. We understand that KDA-DWR will conduct this evaluation to ensure compliance and conservation. The evaluation will determine total water use during the WCA period.

We acknowledge that should an order of designation for a LEMA be implemented prior to end of this WCA period, an evaluation of this WCA will be conducted the year prior to the start of a LEMA. This evaluation may be used to determine an additional allocation amount of water to be carried over into a LEMA; should this be the case, or any required adjustment of this WCA to conform to any terms of a LEMA.

Member addition, withdrawal, and removal

We acknowledge that the water right owners and their associated water right(s) and geographic boundaries may be added to the WCA upon written notification to the Chief Engineer by the owners of each enrolling water right with legal descriptions of the areas to be added. A member may withdraw from the WCA through written notification to the Chief Engineer signed by the owners of the participating water right or rights to be withdrawn from the WCA.

If the addition or withdrawal of water rights requires modification to the water allocation quantities, geographic boundaries, places of use, terms, or conditions of the original WCA, the management plan shall be revised to incorporate such changes and the associated consent agreement shall be reaffirmed by all parties.

Termination

We acknowledge this WCA agreement may be terminated by written notification, signed by all then-existing members of the WCA, to the Chief Engineer of the intent to terminate.

We also acknowledge that the Chief Engineer may terminate this WCA upon findings that it is not being upheld to its terms. Such termination shall give notice and require a full evaluation of the WCA and water rights associated to ensure follow up actions.

State Law

We acknowledge that this WCA is subject to compliance with all other applicable state laws.

Notification to Nearby Owners

We acknowledge that, by statute, the Chief Engineer is required to provide written notification to all water right owners with a point of diversion within ½ of a mile, or farther if deemed necessary, by a rule and regulation of the Chief Engineer, of the geographic boundaries of this WCA.

Assurances

We acknowledge this WCA will not alter the terms, conditions, and limitations of the base water rights.

Review of Other Applicable Requirements

We acknowledge that upon review, this WCA management plan was found to effect equal or greater overall conservation than applicable GMD rules and regulations, LEMA, and IGUCA requirements.

Participant's Agreement

By signing below, we, the water right owners, agree that this management plan is fair and equitable. This management plan, provided to the Chief Engineer and water right owners, is the expressed written intent of the parties and the whole agreement between the parties. We, the water right owners agree to be bound by all the terms contained in this management plan and understand that the provisions of this agreement shall be construed to give effect to the provisions listed. We, the water right owners also agree that this management plan is the basis for a consent agreement among the Chief Engineer and the undersigned water right owners, and therefore any order and consent agreement issued by the Chief Engineer, designating this WCA, shall be binding upon all parties as the necessary formal implementation of this management plan.

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.

Joseph F Bauck Date: 7-12-24
JOSEPH F BAUCK JR TRUSTS- Owner (Signature)
Water Right No(s). 9637 & 21545

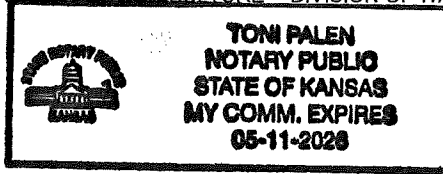
Lisha A Bauck Date: 7-12-24
LISHA A BAUCK TRUSTS- Owner (Signature)
Water Right No(s). 9637 & 21545

646 N. Co. Rd. Co Lesti KS 67861
Full Mailing Address

Joseph.bauck@yashon.com 620-375-4695
Email Address Phone Number

ACKNOWLEDGMENT OF NOTARY

State of Kansas)
) SS
County of SCOH)
Acknowledged before me on 7-12-24
by Toni Paten
Signature: Toni Paten
Notary Public



My commission expires: _____
(Notary Seal)

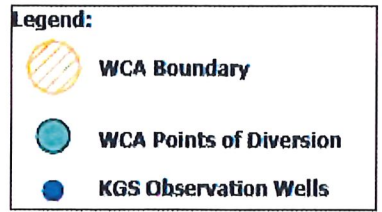
CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of July, 24 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

Kansas Department of Agriculture
Staff Person

Attachment A- 33-16-38 WCA Geographic Boundaries



Attachment B- Summary of Water Rights and Authorized Place of Use

| WR # | ID# | PDIV# | Location (Sect, Twn, Range) |
|-------|-----|-------|-----------------------------|
| 9637 | 1 | 47364 | 33/16S/38W |
| 21545 | 3 | 36766 | 33/16S/38W |

| WCA Boundary | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------|-------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|-------------|
| Sec | T (S) | R (W) | NE (1/4) | | | | NW (1/4) | | | | SW (1/4) | | | | SE (1/4) | | | | Total Acres |
| | | | NE (1/4) | NW (1/4) | SW (1/4) | SE (1/4) | NE (1/4) | NW (1/4) | SW (1/4) | SE (1/4) | NE (1/4) | NW (1/4) | SW (1/4) | SE (1/4) | NE (1/4) | NW (1/4) | SW (1/4) | SE (1/4) | |
| 33 | 16S | 38W | 30.5 | 40 | 40 | 30.5 | 40 | 30.5 | 30.5 | 40 | | | | | | | | | 282 |
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| Grand Total Acres | | | | | | | | | | | | | | | | | | 282 | |

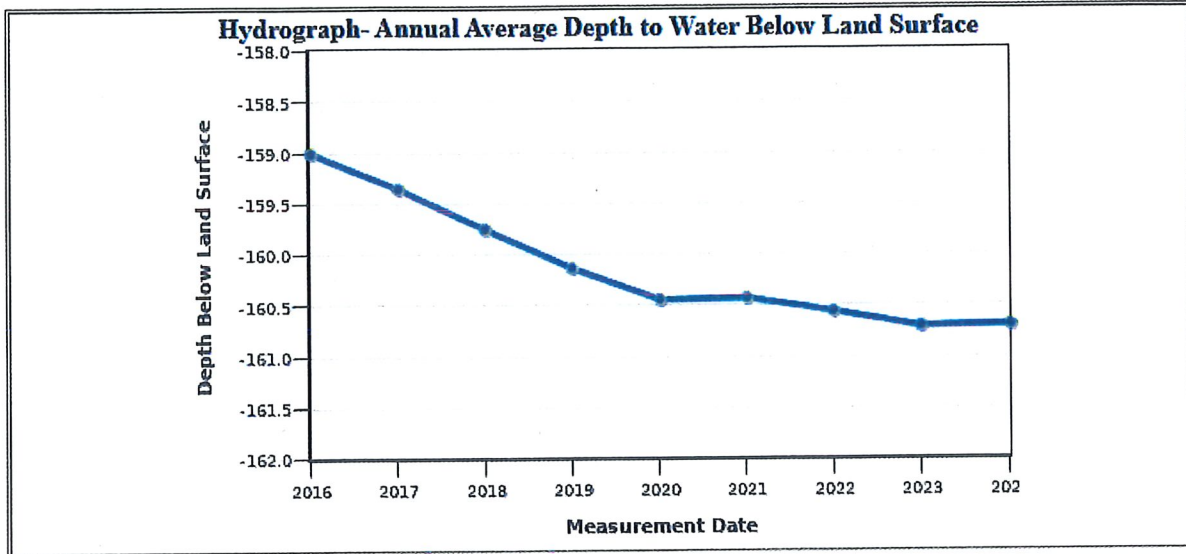
Attachment C- Summary of Recent Historical Use

| Historical Use Summary | | | | |
|--|--------------------------|--------------------------|---------------------------|--------------------------------|
| 2024 Annual Auth Qty (AF) | Legal Ave WU (AF) | Ave Irr Acres | Actual AI/Acre | % Use of Authorized |
| 530 | 157.042 | 216.00 | 8.72 | 30% |

*Total LEMA allocation of combined water rights: 671.67 AF

Attachment D- KGS Observation Well Hydrograph

16S 38W 16CCC01



16S 38W 04ABC01

