

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
January 10th, 2018**

MEETING CALLED TO ORDER

9:01 a.m. President Kirk Heger called to order the January 10th, 2018 Board of Directors meeting of the Southwest Kansas Groundwater Management District which was held in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

Oath of Office: Notary Public, Patty Stapleton administered the oath of office to Board of Director, Dave Casterline for compliance with State Law.

All stood for the Pledge of Allegiance.

Directors Present

Kirk Heger, President, Stevens County Representative
Bret Rooney, Vice President, Haskell County Representative
Mike O'Brate, Treasurer, Gray County Representative
Mike McNiece, Board Secretary, Industrial Representative
Kent Dunn, Seward County Representative
Randy Hayzlett, Surface Water Representative
Douglass Fox, Meade County Representative
Fred Claassen, Morton County Representative
Fred Jones, Municipal Representative
Hal Scheuerman, Kearny County Representative
Dave Casterline, Ford County Representative
Steve Stone, Finney County Representative
Seth Nelson, Stanton County Representative

Directors Absent with Notice

Zachary Gale, Hamilton County Representative
Clay Scott, Grant County Representative

District Staff Present

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

District Staff Absent on assignment

Trevor Ahring, Engineer

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Frank Mercurio, KLA Environmental Services, LLC
Dwane Roth, KF LEMA Committee
John Borth, Producer applicant
Johnathon Aguilar, KSU Research engineer

APPROVE AGENDA

President Heger asked for consideration of the meeting Agenda. Randy Hayzlett made a motion to approve the agenda as presented. Fred Claassen seconded. The motion passed.

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Heger drew the attention of the Board to consider the December 13th, 2017 draft minutes. Doug Fox moved to approve the December 13th, 2017 minutes, as presented. Mike O'Brate seconded the motion. The motion passed.

President Heger next drew the attention of the Board to review the December 2017 financial report documents. Kent Dunn made a motion as follows: Approve the financial reports and payments for the month of December as presented at this meeting, and submit them for the annual audit. Dave Casterline seconded the motion. The motion passed. President Heger signed and submitted the financial documents.

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President's Report, President Kirk Heger

Board Review, Borth/Befort Irrigation Term Permit 20179074 for 2018

Jason provided application history stating last year a term permit 20179047 was approved as an emergency water supply and to allow aquifer testing from an existing unpermitted well to finish out the 2017 planted crop. At that time, pressure transducers were installed on 6 wells in the area. Policy and Legal Committee, GMD3 staff along with DWR, Mr. Befort and Mr. Borth met yesterday to discuss term permit application 20179074 and a path potential for a permanent change. The proposed amount requested is 277AF of 450gpm. The State is requesting a full year of data collection from a non-operated monitoring well to research the potential effects of pumping on neighboring wells.

John Borth noted he recently met with the concerned neighbor Mr. Langhoffer and explained the goals of the new well and advised Mr. Langhoffer it would not be adding additional authorized acre feet to his local source of supply. Bret Rooney stated Policy and Legal Committee position would be to recommend approve term permit for 2018 subject to establishing a suitable observation well. This would allow a full irrigation season to gather information to determine if such activity can be permanently approved under the law. Then move to consider a permanent change for 2019 if appropriate.

Mike McNiece moved to recommend approval of the term permit subject to establishing a suitable observation well for 2018, prior to first use of water. If agreement is reached with neighbor having concern, the permanent change could be supported subject to a presentation to the board and continued support from GMD3. Mike O'Brate seconded. Motion passed.

Water Commissioner's Report, Mike Meyer

Water Commissioner Mike Meyer spoke about Borth & Befort's review. Stating the neighbor just needing some information and guidance regarding the neighbors move. Mr. Longhoffer would like a local meeting with the neighbors to discuss the concerns of the area aquifer.

Static water measurements have been completed. KGS measurements will be provided at the Annual Meeting in March. DWR completed the following measurements:

- Grant County No decline from last year
- Gray County rise of 1/2 foot...(average of all wells)
- Haskell County 2 1/2 foot decline
(mother of all wells...dropped 7 feet. Abandoned well...dropped 3 feet.)
- Kearny County up 2 ft
- Finney County stayed level (Northern Finney, up 2 ft while Southern Finney was down 2 ft.)

Water Commissioner Report continued: Some Legislative updates: Lane Letourneau would like a webinar to explain future bills for 2018. Multiyear flex account deadline date has been changed to December 31th, instead of October. Bill 1906 will be modified for cleanup. Two bills are in the works; 1. Water bank bill and 2. Sand and gravel pit bill.

WCA Review, Unruh Farms

Jason Norquest reviewed R&R Unruh Farms Water Conservation Area Plan, which is in the proposed LEMA area. Roger Unruh wanted to be in attendance but is recovering from knee surgery. The proposed WCA includes 8 water rights (1662, 2360, 2500, 9599, 13580, 14341, 23506, 28868) with a total authorized annual quantity of 3049af, with historical average use being 1772.250 AF for the years 2006-2015. A 50% reduction from total annual authorized quantity - the allocation comes to 7,622.5 AF. Which is a 14% reduction off historic use. Water Right 7054 will be brought in at a later date and a new WCA proposal will need to be submitted.

Fred Jones moved to approve the Water Conservation Area Plan for R&R Unruh Farms as presented. Doug Fox seconded. Motion passed.

NWRA Leadership Forum Briefing, Clay Scott & Randy Hayzlett

Randy Hayzlett, Clay Scott, and Mark Rude attended NWRA Leadership Forum Briefing and work session in Las Vega, NV. Mark reviewed the agenda and discussed individuals who attended the meeting. Discussion occurred at the conference identifying the top two issues of each state and pull them all together to take to Hill, with three pieces of legislation relative to our water interests: Farm Bill, Infrastructure bill and new Water Resources Development Act.

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LEMA tool Update

Mark reported that approximately 72 surveys were returned for KF LEMA review. Susan Metzger pulled together data and emailed to Mark before Christmas. The steering committee and the board Research and Development committee will review surveys and take finding to GMD3 Board at a later date. Dwane Roth stressed the importance of technology in the field. GMD3 and KFL Committee will continue to facilitate and encourage acceptable LEMA development and water conservation through water management technology adoption.

Committee Reports

Policy and Legal Committee

Policy and Legal Committee reviewed State use of MYFA (Multiyear flex account) as a tool under the law working with over pumping and state sanctions resulting from violations.

The sanctioned quantity would be taken off the 5 years MYFA account. Language in the law caused questions of eligibility. After much discussion, the consensus of the board was to support the DWR approach using MYFA as one tool for resolution of overpumping, subject to the guidelines provided by the State attached with these minutes.

PL Committee reviewed the New Mexico "economic and physical hardship" approach that provides context for Theis calculations and recognized it as an approach to implement existing unimplemented Kansas policy of well effects "beyond a reasonable economic limit."

Research and Development

No Research and Development committee meeting was held to provide a report.

Renewable Supplies

Renewable Supplies Committee met on January 8th, 2018. Standards developed for pre compact flow conditions at Garden City were discussed. At issue is when flows are measured at the Garden City river gauge. Some expressed position of Colorado official cause question as to when such occurrence may indicate there is more water being delivered from Colorado down the Arkansas River than what may be necessary to meet compact obligations to Kansas. Committee discussed need to develop criteria such as has been used in past Kansas administrative actions, such as when there is 200cfs and flow at Dodge City and the Ditches are being satisfied with addition acre feet per acre as historically used but limited due to water short hydrological system.

Renewable Supplies committee also suggested a meeting be set up with Louisiana State Officials while board and staff are attending the GMDA conference in that capitol. This would be to learn how they administer water and their basis for comments on an interstate water transfer application from the Mississippi River in Arkansas.

Mark reviewed a Memorandum dated January 8, 2018 from the RS Committee to the board regarding recommendations for GMD3 work with RAC's, State agencies and the Kansas Legislature. After some discussion Fred Jones moved to approve the recommendations of the Renewable Supplies Committee. Hal Scheuerman seconded. Motion passed.

Old Business

There was no official old business to take off the table.

New Business

There was no new business to bring to the table.

Executive Director Report, Mark Rude

Water Office/Water Authority Update

Kansas Water Authority will hold a meeting in Topeka, 24th & 25th of January.

Off-Site board meeting next month

GMD3 board meeting will be held in Topeka, Wednesday, February 7th, 2018.

Revised management program review

A meeting with the Chief Engineer to review is in the near future, possibly when the Board is in Topeka in February.

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Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the December financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. After some discussion of the Board, Randy Hayzlett moved to accept the December financial report and payments as presented and submit them for annual audit. Bret Rooney seconded. Motion passed.

Board Member Report

There were no Board Member Reports announced.

Public Forum


Johnathon Aguilar, KSU Research noted a meeting that will be held in Colby Kansas on February 20th, 2018.

Frank Mercurio, KLA Environmental Services, LLC noted that he is working on two WCA (Water Conservation Area) application which will be presented at a later date.

ADJOURNMENT

Dave Casterline made a motion to adjourn the meeting. Fred Jones seconded.
The meeting was adjourned at 12:20 p.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary