

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

**MEETING CALLED TO ORDER**

The July Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Kent Dunn at 9.00 a.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  
Kirk Heger, Stevens County Representative  
Hal Scheuerman, Kearny County Representative  
Steve Stone, Finney County Representative  
Douglass Fox, Meade County Representative  
Mike McNiece, Industrial Representative  
Mike O'Brate, Treasurer, Gray County Representative  
Clay Scott, Grant County Representative  
Wayne Breeding, Morton County Representative  
Seth Nelson, Stanton County Representative  
Meghan Houtsma, Secretary, Hamilton County Representative

**Directors Absent with Notice**

Dave Brenn, Surface Water Representative  
Tom Bogner, Ford County Representative  
Alan Schweitzer, Municipal Representative

**District Staff Present**

Mark Rude, Executive Director  
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  
Marlin Heger, Producer

**APPROVE AGENDA**

President Dunn asked for consideration of the meeting Agenda. After some discussion, Clay Scott made a motion to approve the agenda as amended; correcting Presidents name to Kent Dunn on item "E". Mike McNiece 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 June 13<sup>th</sup>, 2012 draft minutes. Hal Scheuerman made a motion to approve the June 13th, 2012 Board Meeting minutes. Kirk Heger seconded the motion. The motion was approved with all in favor.

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

President Dunn signed and submitted the financial documents.

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**Cash Based Budget Resolution 2012-1**

Executive Director, Mark Rude presented the Cash Based Budget Resolution, 2012-1. Kirk Heger moved to approve the Cash Based Budget Resolution, 2012-1. Mike O’Brate seconded. Motion passed with all in favor.

**President’s Report, President Kent Dunn**

**Water Commissioner’s Report, Commissioner Mike Meyer**

Mike Meyer reported that Drought Term Permit wells are being visited by field staff and the water flowmeter read. Appears to be a lot of over pumping on wells with no multiyear flex account application submitted.

Mr. Meyer stated that drought term permit wells were read before the water use reports were completed by the producers. Several of the water use permits were completed with false information in order for the producer to unlawfully bank water for 2012.

Mike announced that Flowcom 100 will be withdrawn from the approved / registered flow meter list. Several producers with the Flowcom 100 meter have been notified to remove the meter.

July 15<sup>th</sup>, 2012 is the deadline for the multi-year flex account applications to be submitted for the discounted fee. Filing can still occur afterwards however the fee is \$600.00

**2<sup>nd</sup> Board Review, 5N Feeders, File No. 39,647, Bill Nichols**

Mark reviewed the elements of a past board review for 5N Feeders, File No. 39,647. This is a change to cover a well that is currently being used without authority to help meet the demand for water to a feedyard. This well was found by DWR as an unlawful well. Discussion was held regarding the spacing to neighboring wells. The well does not meet spacing standards to a domestic well and the applicants own irrigation well, file number 31,930.

Mr. Nichols would like the unpermitted well to be authorized under file number 39,647 as a stand by well. He understands the well cannot be used under that classification unless the primary well is inoperable.

After some discussion reviewing the options that may exist without waiving a rule, Steve Stone moved to take no action. Mike McNiece seconded. Motion passed with all in favor.

**Public Hearing, Proposed 2013 GMD3 Budget**

President Kent Dunn opened the public hearing on the proposed 2013 budget for the District at 10:00 am. He welcomed all those in attendance. Mr. Dunn stated that a GMD3 budget hearing is necessary and proper, according to state policy, for our organized groundwater area of Kansas. Specifically, K.S.A. 82a-1030 provides for water user charges; annual assessments per acre against landowners and also this budget hearing process. The purposes of GMD3 are long standing in the history and activity of GMD3.

The hearing is held to receive comments on both the proposed 2013 budget and on the assessments to member land owners and water users necessary to fund the management programs of GMD3.

Hearing announcements have been published in the newspapers of the District, and presented to members at the Annual Meeting that was held in March.

President Kent Dunn introduced Treasurer Mike O’Brate. Mr. O’Brate presented the budget and assessment information.

The floor was then opened for comments from the membership or the public.

No comments were stated. Budget Hearing was closed at 10:10 a.m.

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**2<sup>nd</sup> Board Review, Meisel Inc. File No. 12508**

Mark reviewed file number 12,508 with the directors. Stating the north hole for file number 12,508 has stopped pumping. The applicant would like to stack the quantity for the two wells onto one well. Moving 95 acre feet and stacking it on 115 acre feet. Spacing is not met for file number 17,991; however, the producer did provide a letter of approval for the move.

After some discussion Hal Scheuerman moved to approve recommendation of waiver. To stack the quantity for the two wells onto one well, subject to no changes from now to application submittal. Nathan seconded. Motion passed with all in favor.

**Emergency Term Permit, File No. 9,311 (Gene Wright)**

Mark brought to the boards' attention an emergency term permit request relating to an irrigation project authorized by File No. 9,311, Gene Wright. The applicant is requesting the emergency term permit due to losing his well and still having corn in the field. File # 18,957 was moved in recent years and the old well hole is still available for use. Spacing is not met between the proposed term permit well to be offset by file number 9,311 and the present well under 18,957. However, they are both owned by Mr. Gene Wright. He has filed a term permit for the needed irrigation water through corn season.

Steve Stone moved to grant the emergency term permit spacing waiver as presented. Clay Scott seconded. Motion passed with all in favor.

**Consideration of Public Comments on 2013 GMD3 Budget**

No comments were stated.

**Consideration of Resolution 2012-2**

Mark presented the 2012-2 Resolution for the proposed 2013 Budget to finance operations of the District for the ensuing year. Wayne Breeding moved to approve the 2012-2 Resolution. Hal Scheuerman seconded. Motion passed with all in favor.

**Committee Reports**

There were no committee reports.

**Old Business**

There was no old business to present.

**New Business**

Discussion was held on issues to be discussed at the Ogallala Aquifer Advisory Committee meeting. The directors would like more guidance on the issue of stricter violations regarding over pumping.

**Executive Director Report, Mark Rude**

**Governor's Ogallala Meeting with GMD3 & Stakeholders, August 22<sup>nd</sup>, GCHS**

Mark announced the Governor's Ogallala Meeting with GMD3 and Stakeholders will be held on August 22<sup>nd</sup>, at the new Garden City High School. The event will start at 2:00 p.m. The consensus of the board was to advertise on the radio, e-newsletter and on the bulletin board outside of the GMD3 office.

**Review of recent change rule waivers**

Mark turned the board's attention to an email from Chief Engineer, David Barfield summarizing his consideration of recent rule waiver recommendations. Mr. Barfield stated that DWR has evaluated a series of change applications that propose to move water to a new or different point of diversion further than normally allowed. Mr. Barfield believes all should require rules for consistent practices. Mark reviewed the comments from David Barfield on several pending applications.

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**One Mile Notices Update**

Mark announced that work is still being completed on the One Mile Notice process for membership application review involvement.

**Map-Model prediction for future change of 40% loss in next 25 years**

Mark turned the boards' attention to a map-model prediction that was included in the board book. The map can be further developed.

**Arkansas River Watershed Group Proposal, Board Resolution 2012-**

Trevor completed a proposal for the Arkansas River Watershed, for water quality interests. Mark advised the grant proposal was not submitted and more work would be done with fellow local water managers in Colorado for consensus on addressing the issues collaboratively.

**Example of a Domestic Right Certification, Ford County**

An example of a domestic right certification in Ford County was placed in the board book for all to review.

**Kansas Water Congress Summer meeting, Greensburg**

Discussion was held on who the representative would be at the Kansas Water Congress. A summer meeting will be held in Greensburg. Clay Scott nominated Hal Scheuerman to represent GMD3. Mike McNiece seconded. Motion passed with all in favor.

**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. After some discussion of the Board, Nathan Kells moved to accept the financial report and payments as presented and submit them for annual audit. Kirk Heger seconded. Motion passed with all in favor.

**Review of Payment Vouchers**

Payment Vouchers were handed out for review. No action was needed or taken.

**BOARD MEMBER REPORTS**

No board reports were announced.

**PUBLIC FORUM**

No public forum occurred.

**Executive Session**

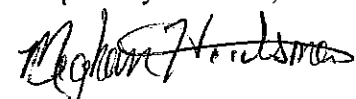
Clay Scott moved to have a 10 minute executive session. Mike O'Brate seconded. Executive session was called at 12:00 p.m. and ended at 12:10 p.m.

After the executive session, a consensus was made by the Board to support salary increases considered by the executive director subject to concurrence of Executive Committee and Executive Director.

**ADJOURNMENT**

Doug Fox made a motion to adjourn the meeting. Seth Nelson seconded. The meeting was adjourned at 12:11 p.m.

Respectfully Submitted,



Meghan Houtsma