

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
June 12th, 2019**

**MEETING CALLED TO ORDER**

President Bret Rooney called to order the June 12th, 2019 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:03 a.m. The meeting was held in the GMD3 Board Room.

**Flag Salute**

**Directors Present**

Bret Rooney, President, Haskell County Representative  
Fred Jones, Vice President, Municipal Representative  
Mike McNiece, Board Secretary, Industrial Representative  
Clay Scott, Grant County Representative  
Kirk Heger, Stevens County Representative  
Zachary Gale, Hamilton County Representative  
Hal Scheuerman, Kearny County Representative  
Fred Claassen, Morton County Representative  
Steve Stone, Finney County Representative

**Directors Absent with Notice**

Douglass Fox, Meade County Representative  
Randy Hayzlett, Surface Water Representative  
Kent Dunn, Seward County Representative  
Seth Nelson, Stanton County Representative  
Dave Casterline, Ford County Representative  
Mike O'Brate, Treasurer, Gray 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  
Armando Zarco, Kansas Water Office, Garden City, KS  
Austin McColloch, Kansas Department of Ag.  
Dave Brenn, Kansas Water Congress  
Tom Willis, Producer T&O LLC  
Gina Gigot, Circle Land & Cattle, Producer  
Rob Stillwell, Rocking T Ranch, LLC, Producer  
Lawrence Hoerman, Mayor of City of Sublette  
Daylen Elsey, City of Sublette

**APPROVE AGENDA**

President Rooney asked for consideration of the June 12<sup>th</sup>, 2019 Meeting Agenda. President Rooney stated corrections to the agenda as follows: III Approval of Minutes and Financials should both be May not April and strike XIII Executive Session. **Fred Jones made a motion to approve the agenda as revised. Clay Scott seconded. The motion passed.**

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

President Rooney drew the attention of the Board to consider the May 8th, 2019 draft minutes. Armando Zarco stated a correction in Public Forum that the soft deadline for new Water Tech Farms is December 1 not September 1. **Steve Stone moved to approve the May 8th, 2019 minutes, as revised. Fred Jones seconded the motion. Motion passed.**

President Rooney next drew the attention of the Board to review the **May 2019 financial report** documents. **Clay Scott made a motion as follows: Approve the financial reports and payments for the month of May as presented at this meeting and submit them for the annual audit. Hal Scheuerman seconded the motion. Motion passed**

President Rooney signed and submitted the financial documents.

**President's Report, President Bret Rooney  
Water Commissioner's Report, Mike Meyer**

Water Commissioner Mike Meyer noted that 2018 late water use reports are still being collected. The penalty for late water use reports is \$1,000 per water right. There are some 2017 late water use reports, due to producers believing they don't need to report because the well(s) are unused, those water rights have been suspended until reports are received

New staff is getting on board and trained up.

In a couple of weeks may call for water from John Martin Reservoir for delivery as 3 ditches are diverting water.

**WCA & LEMA Program Review**

Mark Rude presented a power point that discussed WCA & LEMA program review. The power point demonstrated how LEMA and WCA are presented in our Management Plan. Power point slides can be found in the official 2019 minutes book.

**Circle Land & Cattle WCA Review, Finney County**

Assistant Manager Jason Norquest reviewed the Circle Land and Cattle WCA. Rob Stillwell, producer with Circle Land and Cattle was present for the review.

**SLIDE 1:**

5 YEAR PLAN: 2018-2022  
COVERS 9588.3 ACRES  
22 IRR WATER RIGHTS = 68 WELLS  
1 STK WATER RIGHT = 1 WELL  
TOTAL IRR AUTHORITY = 18,586AF  
TOTAL STK AUTHORITY = 193AF  
HISTORIC PERIOD = 2003-2012  
HISTORIC AVERAGE = 15,342AF IRR  
7% REDUCTION = 14,268 X 5 = 71,340AF/5 YEAR

**SLIDE 2:**

71,340AF 5 YEAR = 14,268AF AVERAGE FOR IRR  
STK HELD TO 193AF  
COVERS 2018-2022  
2018 TOTAL USE IRR = 13,903.42AF  
2018 TOTAL USE STK = 167.5AF\*  
CANNOT EXCEED ANNUAL ALLOCATION  
CANNOT EXCEED ANNUAL RATE

If needed, any of the irrigated water rights can be used for stock (with proper term permit filed and separately metered), and will count toward the 193-acre-feet, and will not be additional use authority.

Zach Gale asked why did they decide on a WCA? Producer noted they have no neighbors and would like to document conservation. After some discussion, **Steve Stone moved to recommend approval of the WCA Plan, as presented, for Circle Land and Cattle. Clay Scott seconded. Motion passed.**

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**T & O WCA Renewal, Finney County**

Jason Norquest presented information on the T & O WCA Renewal, owner Tom Willis was present.

T&O LLC, Prior WCA Review

- 2016-2018
- 45,33AF/3 YEARS
- 3,054AF REPORTED IN WCA
- 1,018AF/YEAR AVG
- 14,79AF REMAINED FROM WCA ALLOCATION THAT IS NOT BEING REQUESTED AS CARRYOVER
- ONLY FLEX WAS 7,517 (129AF) & 34,769 (109AF) COULD NOT EXCEED 238AF COMBINED, WHICH THEY HELD TO. 34,769 DID EXCEED BASE ANNUAL, BUT NEVER MORE THAN 8AF

<b><u>PROPOSED WCA: 2019 – 2021</u></b>
<u>1570 ACRES</u>
<u>9 WATER RIGHTS/8 WELLS</u>
TOTAL ALLOCATION: 2860AF
YEARS OF RECORD: 2003-2012 (10 YEARS)
10 YEAR AVG: 1511AF
HELD TO 52.4% OF ANNUAL AUTHORIZED
WCA ALLOCATION: <u>4500AF/3 YEARS</u>
7517 & 34769 TOTAL ALLOCATION 238AF (BASE) CAN BE PUMPED FROM EITHER WELL
ALL OTHERS HELD TO BASE ALLOCATION MAX RATE & QUANTITY

<b><u>PRIOR WCA: 2016-2018</u></b>
<u>1274 ACRES</u>
<u>7 WATER RIGHTS/6 WELLS</u>
TOTAL ALLOCATION: 2268AF
YEARS OF RECORD: 2003-2012 (10YEARS)
10 YEAR AVG: 1511AF
HELD TO 66.6% OF ANNUAL AUTHORIZED
WCA ALLOCATION: <u>4533AF/3 YEARS</u>
7517 & 34769 TOTAL ALLOCATION 238AF (BASE) CAN BE PUMPED FROM EITHER WELL
ALL OTHERS HELD TO BASE ALLOCATION MAX RATE & QUANTITY

Bret Rooney asked Tom Willis “What contributed to him saving almost 500 acre-foot a year on average?” Mr. Willis responded with four possible reasons:

1. Timely rains
2. Telemetry. Provides information that can be quickly acted upon
3. Moisture Probes: helps reduce water by tracking the moisture in ground.
4. change crop rotation

**Mike McNiece moved to recommend approval of the WCA Renewal as presented. Clay Scott seconded. Motion passed.**

**City of Sublette Change Application, Spacing Rule Waiver**

Jason Norquest reviewed the first half of the presentation for City of Sublette while Trevor Ahring brought it to a close. Lawrence Hoerman, Mayor of City of Sublette along with Daylen Eley were present.

**SLIDE 1**

- ISSUE OF OVERPUMPING 15617 IN PAST
- HS1 & 9181 ID02 (WHICH IS NOT BEING USED VERY MUCH) PROPOSED TO MOVE & STACK ON 15617
- HS1 & 9181 COVER 2 WELLS WITH A BLANKET AUTHORITY 425.04AF [LIMITED TO 430.81AF W/465 & 558] @1300+GPM
- HS1, 9181 & 15617 WOULD HAVE A MAXIMUM AUTHORITY OF 506.03AF WHICH WOULD DETERMINE MINIMUM SPACING REQUIREMENT: 2300'

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**SLIDE 2**

- HAD DISCUSSION WITH REPS FROM SUBLETTE
- PREFERRED PRACTICE IS NOT TO EXCEED 500GPM ON THE WELL
- FIGURE AT MINIMUM 160AF WOULD COVER STANDARD OPERATING PRACTICE AND NOT OVERPUMP
- WOULD LIKE THE FLEXIBILITY IF NEEDED TO ENSURE CITY IS PROVIDED FOR
- HAVE WRITTEN AGREEMENT WITH THE DOMESTIC WELL NEAR THIS PROPOSED LOCATION
- AGREED TO RUN NOTICE IN PAPER

**SLIDE 3 Trevor presented**

**HS 1 and 9181**

- The City of Sublette is proposing to move Water Right HS 1 and 9,181 and stack the authority on the existing well authorized under water right 15,617.
- Current average use on 15,617 is 75.2 AF. Proposal would allow up to 506.03 AF to be pumped from this well.
- This is a blanket quantity between 2 wells.

**50 Year Theis evaluation of area well drawdown effects**

HS1, 465, 9181, & 19262: 9.0 ft

558 & 18290: 6.6 ft

13878: 6.3 ft

19262 ID8: 4.9 ft

Domestic 1: 8.1 ft

Domestic 2: 5.5 ft

Domestic 3: 28.0 ft

Domestic 4: 4.6 ft

Domestic 5: 4.6 ft

Domestic 6: 4.8 ft

Domestic 7: 4.8 ft

Domestic 8: 4.5 ft

Domestic 9: 4.4 ft

Domestic 10: 4.8 ft

Domestic 11: 4.9 ft

Domestic 12: 5.1 ft

Domestic 13: 5.7 ft

Domestic 14: 4.7 ft

Domestic 15: 5.5 ft

**Critical Wells**

All domestic wells were found to be critical. No other wells were critical. The domestic wells are not drilled as deep as the other wells. The city wells are drilled into the Dakota Aquifer.

**Notes on Domestic 3 and Domestic 1**

The city of Sublette already has an agreement in place with the owner of Domestic 3 stating the City will provide water to owner at discounted rate if the domestic well stops functioning. Domestic 1 may not be located where indicated in WWC5 as the city was unable to locate the well.

**Addressing Critical Wells**

50-year Theis effect can be reduced to 4.0 ft or less on all critical wells except for Domestic 1 and Domestic 3 by limiting proposed pumping rate to 550 gpm and quantity to 340 AF. Maximum total use between HS 1 and 15617 over past 20 years is 196.6 AF.

**Clay Scott moved to recommend approval of the spacing waiver [subject to a limit of 550 gpm and 340 AF] as presented today. Fred Jones seconded. Motion passed.**

**Committee Reports**

**Policy and Legal Committee**

A Policy and Legal Committee meeting was not held prior to this meeting.

**Renewable Supplies Committee**

Renewable Supplies Committee did not hold a meeting.

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**Old Business**

There was no 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 Rights Applications Resume` Pending applications & proposals**

No report.

**GMDA Summer Conference Report, Salt Lake City, Utah**

Jason reported a good turnout and good speakers. Hal Scheuerman and Fred Jones from the board attended and Fred presented on the City of Garden City Water Report Card program. Hal Scheuerman noted the tour to the Copper mine was interesting.

Winter Conference will be held at Fort Lauderdale.

**Four States Irrigation Council Tour**

Four States Irrigation Council will hold their Summer Tour July 24 and 25<sup>th</sup>. \$100.00 registration deadline is June 28<sup>th</sup> with the cost jumping to \$120.00 after June 28<sup>th</sup>. If sleeping rooms are needed a block of rooms has been reserved at Clarion. The tour bus will leave from Clarion around 7:30 a.m. on July 24. The first day of tour will consist of the following locations: Amazon Canal Headgate, Sand Creek Flume Structures, Lake McKinney, Big D Farms (water technology farm), Grant County Feeders, Clay Scott Farms, Northwest Cotton Growers Co-op. Second day tour stops include Royal Dairy, Lakin Water Treatment Facility and back to Big D Farms.

**Kirk Heger moved to support registration fee for board members and staff to attend. Hal Scheuerman seconded. Motion passed.**

**Uranium Update**

Mark Rude has had discussion on pulling samples as an in-kind service for two sampling and treatment evaluation projects. Additional details will be reviewed in September.

**NRCS State Technical Committee Report**

Mark Rude and Trevor Ahring attended NRCS State Technical Committee meeting. Trevor presented results of the GMD3 CIG grant we just finished up, resulting in national cost share practice criteria under development.

**Revised Assessments, Morton County**

Mark reviewed the Elkhart Forest Service assessment from 2018. Due to a discussion Mark Rude held with the Property Evaluation Division it was concluded that the Elkhart Forest Service should not be assessed being a Federal Agency and Land. Patty Stapleton will discuss with the Morton County Clerk on the best way to complete an abatement for the 2018 Assessments.

**Rules & Regulation...**

Mark handed out the last set of draft Rules and Regulations from 2015 for review. Policy and Legal will be considering revisions the next couple of months to recommend updates.

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**Befort / Borth approval**

Discussion was held amongst those present regarding the process of seeking a hearing. GMD3 was denied an administrative hearing by state agency conclusion GMD3 not having authority or evidence of any direct aggrievement. Consensus of the board was it is more of a process to resolve the error and seems the outcome will be the same unless follow a legal process. Mark Rude, asked the Board of Directors "How far does the board want to go with the process?" Kirk Heger noted we seem to be in a position that we just ride it out with some legal assistance.

**Monthly Western Water Conservation Projects Fund Business**

Mark Rude drew the attention of the board to the May Financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. **After some discussion of the Board, Fred Jones moved to accept the May Financial Report and payments as presented and submit them for annual audit. Kirk Heger seconded. Motion passed.**

**State Water Plan**

**GMD3 Area Water Plan Fund Payments, Draft Ideas and GMD3 Requests**

Mark will send out an email detailing discussion with Kansas Water Office staff and others. Can FTE's be supported through KWO budget? Shouldn't it be general funds? Will work with the Renewable Supplies Committee to work through the process.

**RAC Committee Reports**

RAC Committee meetings will be held tomorrow June 13<sup>th</sup>, individually and the jointly.

**Board Member Report**

Fred Claassen reported that the Cimarron Grassland is looking beautiful with the amount of rains this year. If you have time take a drive and enjoy the scenery.

**Public Forum**

Dave Brenn reported that the Summer Water Congress will meet August 1st and 2<sup>nd</sup>, in Manhattan.

Armando Zarco announced that July 30<sup>th</sup> and 31<sup>st</sup> will be the Kansas Water Authority meeting held in Goodland. Also, a schedule for Water Tech Farms, should be coming out soon.

**ADJOURNMENT**

**Fred Jones made a motion to adjourn the meeting. Fred Claassen seconded.**

**The meeting was adjourned at 11:50 a.m.**

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary