

**Southwest Kansas Groundwater Management District No. 3**  
**Minutes of the Regular Meeting of the Board of Directors**  
**April 11th, 2012**

**MEETING CALLED TO ORDER**

The April Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Kent Dunn at 9:00a.m. The meeting was held in the Southwest Kansas Groundwater Management District No. 3 Board Room.

**Directors Present**

Kent Dunn, President, Seward County Representative  
Nathan Kells, Vice President, Haskell County Representative  
Mike O'Brate, Treasurer, Gray County Representative  
Kirk Heger, Stevens County Representative  
Hal Scheuerman, Kearny County Representative  
Steve Stone, Finney County Representative  
Dave Brenn, Surface Water Representative  
Clay Scott, Grant County Representative  
Wayne Breeding, Morton County Representative  
Seth Nelson, Stanton County Representative  
Douglass Fox, Meade County Representative  
Mike McNiece, Industrial Representative

**Directors Absent with Notice**

Meghan Houtsma, Secretary, Hamilton County Representative  
Alan Schweitzer, Municipal Representative  
Tom Bogner, Ford County Representative

**District Staff Present**

Mark Rude, Executive Director  
Jason Norquest, Assistant Manager  
Patty Stapleton, Office Administrator  
Chris Law, Resource Technician  
Trevor Ahring, EIT / GIS  
Brandi Sneath, Office Assistant

**Others in Attendance**

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, Ks  
Gary Baker, Water Right Consultant, KWA member & Stevens County Commissioner  
Troy Jantz, Producer  
Gale Frank, Producer

**APPROVE AGENDA**

President Dunn asked for consideration of the meeting Agenda. Executive Director, Mark Rude asked to add letter G to the Executive Director Report. He would like to discuss a Producer Informational meeting mid May. After some discussion, Dave Brenn made a motion to approve the agenda as corrected. Mike O'Brate seconded. The motion was approved with all in favor.

**APPROVAL OF MINUTES & MONTHLY FINANCIAL REPORT**

President Dunn drew the attention of the Board to consider the March 14<sup>th</sup>, 2012 draft minutes. Mr. Fox brought to the attention a correction of his name; should be Douglass not David. Nathan Kells made a motion to approve the March 14<sup>th</sup>, 2012 Board Meeting minutes as corrected. Steve Stone seconded the motion. The motion was approved with all in favor.

President Dunn next drew the attention of the Board to review the March, 2012 financial report documents. Clay Scott made a motion as follows: Approve the financial reports and payments for the month of March, 2012, as presented at this meeting, and to submit them for the annual audit. Hal Scheuerman seconded the motion. The motion was approved with all in favor. President Dunn signed and submitted the financial documents.

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**President's Report, President Kent Dunn**

**Water Commissioners Report, Mike Meyer, DWR**

Mr. Meyer reported that DWR has been heavily involved in finalizing the Multi Year Flex Applications. Their goal is to educate producers immediately on their options. Each director was handed a copy of the application for their review. Mark stressed that when the producer signs the application they are agreeing to comply with the rules and regulations that are stated upfront in the application. Maintaining of monthly meter records is required.

Mike reported they have discovered 7 meter tampering issues. All have been appealed as of this date. There were also 12 falsifying water use reports. Each of them will be issued a penalty of \$1,000.00.

DWR is currently completing measurements on the alluvial aquifer along the Arkansas River. A measurement of the alluvial is completed three times a year, January, April and October. More information will be reported at a later date.

Mike announced there is a new Water Meter Repair form available that was jointly developed by DWR and the GMD's. The form is universal and will be used State wide by both DWR and GMD's.

**Report on Ogallala Aquifer Advisory Committee,**

President Kent Dunn asked for a report on the Ogallala Aquifer meeting that occurred on April 2, 2012. Mark advised the board that the presentations that occurred at the Ogallala meeting is posted on the Kansas Water Office website. A presentation on how other States Manage and Conserve Groundwater was made. Clay Scott added that a presentation from the north Texas GMD was interesting. Texas GMD's will be implementing 18 inches of water per acre, with even tighter restrictions in some coming years. A collaborative meeting between the Ogallala Aquifer Advisory Committee and the GMD Board of Directors is being considered for the next OAAC meeting.

**Policy Paper on Water Right Well Authority [change] Management**

Executive Director Mark Rude brought to the board's attention a memo suggesting the addition of hearing policy on rule waiver requests. An informal fact finding hearing at the district level would be beneficial to the members and the Board of Directors as well as the DWR staff and chief engineer. A hearing and record would provide:

1. More thought by the applicant before seeking a waiver review;
2. More notice and opportunity provided to the neighborhood property owners to participate, learn and comment;
3. GMD staff and others could present hydrologic, legal and other facts;
4. Better neighborhood consideration of the local management program;
5. More efficient and complete board information and basis for action;
6. Improved accountability to the demonstrations required in the law;
7. Improved accountability in the decisions made by officials
8. Unfortunately, more effort and expense by GMD staff and by neighborhood property owners.

After some discussion the consensus of the Directors was to send to Policy and Legal for further development.

**Policy Paper on New Appropriations in Closed Areas: Temps, Terms and Exemptions**

Mark briefly reviewed new appropriations in closed areas that are highly appropriated areas. There are significant amounts of existing appropriations that are unused and should be available for offsetting new appropriations. Term permits; generally up to five years and any amount of quantity with very few other restrictions or standards in GMD3. Consider tightening up on exemptions. New applications and limited to new projects needing 15 acre feet or less annual appropriation are exempt from closed or even safe yield restrictions in GMD3. No stacking. The geographic distribution limit is one per half mile. Recently temporary permits have been changed from 1 million (3.06af) to the maximum 4 million (12.28 acre feet). There are no required offsets for new quantities appropriated in GMD3, but there are in other Kansas GMD's.

Consensus of the directors was to refer this to Policy and Legal for further development.

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**Board Review, 5-N Feeders,**

**Unstacking 39,647 to existing unpermitted well, Spacing Waiver**

Jason Norquest started the board review for 5-N Feeders. He explained this is basically additional well rule. This is a change to cover a well that is currently being used without authorization. This unauthorized well was found by DWR. Spacing is not met to neighboring wells, which are the applicants. Jason noted this well was drilled ten years ago and the applicant thought everything was filed appropriately. The Producer has filed water use reports on the unauthorized well for the past 10 years.

After much discussion from the Board of Directors, Wayne Breeding moved to deny the spacing waiver. Steve Stone seconded. Motion passed with all in favor.

Clay Scott recommended a term permit, if one is requested, to allow time for the applicant to research options. Term Permit for 2012 calendar year. The consensus of the board was to support waivers necessary for a one year term permit if requested by the applicant.

**Committee Reports**

No Committee Reports were announced.

**Old Business**

**Board Review; File No. 14 688, Troy Jantz 3231 foot move**

Mark Rude introduced tenant Troy Jantz and son. A recap from last month of the review was completed by Mark. Jason added an explanation of the actual waiver request. Water Right 14,688 is currently authorized two wells. The only well within the half mile that overlaps is the applicants own well.

After some discussion, Clay Scott moved to recommend approval with a waiver of the ½ mile limit subject to the change in 2 mile circle reduction policy, as long as the other requirements of the rules are met. Hal Scheuerman seconded. Motion passed with all in favor.

**Board Review; File No. 14 234, Gale Frank, 5030 foot move**

Jason Norquest recapped the Board Review on Gale Frank, file no. 14234. The application is to propose moving the well location in section 14 over to a new location in section 15, a distance of 5030 feet. Also, reallocate Acre Feet and increase the allotment on the well currently in section 15. File 14234 plans on overlapping with file 3666, which will cause a reduction in acre feet. Owner of the senior file number 3810 did submit a letter of objection.

After much discussion, Nathan Kells moved to table the review until a complete proposal is submitted. Wayne Breeding seconded. Motion passed with all in favor.

**New Business**

No new business was brought to the table.

**Executive Director Report**

**Out of State Travel for GMDA Conference, Nebraska City, Nebraska**

Mark announced out of state travel will be needed to attend the GMDA Summer Conference which will be held in Nebraska City, Nebraska. Kirk Heger moved to approve out of state travel for staff, board members and spouses to attend the Summer GMDA Conference in Nebraska City, Nebraska. Nathan Kells seconded. Motion passed with all in favor.

**Cooperative Evaluation to improve drinking water, Upper Ark Valley**

Mark Rude turned the board's attention to information in the board book regarding the Cooperative Evaluation to improve drinking water on the Upper Ark Valley. Bureau of Reclamation currently has money available. Mark stated the money is targeted for us as long as the money is approved to the regional office for the project. More information will be announced in the future.

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**Conservation Innovation Grant Submittal**

Mark reviewed the Conservation Innovation Grant. Declines of the Ogallala Aquifer have led producers to turn to technologies in irrigation that both conserve water and maximize the economic impact of water application. This grant project will allow for the installation of telemetry systems on wells, providing producers access to on-farm data including water use, pipe pressure, weather data and soil moisture from a PC or smart phone. This grant would provide 250 locations for the demonstration and implementation of the technologies.

**Weather Modification Program Invoice,**

Mark brought to the board's attention an invoice for the Weather Modification Program. The invoice is for \$5,000; which covers Hamilton and Kearny County at \$2,500 each as the participating counties in 2012. Wayne Breeding moved to approve payment of the invoice for \$5,000 Weather Modification Program for Kearny and Hamilton County. Mike McNiece seconded. Motion passed with all in favor.

**Comments to finalize Hydrologic Model scenario report w/ KGS**

Mark announced that the Hydrologic Model is near finalization. KGS is waiting on comments and a final payment. The consensus of the board was to submit comments, finalize the model and submit final payment.

**GMD3 Flowmeter seals for summer work**

Chris Law spoke to the board about the new seals that will be placed on the meters starting immediately. The seasonal employees might also be placing the seals on while they are out checking the meter. If this does occur there is a possible increase in pay that may need to happen for the seasonal well visits. A detailed program will be presented at a later date.

**Western Water Conservation Projects Fund Business**

**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. Hal Scheuerman asked that a correction be made in the accounting that Wheatland Electric had been paid from. It should be the Amazon Headgate not South Side. After some discussion of the Board, Clay Scott moved to accept the financial report and payments as corrected and submit them for annual audit. Nathan Kells seconded. Motion passed with all in favor.

**Annual Report to Legislature**

Mark announced the Legislative Report is completed however a few corrections are still needed.

**BOARD MEMBER REPORTS**

There were no Board Member reports to discuss.

**PUBLIC FORUM**

Gary Baker spoke to the Board of Directors regarding MOU fees and the large annual fee bill that can be incurred when numerous overlapping files involve more wells, which can create a significant total fee from GMD3 for the monitoring service.

**ADJOURNMENT**

With no more business presented to the board, Doug Fox made a motion to adjourn the meeting. Seth Nelson seconded. The meeting was adjourned at 12:10 p.m.

Respectfully Submitted,



Meghan Houtsma