



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**IN THE MATTER OF
WATER RIGHTS CONSERVATION PROGRAM**

The Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources (Chief Engineer), hereby enrolls this water right in the Water Rights Conservation Program (WRCP). Enrollment of a water right in the WRCP is authorized by K.S.A. 82a-718(d), as amended by 2011 Kansas Session Laws Ch. 89, for the purpose of demonstrating due and sufficient cause for non-use.

FINDINGS

That based on an investigation of the records by the Division of Water Resources as shown on the application for enrollment in the WRCP, received in the office of the Chief Engineer on February 4, 2013, and information provided by the Owner or Owners of the above-referenced water right, the Chief Engineer has found the following:

1. That the water right to be enrolled in the WRCP and to which this **Water Rights Conservation Program Order** applies is **Water Right, File No. 2,237**, which presently authorizes one (1) pumpsite, identified as follows:

one (1) pumpsite located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, Township 4 South, Range 6 East, Marshall County, Kansas.
2. That the total maximum rate of diversion authorized under this water right is **830 gallons per minute (1.85 c.f.s.)**.
3. That the total quantity authorized under this water right is **36 acre-feet** of water per calendar year.
4. That the currently authorized use made of water for this water right is **irrigation use**.
5. That the Owner or Owners of this water right have made application for its enrollment in the WRCP, and at the time of application, each of the signing persons and on any supplement sheet(s) has represented that he or she is an owner of this water right, that he or she has named his or her lawful spouse at the time of application and that all such legal owners and their spouses have signed this document indicating their agreement to its terms and conditions, including the requirement to suspend all water uses authorized under this water right.

(over)

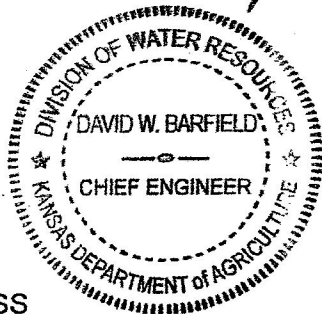
Water Right, File No. 2,237

6. That each point of diversion authorized by this water right is located in an area that is closed to new appropriations of water except for temporary permits, term permits and domestic use, or is located in an area designated by the Chief Engineer as an area where it would be in the public interest to allow water rights to be placed in the WRCP.
7. That neither this water right nor any portion of this water right has been abandoned or, if any portion of this water right has been abandoned, only the portion(s) that have not been abandoned are to be enrolled in the WRCP and, therefore, this water right or the portion(s) of the water right to be enrolled in the WRCP is in good standing.
8. That this water right has not been administratively divided by the Chief Engineer or, if this water right has been administratively divided, each portion is considered to be a separate water right.
9. That by their signature(s) shown on the application for enrollment in the WRCP, the Owner or Owners of this water right have agreed to the following:
 - a) The Owner or Owners will totally suspend the diversion of water for all uses authorized (excluding Domestic use) under **Water Right, File No. 2,237**, for a period of ten (10) years from the date of enrollment of this water right in the WRCP until **December 31, 2023**.
 - b) The Owner or Owners will continue to submit to the Chief Engineer a complete and accurate annual Water Use Report (WUR) as required by K.S.A. 82a-732 annually each year of enrollment in the WRCP, and if no water is used during the reporting period, the WUR will state the reason for such non-use as being the enrollment in the WRCP.
 - c) If the source of water supply to this water right is groundwater and the pump is removed from the well during the term of enrollment in the **Water Rights Conservation Program**, the Owner or Owners will properly cap or seal the well in accordance with K.A.R. 28-30-1 *et seq.* of the rules and regulations of the Kansas Department of Health and Environment.
 - d) The Owner or Owners will record this **Water Rights Conservation Program Order** with the Register of Deeds in the county in which each point of diversion listed herein is located.
 - e) The Owner or Owners will notify the Chief Engineer in writing within thirty (30) days following of any change in ownership, interests or operators of this water right.
10. That the Owner or Owners are not required to maintain appropriate diversion and distribution equipment to allow water to be put to beneficial use during the term of this contract.

ORDER

1. That **Water Right, File No. 2,237**, shall be enrolled in the WRCP from the date of issuance of this **Water Rights Conservation Program Order** through **December 31, 2023**.
2. That the Owner or Owners may make application for enrollment in the **Water Rights Conservation Program** for a period of five to ten years after its expiration and applications for renewal shall be subject to the approval of the Chief Engineer in accordance with applicable regulations.
3. That compliance with this **Water Rights Conservation Program Order** shall be deemed to be due and sufficient cause for non-use pursuant to K.S.A. 82a-718 sufficient to prevent the water right identified herein from being declared abandoned and terminated for non-use during the time the water right is enrolled in the WRCP.
4. That failure to comply with this **Water Rights Conservation Program Order** shall be deemed to be a violation of the *Kansas Water Appropriation Act*, K.S.A. 82a-701 *et seq.*, and the *Rules and Regulations of the Kansas Water Appropriation Act*, K.A.R. 5-1-1 *et seq.* Violation of the *Kansas Water Appropriation Act* and/or the rules and regulations promulgated thereunder may result in civil penalties, the modification or suspension of this water right or use of water under this right, as provided in K.S.A. 82a-737, and any other penalty provided by law.
5. That this order shall not be amended without written agreement from all owners.

ISSUED THIS 24th DAY OF April, 2013, IN SHAWNEE COUNTY, TOPEKA, KANSAS.

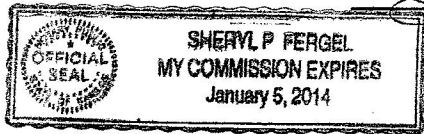


David W. Barfield
 David W. Barfield, P.E., Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Shawnee)

The foregoing instrument was acknowledged before me this 24th day of April, 2013, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Sheryl P Fergel
 (Notary Public)



My Commission Expires: _____