

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
November 9th, 2016**

**MEETING CALLED TO ORDER**

The November 9th, 2016 Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Kirk Heger at 9:00 a.m. The meeting was held in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

**Directors Present**

**Kirk Heger, President, Stevens County Representative**  
**Mike O'Brate, Treasurer, Gray County Representative**  
**Mike McNiece, Board Secretary, Industrial Representative**  
**Bret Rooney, Vice President, Haskell County Representative**  
Steve Stone, Finney County Representative  
Kent Dunn, Seward County Representative  
Zachary Gale, Hamilton County Representative  
Seth Nelson, Stanton County Representative  
Randy Hayzlett, Surface Water Representative  
Doug Fox, Meade County Representative  
Alan Schweitzer, Municipal Representative

**Directors Absent with Notice**

Hal Scheuerman, Kearny County Representative  
Fred Claassen, Morton County Representative  
Clay Scott, Grant County Representative  
Jeff Reinert, Ford County Representative

**District Staff Present**

Mark Rude, Executive Director  
Jason Norquest, Assistant Manager  
Patty Stapleton, Office Administrator  
Chris Law, Director, Field Services  
Trevor Ahring, Engineer  
Brandi Sneath, Office Assistant

**Others in Attendance**

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS  
Armondo Zarco, Garden City KDA/DWR  
Fred Jones, City of Garden City, KS  
Kelly Warren, Summer time employee  
Susan Metzger, Assistant Secretary, KDA  
Marlin Heger,  
Gregg Graff, GMD1 Board President, Kansas Water Authority  
Terry Hamilton, Producer  
Frank Mercurio, KLA Environmental Services, LLC  
Kyle Averhoff, Noble Dairy, Producer  
Mike Gesling, Manager, Bartlett III Feed yard  
Craig Maloney, Seaboard  
Jennifer Nelson, Seaboard, by phone

**APPROVE AGENDA**

President Heger asked for consideration of the meeting Agenda. After some discussion, Randy Hayzlett made a motion to approve the agenda as presented. Kent Dunn seconded. The motion was approved with all in favor.

**APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT**

President Heger drew the attention of the Board to consider October 12th, 2016 draft minutes. Mike McNiece moved to approve the October 12th, 2016 minutes, as presented. Steve Stone seconded the motion. The motion was approved with all in favor.

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President Heger next drew the attention of the Board to review the October, 2016 financial report documents. Bret Rooney made a motion as follows: Approve the financial reports and payments for the month of October as presented at this meeting, and to submit them for the annual audit. Zachary Gale seconded the motion. The motion was approved with all in favor.

President Heger signed and submitted the financial documents.

**President's Report, President Kirk Heger**

**Water Commissioner's Report, Mike Meyer**

Water Commissioner, Mike Meyer reported they are wrapping up end of year activities. Annual water well measurements will again be held in January.

Mr. Meyer stated the office has received a lot of phone calls from producers overpumping, which surprised them with the year we had. He stated it is too late to apply for a MYFA for 2016 and continues to consult the callers on their options. Jason Norquest added the GMD3 office has had several producers coming in to re-up their MYFA.

**4, 803, 15,288 & 25,196 D2, Hamilton,**

Jason Norquest reviewed File No. 4,803, 15,288 and 25,196 D2 for Todd Hamilton with the directors present. He noted the Board reviewed a waiver at the April, 14<sup>th</sup>, 2016 meeting for spacing to move the authority of Water Right 25,196 D2 (at the time it had not been divided) to well NC of NW quarter because it did not meet spacing to the well under WR's 4,809 and 15,288 in SWSWNW. On April 14<sup>th</sup>, the board recommended waiver and the application was approved. The new owners are now requesting to flip the authorization between the two wells, (4,809 & 15,288) would be back in their original locations.

**Power Point Highlights:**

- 4,809 & 15,288 currently in SW corner (480AF, 1,145gpm)
- 25,196 D2 authorized NC (250AF, 775gpm)
- Proposed to flip the authority between the wells
- Spacing is met to neighboring wells, not between the two wells
- Moving 4,809 and 15,288 to their original set up
- Pipe between the wells not correct for using both wells as is
- No negative feedback from neighboring well owners

Zachary Gale moved to recommend approval of waiver. Mike O'Brate seconded. Motion passed with all in favor.

**20169087 Term Permit, Bartlett Cattle Company**

Jason Norquest introduced Mike Gesling with Bartlett Cattle Company. Mr. Gesling was present to answer any questions the board may have regarding the Term permit for 20169087. The submitted application is for 250af, which will finish out the current calendar year. Bartlett Cattle Company is not moving authority, but would pump from an existing irrigation well. Jason noted that there is a point of diversion overlap with WR 18,097 which is authorized 627af. Spacing is not met to water right 39,286 (Haskell Cemetery). Term permit is not "new" water as it is offset in same well by authority not used on the irrigated right. There were no comments from neighbors.

After much discussion from the directors, Bret Rooney moved to recommend approval of waiver and continue to work on possible permanent solution such as a dual use permit. Alan Schweitzer seconded. Motion passed with all in favor.

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November 9th, 2016**

**20169054 Term Permit, Noble Dairy**

Jason Norquest brought to the table for review 20169054 Term Permit for Noble Dairy. Owner Kyle Averhoff, was present for the review.

**Power Point Highlights:**

- Change application is for the south well under file 1395
- Application would convert additional 110af to stock and move to the north well
- Had a discussion on how the 10% consumptive use was established, work between applicant and state based on comparable data from Royal Dairy.
- North well under 1395 to remain just STK use.
- Modified Term Permit to allow flexibility among the 3 primary stock wells so that water could be drawn from any of them to satisfy the dairy needs.
- 310af blanket flexible annual authority for years 2016-2020

After discussion amongst those present, Alan Schweitzer moved to recommend approval of term permit and continue discussion on a permanent solution instead of term permits. Mike O'Brate seconded. Motion passed with all in favor.

**20169082 Term Permit, Powerline Dairy**

Jason Norquest brought to the boards' attention 20169082 Term Permit for Powerline Dairy. Power point highlight stated:

- Application to create blanket authority of the 4 stock wells to finish the year 2016.
- 719.648af for 2016 (same amount af as the 4 combined total).
- Furthest distance between wells is currently greater than a mile.
- The same solution was recommended to finish out last year, 2015
- Possible spacing issue to WR 19,666

Frank Mercurio, KLA Environmental Services, LLC stated they are not opposed to a permanent change. However, may feel some resistance /differences from DWR and GMD3. Susan Metzger, Assistant Secretary, KDA responded by stating "Don't see the GMD3 against DWR, but believe they are coming in on two different avenues, both believing to have the producers best interest in mind."

Mike O'Brate stressed the need for a permanent solution.

Mike McNiece moved to recommend approval of waiver until the end of 2016. Mike O'Brate seconded. Discussion started with Bret Rooney asking is there any way to cap acre feet limit per individual wells to protect against impairment? Mike Meyer added that the 800af for term permit goes away at the end of the year.

Jason Norquest reminded all those in attendance the Board of Directors makes recommendations, Chief Engineer Barfield has final approval.

Mike McNiece moved to amend his motion to recommend approval of waiver with a limit put on NE well to be capped at an authority that will meet spacing to protect the neighboring wells. Blanket authority for all wells with 400af limit put on NE well. Mike O'Brate seconded. Motion passed with all in favor.

**Committee Reports**

**Policy and Legal**

Executive Director, Mark Rude reviewed a power point presentation that demonstrated discussion at the Policy and Legal Committee meeting regarding conservation budget concept. Moving to an updated management plan that sets a goal for reducing the decline rate for each area of the High Plains Aquifer by at least 1% from the recent historic average, showing conservation and slowing of decline. This conservation budget concept could be tied into any program or water right administrative action, such as WCA, MYFA or conservation plan.

**Southwest Kansas Groundwater Management District No. 3  
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November 9th, 2016**

Agreement from all (staff and directors) to be cautious and discuss local source of supply, which can be defined a little better to accommodate administrative activities.

All parties being on the same page throughout any impairment dealing would prove beneficial and in the public interest. GMD3 staff recommends they participate in every impairment investigation process, as the GMD3 Board of Directors also feels 'GMD3 staff' should participate, but more time is needed to review the data and conclusions of the Haskell County complaint.

Mike Meyers stated, it is too late to participate in gathering the data but may review the report and submit any comments to KDS-DWR by December 16th, 2016.

Mark said that concept depends on which issue is being administered, and would like an indication from the GMD3 Directors on should GMD3 pursue participation in the investigation and any conclusions and action regarding the three well administrative response by DWR to the complaint and request to secure water submitted back on June 7th, 2016 and just provided to the GMD?

Mike O'Brate moved to participate. Bret Rooney seconded. Motion passed with all in favor.

Mark Rude proposed a technical review application to use Western Water Conservation Projects Fund resources to have a reconnaissance feasibility study of voluntary sale of Oklahoma land owner shares of available groundwater and transporting it back to the 400,000 acre feet deficit aquifer area created by past Colorado compact violations. According to Oklahoma, there is still a lot of water available for development. Piping the water back to Kansas could be consistent with the purposes of the Fund and help offset what Kansas lost on the Ark River. Mark may present a proposal next meeting.

**Old Business**

**11,170, Seaboard Foods,**

Jason Norquest reminded the board this review was tabled at the October 12, 2016 board meeting. The applicant applied to take the primary stock well and a standby well and create a battery of two wells. Applicant has been using the wells as a battery unlawfully for several year. 20.56af at 75gpm is shared between the two wells and proposal is to provide authorization as such. The new battery request is required by rule to meet the safe yield requirement. Spacing is currently not met to water right 19,548, the need for spacing is 2,300', short 170'. As of today, no comments have been received from surrounding neighbors.

Mike O'Brate moved to recommend approval of waiver due to low rate and quantity. Doug Fox seconded. Motion passed with all in favor.

**New Business**

There was no new business to bring to the table.

**Executive Director Report, Mark Rude**

**GMD Boards Roundtable with KDA, November 21<sup>st</sup>, 2016, 1:00 pm Great Bend**

Mark Rude announced the GMD Boards Roundtable with KDA will be held November 21<sup>st</sup>, 2016 at 1:00 p.m. in Great Bend, Ks. Kirk Heger along with Jason Norquest and Mark Rude will attend from GMD3.

**Governor's Water Conference, November 14<sup>th</sup> & 15<sup>th</sup>, Manhattan, Aqueduct Coalition Video**

Governor's Water Conference will be held in Manhattan, KS, November 14<sup>th</sup> and 15<sup>th</sup>, 2016. As of today, 3 board of directors are going, 4 staff and 2 collaborators on the Aqueduct Coalition video project.

**ARCA Annual Meeting, December 9<sup>th</sup>, 2016 Lamar Colorado**

ARCA Annual Meeting will be held in Lamar, Colorado on December 9<sup>th</sup>, 2016.

**Southwest Kansas Groundwater Management District No. 3  
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November 9th, 2016**

**KWA Meeting, December**

Kansas Water Authority meeting will be held December, 15th, 2016. Randy Hayzlett and Mark Rude will attend.

**GMDA Conference, Ft. Worth, Texas, January 9<sup>th</sup> – 11<sup>th</sup>, 2017**

The GMDA Winter Conference will held January 9<sup>th</sup> -11<sup>th</sup>, 2017 in Fort Worth, Texas. Board of Directors were asked to contact GMD3 staff if attending so reservations and registrations could be completed in a timely manner.

**Topeka, KS Legislative Retreat**

Mark reminded the Board of Directors that Water Congress, GMD's Round Table & Legislative Reception will be held Wednesday, February 8<sup>th</sup>, 2017 in Topeka, KS at the Ramada Inn. The monthly board meeting will be held that Thursday, February 9<sup>th</sup>, 2017, also at the Ramada Inn.

**Monthly Western Water Conservation Projects Fund Business**

Mark Rude drew the attention of the board to the financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. After some discussion of the Board, Alan Schweitzer moved to accept the October financial report and payments as presented and submit them for annual audit.

Mike O'Brate seconded. Motion passed with all in favor.

Mike O'Brate asked if could get money to fill up the large bank breach on the Arkansas River east of Holcomb, so the water flows on down the river and not into the pit. Randy Hayzlett advised to submit an application. Sunflower has shown interest in getting that repaired in the past.

**November 1, 2016 Meeting**

**Water Imports to replace 400,000af lost to compact violations**

Mark will complete an application for Reservoir Reconnaissance Study and submit application at next projects meeting.

**Board Member Report**

There were no Board Member reports announced.

**Public Forum**

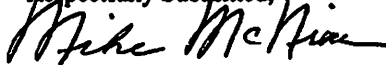
There were no Public Forum brought up for discussion.

**ADJOURNMENT**

Mike O'Brate made a motion to adjourn the meeting. Seth Nelson seconded.

The meeting was adjourned at 12:09 p.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary