

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
November 13th, 2019**

MEETING CALLED TO ORDER

President Rooney called to order the November 13th, 2019 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:04 a.m. The meeting was held in the GMD3 Board Room.

Flag Salute

Directors Present in person or by phone

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

Directors Absent with Notice

Zachary Gale, Hamilton County 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 in person or by phone

David Barfield, Chief Engineer, Kansas Department of Ag, Division of Water Resources(DWR)
Mike Meyer, Water Commissioner, DWR, Garden City, KS
Austin McColloch, DWR
Armando Zarco, Kansas Water Office, Garden City, KS
Dave Brenn, Kansas Water Congress
Alexander Stejskal, Mammoth Water
Richael Young, Mammoth Water

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APPROVE AGENDA

President Rooney asked for consideration of the November 13th, 2019 meeting agenda. Add presentation of Mammoth Water to President's Report A. and move all items down. Also, correct date of Western Water Conservation Projects Fund Business Financial Report and Payment Voucher Review to October 2019 from June. Lastly, under Executive Director report add item F, Federal Legislation. **Kent Dunn made a motion to approve the agenda as revised. Clay Scott seconded. The motion passed.**

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Rooney drew the attention of the Board to consider the October 9th, 2019 draft minutes. Due to some questioning, the minutes were table for later review.

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

UPDATE TO RESOLUTIONS 2018-4 & 2019-2 FOR AUDIT PUPOSE

Mark Rude noted the auditors found a typo discrepancy in the Budget Resolutions 2018-4 that was carried over into resolution 2019-2 the following year. Budget Resolution 2018-4 should read: 2019 General Fund Budget in the amount of \$1,226,003.00 (instead of \$1,153,422.00) and 2019-2 should read: 2020 General Fund Budget in the amount of \$1,064,399.00 (instead of \$1,243,112.00). **Treasurer, Mike O'Brate moved to correct the Cash Base Budget Resolutions 2018-4 and 2019-2 to the audit confirmed dollar amounts. Clay Scott seconded. Motion Passed.**

President Rooney signed and submitted the financial documents.

Mammoth Water Presentation

Richael Young showed a presentation that demonstrated TAPP H2O mobile application. TAPP H2O is a mobile app allowing irrigators to snap photos of flowmeters and generate an on-demand water use report and feedback on remaining allocation amount and how use compares to similar peer group usage. The cost for the TAPP H2O is \$50.00 per flowmeter per year. Consistent data along with date and time stamp photos help generate consistent and reliable pumping data. TAPP H2O is powered by Mammoth Water PBC. For more information contact Richael Young at 308.520.9296 or richael@mammothwater.com. Staff will further consider opportunities that may exist for use.

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

Water Commissioner, Meyer announced that a Flowmeter Summit was held in Stafford, Kansas on October 28th, 2019 and all offices were represented. One topic that was heavily discussed was when a flowmeter comes up missing a seal, but the GMD hefty seal is not missing. Is the meter compliant or not? A draft MOA will be generated by GMD3 to address the question.

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Discussions with David Barfield, Chief Engineer

Chief Engineer Barfield provided his views on the GMD Act and handouts. Definition of a management program is *"a written report describing the characteristics of the district and the nature and methods of dealing with groundwater supply problems within the district. It shall include information as to the groundwater management program to be undertaken by the district and such maps, geological information, and other data as may be necessary for the formulation of such a program."* The state reads the GMD Act as a powerful but simple Act. GMD powers were summarized (per handout).

Mr. Barfield stressed that GMDs shall adopt a management plan and implement it. GMD3 provided a copy of their management plan to the Chief Engineer back in January of 2019. He stressed his apologies for his slow response, however, there were more pressing issues to take care of across the state. Mr. Barfield handed out a "Review of proposed modifications" for the board to review.

Upon review, the Proposed Program cannot be approved because it contains multiple statements that are "not compatible with Article 7 of Chapter 82a of the Kansas Statutes Annotated and all acts mandatory thereof or supplemental thereto and any other state laws or policies." Primarily, the Proposed Program seeks to limit and effect the Chief Engineer's authority in violation of K.S.A. 82a-1039 and it strays beyond the expressly granted powers provided to districts in the GMD Act.

Mr. Barfield noted a positive in the GMD3 plan that it does contain significant information describing the characteristics of the district and groundwater supply problems within the district. However, while it provides a list of programs, statements of policy, and an extensive list of strategies, *it fails to set forth a groundwater management program.* A list of goals and objectives from the district to Chief Engineer would be beneficial. Mr. Barfield went on to mention other statements within the program that are *"not compatible"*. Clay Scott asked the following questions: 1) what is it that has to come first, proposed rules or the management program? 2) Chief Engineer is required to take into account the public interest, is GMD not the public interest? GMDs were formed to formally represent the Groundwater Act.

Chief Engineer Barfield stated there is nothing in the Act that requires him to heed to GMD recommendations. More collaboration when it comes to local water issues / concerns is needed by everyone. The GMD3 plan does not include goals and an action plan to address supply problems. It was asked of the Chief Engineer if it would be helpful in his efforts to accomplish his many duties if another state office were to provide the legality review of GMD draft program revisions. Chief Engineer Barfield indicated it would help him and ended his time with the board with a brief review of what he presented at the Water Conference in Wichita and the Quivira impairment in GMD5. Fish and Wildlife will not call for water until sometime in 2020, if they do.

Also, GMD3 will look closer at DWR draft rules through the Policy and Legal Committee and with other GMDs before making additional comments on them.

Committee Reports

There were no Committee Reports.

Old Business

There was no old business to take off the table.

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New Business

Resolution 2019-3, Water Use and Climate Evaluation for Drought Resiliency Grant

Trevor handed out a summary of highlights of the grant submittal and turned the boards attention to the Resolution in the Board packet. Total Project cost \$220,000.00 over 2 years. Most of the cost is in KGS software development tying all wells together. No new budget impact to GMD3.

Mike McNiece moved to approve Resolution 2019-3 (Water Use and Climate Evaluation Service to Irrigators for Drought Resiliency in Southwest Kansas), Doug Fox seconded. Motion passed.

Executive Director Report, Mark Rude

Confirm KARL Sponsorship by Executive Committee

Mark Rude reminded those present that GMD3 sponsors \$300.00 every year to KARL. Discussion and consensus of the executive committee was to provide sponsorship of a meeting this year in the amount of \$1,300.00. The meeting will be held in Garden City, KS. Consensus of board approved Executive Committee decision.

Water Quality Project Update

No report at this time, just that the project is progressing.

NWRA Annual meeting, Huston, TX

Clay Scott and Mark attended the NWRA Annual Meeting in Huston, Texas. Very well attended by western state water associations. Kansas became full members with the help of Kansas Water Congress. Mark noted that NWRA is a great organization that gets us in the door on federal issues. Kirk Heger moved, and Clay Scott seconded to continue our support and membership to Kansas Water Congress.

Governor's Water Conference, Wichita

Trevor Ahring, Chris Law and Jason Norquest along with some Board of Directors attended the Governor's Water Congress.

Flowmeter Summit, St. John

Flowmeter Summit was held in St. John, KS. MOA's are in the works and will be presented later.

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the October 2019 Financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. **After some discussion of the Board, Kirk Heger moved to accept the October 2019 Financial Report and payments as presented and submit them for annual audit. Fred Jones seconded. Motion passed.**

Confirm recommendation of Advisory Committee to fund Farmers Headgate

Mark Rude discussed the Farmers Headgate project bids. All bids were all presented to the Western Water Conservation Advisory Board. After discussion the advisory board agreed to the 1.88-million-dollar bid. GMD3 Executive Committee reviewed the bid and also approved the project. **Hal Scheuerman moved to confirm expense. Mike O'Brate seconded. Motion passed.**

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**State Water Plan & Funding
Kansas Water Office Report**

Armando announced the Governors Water Conference was held in Wichita, Kansas for the first time and it went very well. Scheduled for November 9th and 10th, 2020 in Wichita again.

Soft deadline for new water tech farms is coming up around Thanksgiving.

Winter Water Expo coming up January 9th at the Fairgrounds in Garden City, KS. There will be free drinks and free food.

Board Member Report

Fred Jones: Water Marketing Grant was approved by the Bureau of Reclamation for the City of Garden City. Mark congratulated Fred and the City in that effort to develop best options for marketing re-use water sources and reminded the board this is the program, one of 13 requests, they have asked the Water Office to consider funding and facilitating with other western states partners with no response to date.

Public Forum

Dave Brenn: Kansas Water Congress will be held on February 4th, 2020 at Dillon House, Topeka, KS.

Out of State travel is needing approved for staff and directors to attend the GMDA Winter Conference in Fort Lauderdale, Florida, January 2020. **Kirk Heger moved to approve travel for staff and directors to attend the GMDA Winter Conference, January 2020. Clay Scott seconded. Motion passed.**

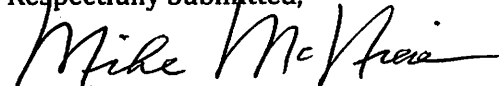
APPROVAL OF MINUTES

President Rooney took from the table October 9th, 2019 draft minutes. Advising, Jason Norquest reviewed the minutes with Mike Meyer, and found they were correct. **Kirk Heger moved to approve the October 9th, 2019 minutes as presented. Clay Scott seconded. Motion passed.**

ADJOURNMENT

**Doug Fox made a motion to adjourn the meeting. Hal Scheuerman seconded.
The meeting was adjourned at 12:20 p.m.**

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary