

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

MEETING CALLED TO ORDER

President Kirk Heger called to order the October 10, 2018 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:00 a.m. Which was in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

Flag Salute

Directors Present

Kirk Heger, President, Stevens County Representative
Bret Rooney, Vice President, Haskell County Representative
Mike O'Brate, Treasurer, Gray County Representative
Clay Scott, Grant County Representative
Randy Hayzlett, Surface Water Representative
Fred Jones, Municipal Representative
Hal Scheuerman, Kearny County Representative
Zachary Gale, Hamilton County Representative
Seth Nelson, Stanton County Representative
Douglass Fox, Meade County Representative
Fred Claassen, Morton County Representative
Kent Dunn, Seward County Representative
Steve Stone, Finney County Representative

Directors Absent with Notice

Mike McNiece, Board Secretary, Industrial Representative
Dave Casterline, 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

APPROVE AGENDA

President Heger asked for consideration of the meeting Agenda. Mark Rude noted a WCA is pending review at the November board meeting, allowing more discussion with DWR in between time. Brett Rooney made a motion to approve the agenda as presented. Doug Fox seconded. The motion passed.

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Heger drew the attention of the Board to consider the September 12, 2018 draft minutes. Mark noted a needed deletion of the secretary's time stamp on Powerline Dairy title. Fred Jones moved to approve the September 12, 2018 minutes, as revised by deleting the secretary's time stamp on Powerline Dairy title. Fred Claassen seconded the motion. Motion passed.

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

Mark Rude spoke about the residential property to the north of the GMD3 home office property. He visited with the neighboring church pastor who showed interest in purchasing the house only, allowing GMD3 to purchase the remaining lot for parking. The church has a board meeting within the week and plans to bring it up for discussion. More details in the future.

President Heger next drew the attention of the Board to review the September 2018 financial report documents. Hal Scheuerman made a motion as follows: Approve the financial reports and payments for the month of September as presented at this meeting, and submit them for the annual audit. Zachary Gale seconded the motion. Motion passed

President Heger signed and submitted the financial documents.

President's Report, President Kirk Heger
Water Commissioner's Report, Mike Meyer

Water Commissioner Meyer announced two vacancies in his office; Lexi Kiniston left to run a family ranch in SW Colorado and Brent Campbell left to pursue job in Kansas City. In addition, DWR is working on sending out water right "perfection" deadline notices. Due to many absentee owners, tenants will receive a "heads up" notice, allowing them to be more active in this process. Mark Rude asked if there is to be a new fee for paper water use reporting. Mike Meyer responded it is not official but working through the concept in Department of Ag.

WR #14,502, Beachner Southwest Farms, Spacing Waiver

Jason Norquest spoke about the WR 14,502 spacing waiver request. Beachner owns Water Right 14,502 and Seaboard owns Water Right 10,408. Mr. Norquest reviewed WR#14,502, Beachner SW Farms change application that requires a spacing rule waiver. Beachner SW Farms filed to change Place of Use, Point of Diversion and Use Made of Water, noting also that the additional well rule applies. Currently, authorized use of water is irrigation purposes, with proposed use going to irrigation and stockwater. They requested that irrigation annual quantity of water be reduced to 429af from 469af, a 40af reduction, still requiring 2100' spacing by rule. Stock use would take a reduction of acre-feet from 40 to 36.13af, which is stacked on the current well under WR 10,408 (standby well). Wells are currently 1640' apart, which requires a waiver of spacing since the proposed well (standby well) will have a new permanent stock use authority.

Treavor Ahring spoke about the minimum drawdown allowance. He stated the current saturate thickness is 99 ft. Drawdown allowance over 50 years is therefore 2.0 feet. In doing the calculation, the drawdown effect on WR No. 14,502 is 2.81ft, which is more than the drawdown allowance. Southern well authorized under WR No. 10,408 had the same results; the effect was 2.84 ft., which is over the allowance. Both wells therefore required further evaluations. Demonstration on how the PDD (physical drawdown) was more restrictive than the EDC (economic drawdown) allowing the maximum drawdown to be 38.9ft on both WR # 10,408 and WR #14,502.

After discussion of the Economical Drawdown, Physical Drawdown and the Theis calculation Brett Rooney as Chairman of the Policy and Legal Committee stated the committee recommendation to approve the spacing waiver along with providing the detailed information to all parties involved. He stated that this would allow the individuals to see the outcome that may occur. GMD3 provides this service and it is good information for the parties to review.

Clay Scott moved to forward the well evaluation criteria to all applicants involved and recommend approval of the spacing waiver for Water Right 14,502. Seth Nelson seconded. Motion passed.

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

Management Program Update

Mark Rude and Chief Engineer Barfield have held many meetings to discuss the Management Program. Southwest Kansas GMD3 website has the current working draft of the Management Program. Chief Engineer Barfield is most comfortable working through that language and coming to a point of agreement. Mark handed out one page that reviewed The GMD Act and Legislative “right” highlighting some wording changes. President Heger noted a proposed deadline of Thanksgiving to get the document completed. After approval of the Chief Engineer then focus and proceed with a “Guideline Procedure” and hearing process.

Committee Reports

Policy and Legal

Policy and Legal Chairman Brett Rooney handed the floor over to Mark to discuss the Cimarron development in Colorado and the possibility of releasing the “Expert Report” from S.S. Papadopulos and Associates, Inc. Mark talked about the Colorado meeting at the State House in Denver Colorado, September 26 and 27th. Mark spoke to the Colorado Water Committee alongside Wes McKinley regarding the Cimarron Development and the concern that the Colorado process does not adequately protect domestic well owners. Mark spent approximately 6 minutes explaining the GMD3 Board the concern raised from this development and the desire to be a friendly neighbor with concerns for what the facts indicate. However, the only avenue was to file opposed the applications before the groundwater commission. Wes McKinley was granted an appeal time for oral arguments before the Colorado GW Commission and he will have approximately 10 minutes to state his appeal. Mark turned the boards’ attention to the Expert Report for Colorado DNR Hearings. Brett Rooney stated that Policy and Legal had no reason of concern for releasing the Expert Report, which demonstrates what will / could happen if the development proceeds. Randy Hayzlett moved to release the Expert Report as a public document. Fred Jones seconded. Motion passed.

Mark then handed out the Expert Report to the Board of Directors. Mark turned the boards’ attention to page 27 in the Expert Report and reviewed the summary of the simplified analysis along with the results. While Jason displayed the drone presentation Mark talked about when the installation of the gauging well will occur. November 27th, 2018 in Elkhart will be an interstate Cimarron River Resource meeting.

Discussion occurred over the Southwest Kansas Annual Water Conservation summary graphics page highlighting conservation calculations from approved WCA’s. Using “state approved conservation plan calculation methods” for WCA plans; he highlighted a couple of the graphics, such as *100% area water projects include water conservation; 13% of pumped irrigation water has been returned to the aquifer*, and other conclusions. Brett Rooney (chair of Policy and Legal) stated the committee concluded not to proceed with publication of this page. Consensus of the board was GMD3 should not be producing this type of documentation and no need for further consideration.

Brett Rooney brought to the table the struggle the board of directors may feel regarding different conservation calculation methods and conclusions with WCA’s and whether there is real conservation occurring with some. Discussion occurred as to how the board should note agreeable parts or disagreeable parts of a WCA plan in board actions and recommendations to the chief engineer. Reference to a staff memo and recommendation was one approach noted. In addition, Fred Jones states that strategy should be to develop how to determine conservation benefit that occurred at end of the plan period to be pro-active.

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

Renewable Supplies Committee

Hal Scheuerman, Tracy Streeter, Mark Rude and Mike Meyer met regarding an action plan to follow up on the January 2018 Board letter to Kansas Water Authority. The January letter stressed, among other things, the concern of sufficient funds availability for timely interstate management support studies and support information. Mark Rude read a draft letter dated October 8 that explained GMD3 does not want another Interstate Litigation account but rather an Interstate Water Management Support Account. Several times this past year GMD3 managed funds were used when Kansas did not have the resources available. For example: 1) critical state study to evaluate Colorado administrative provisions for well pumping replacement plans affecting compact and compliance and basin renewable supply to Kansas and GMD3 2) thousands of acre-feet of new Colorado groundwater development from the Cimarron River alluvium near the Stateline. After review of the letter, Hal Scheuerman moved to proceed with the letter. Mike O'Brate seconded. Motion passed.

Old Business

There was no old business to bring to the table.

New Business

There was no new business to bring to the table.

Executive Director Report, Mark Rude

Colorado Joint Legislative Water Committee: Colorado Cimarron Developments
Mark noted there was nothing more to discuss then previously expressed.

Nex-Tech Contract Renewal

Board of Directors reviewed the Nex-Tech overview and proposed contracts. Ticket history with Nex-Tech showed 113 tickets since install in May of 2015, averaging three per month. Total hours over the 3 years is 152.75, tallying up to \$24,440.00 in labor charges (which was not billed to GMD3 since it is part of the contract). Seventy-One of the tickets completed before a problem was apparent to the customer. Currently GMD3 has six PCs, all desktops with traditional hard drives and a 16GB Ram Server. The proposed contract is for 7PCs all with solid-state hard drives, increased server specifications (increased server to 64GB) and advance threat protection (increased firewall). Kent Dunn moved to approve the 5-year contract with Nex-Tech. Brett Rooney seconded. Motion passed.

Master Irrigator Program and developments

Mark attended a presentation in Texas on the Master Irrigators. He noted the expectation in Texas was if there was going to be a Master Irrigator Program in Kansas it would be in GMD3. Mark will move the development of the Master Irrigator Program to Rules and Development committee for further discussion. GMD3 could follow suite in keeping the Master Irrigator Program name or GMD3 could name it something different. More details to come.

Federal Issues

Two items to be aware of is WOTUS, Waters of the United States and the WRDA (Water Resources Development Act) Bill. New set of rules will be coming out for WOTUS and some attempts to attach other federal oversight of groundwater items to the WRDA Bill has occurred, such as California element asking the BOR to manage groundwater. GMD3 staff will monitor the activity and report.

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

Reschedule November Board Meeting

Due to a conflict with the Kansas Governors Conference in November, the November board meeting needs rescheduled. Clay Scott moved to change the November board meeting, to Friday Nov. 16, 2018 at 9a.m. Doug Fox seconded. Motion passed.

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the September Financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. After some discussion of the Board, Hal Scheuerman moved to accept the September Financial Report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed.

WaterSMART Grant Award to GMD3, Farmers Ditch Lining

Mark Rude announced Bureau of Reclamation accepted our application for the WaterSMART Water and Energy Efficiency Grant and awarded us \$300,000 grant. Funds will not be awarded for the Farmers Ditch lining until further information about the project is developed and all requirements are met.

Regional Advisory Conservation Committees Reports

Jason Norquest stated a conference call scheduled for November 1, 2018 to vote on the support letter to the Water Authority for the Gauge being installed at the Cimarron River Stateline.

Brett Rooney asked about the Elkhart river gauge. Mark attended a meeting in Manhattan and the outcome of the meeting included agreement the Elkhart Cimarron River Gauge is a significant interstate gauge and will be re-instated free of charge by the USGS about November 1, 2018.

Board Member Report

Randy Hayzlett updated the board on the Arkansas River Compact Administration. Colorado wants a new multi-use account in JMR. Kansas needs to also have a "want" to express for the deal. New Kansas Compact representatives may be appointed.

Public Forum

There was no public forum brought to the table.

ADJOURNMENT

Zachary Gale made a motion to adjourn the meeting. Brett Rooney seconded. The meeting adjourned at 12:26p.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary