



THE STATE

OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

AMENDED ORDER

IN THE MATTER OF THE DESIGNATION OF AN
INTENSIVE GROUNDWATER USE CONTROL AREA IN
BARTON, RUSH AND NESS COUNTIES, KANSAS

Direct
Invert
Indexed
Num
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FINDINGS

1. That by Order dated January 29, 1992, the Chief Engineer established an Intensive Groundwater Use Control Area (hereinafter "IGUCA") in Barton, Rush and Ness Counties, Kansas.
2. The boundaries of the Walnut Creek Intensive Groundwater Use Control Area are described in the original order "In the Matter of the Designation of an Intensive Groundwater Use Control Area in Barton, Rush and Ness Counties, Kansas" as follows:

Barton County

- T18S, R13W, Sections 28 through 33
- T18S, R14W, Sections 4 through 10 and 14 through 36
- T18S, R15W, Sections 1 through 36
- T19S, R13W, Sections 3 through 11 and 14 through 23
- T19S, R14W, Sections 1 through 6, 9 through 15, and 22 through 24
- T19S, R15W, Section 1

Rush County

- T17S, R16W, Sections 31 through 35
- T17S, R17W, Sections 19 through 36
- T17S, R18W, Sections 19 through 36
- T17S, R19W, Sections 23 through 26 and 31 through 36
- T17S, R20W, Sections 35 and 36
- T18S, R16W, Sections 1 through 36
- T18S, R17W, Sections 1 through 36
- T18S, R18W, Sections 1 through 36
- T18S, R19W, Sections 1 through 36

State of Kansas } ss.
 Barton Co. }
 This instrument was filed for record on the
24 day of Aug A.D., 1998
 at 10 o'clock A M. and duly recorded
 in book 578 of Gen Rec
 Page 41 Fee \$ 10.00
Maice Johnson
 Register of Deeds

STATE OF KANSAS } ss. R & N
 NESS COUNTY }
 FILED FOR RECORD THIS 31 DAY OF Aug
 1998 AT 9:00 O'CLOCK AM, RECORDED IN
 BOOK 261 PAGE 99
Maice Johnson
 REGISTER OF DEEDS
 FEE \$ 10.00
 _____ DEPUTY

STATE OF KANSAS, RUSH COUNTY, S.S.
 THIS INSTRUMENT WAS FILED FOR RECORD ON
 THE 9th DAY OF Sept A.D.
 1998 AT 9 O'CLOCK A M. AND
 DULY RECORDED IN BOOK 141 OF Misc
 AT PAGE 501
Mary Ann Johnson
 REGISTER OF DEEDS



INDEXED
Original Compared with Record 1000
869

T18S, R20W, Sections 1 through 36
 T19S, R16W, Sections 3 through 6
 T19S, R17W, Sections 1 through 6
 T19S, R20W, Sections 1, 2, 11 and 12

Ness County

- ✓ T17S, R25W, Sections 32 through 34
- T18S, R21W, Sections 1 through 36
- T18S, R22W, Sections 1 through 4 and 7 through 36
- T18S, R23W, Sections 19, 25 through 36
- T18S, R24W, Sections 13 through 27, 35 and 36
- ✓ T18S, R25W, Sections 1 through 5, 10 through 13, 24, 33, and 34
- T19S, R21W, Sections 4 through 9
- T19S, R22W, Sections 1 through 12, 17 and 18
- T19S, R23W, Sections 1 through 23
- T19S, R24W, Sections 1, 2 and 7 through 29
- ✓ T19S, R25W, Sections 1 through 3 and 11 through 13

3. That by Supplemental Order dated December 6, 1996, the Chief Engineer implemented several recommendations of the Advisory Committee appointed under the provisions of the Order dated January 29, 1992.

4. That one of the recommendations of the Advisory Committee described in Finding No. 6(c) of the Supplemental Order dated December 6, 1996 is:

The Chief Engineer compute allocations for water rights within the IGUCA which had been in the federal government's Conservation Reserve Program during the period 1985 through 1990 in a fair and equitable manner and the total IGUCA allocation should not exceed 22,700 acre-feet per year.

5. That the Supplemental Order dated December 6, 1996 attempted to implement this recommendation with the following provision:

3. That allocations for any water right or permit to appropriate water within the IGUCA which was enrolled in the federal government's Conservation Reserve Program for any of the period 1985 through 1990 shall have an allocation computed for the period 1997 through 2001 based upon the maximum number of acres irrigated in the six years prior to enrollment in the Conservation Reserve Program multiplied by the depth of water provided for in Paragraph 10 of the Order of the Chief Engineer signed January 29, 1992, multiplied by five.

6. That the above quoted provision does not take into account those cases where a water right has been found to be in good standing and no acres were reported as irrigated under the authority of that water right during the six years prior to enrollment in the Conservation Reserve Program.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer that the Supplemental Order of the Chief Engineer dated December 6, 1996, shall be and is hereby appended as follows:

3. That allocations for any water right or permit to appropriate water within the IGUCA which was enrolled in the federal government's Conservation Reserve Program for any of the period 1985 through 1990 shall have an allocation computed for the period 1997 through 2001, or any succeeding allocation period during which enrollment in the Conservation Reserve Program terminates, based upon the maximum number of acres irrigated in the six years prior to enrollment in the Conservation Reserve Program multiplied by the depth of water provided for in Paragraph 10 of the Order of the Chief Engineer signed January 29, 1992, multiplied by five. If the water right has been determined to be in good standing, but there was no water use in any of the six years prior to enrollment in the Conservation Reserve Program, then the allocation computed for any five-year allocation period beginning during or after 1997 shall be based on the maximum number of acres irrigated in the last year of reported water use prior to enrollment in the Conservation Reserve Program multiplied by the depth of water provided for in Paragraph 10 of the Order of the Chief Engineer signed January 29, 1992, multiplied by five. Any allocations computed in this manner shall be reduced for the allocation period during which the enrollment in the Conservation Reserve Program terminates such that the remaining allocation will be proportional to the number of years remaining in the allocation period after termination of enrollment.

In all other respects the Supplemental Order of the Chief Engineer dated December 6, 1996, remains unchanged.


IT IS SO ORDERED.

Dated at Topeka, Kansas this 24th day of June, 1998.

David L. Pope
 David L. Pope, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
)
County of Shawnee)

The foregoing instrument was acknowledged before me this 24th day of June, 1998, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

 DENISE J. ROLFS
 Notary Public - State of Kansas
 My Appt. Expires March 1, 2002

Denise J. Rolfs
 Notary Public

My appointment expires: