

Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
April 10th, 2013

MEETING CALLED TO ORDER

The April Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Dunn at 9:00 a.m. The meeting was held in the GMD3 Board Room, 2009 E. Spruce St. Garden City, KS.

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
Douglass Fox, Meade County Representative
Mike McNiece, Industrial Representative
Clay Scott, Grant County Representative
Hal Scheuerman, Kearny County Representative
Steve Stone, Finney County Representative
Alan Schweitzer, Municipal Representative
Seth Nelson, Stanton County Representative

Directors Absent with Notice

Randy Hayzlett, Secretary, Surface Water Representative
Wayne Breeding, Morton County Representative
Meghan Houtsma, Hamilton County Representative
Unrepresented, Ford County (vacant)

District Staff Present

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

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Jeff Zortman, Producer
Mr. & Mrs. Eldon Koehn

APPROVE AGENDA

President Dunn asked for consideration of the meeting Agenda. After some discussion, Hal Scheuerman made a motion to amend the agenda by adding two items under General Financial Report: C. truck bids and D. land acquisition to the east of GMD3 office. Alan Schweitzer 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 13th, 2013 draft minutes. Steve Stone made a motion to approve the March 13th, 2013 Board Meeting minutes. Mike McNiece seconded. The motion was approved with all in favor.

President Dunn next drew the attention of the Board to review the March 2013 financial report documents. Clay Scott made a motion as follows: Approve the financial reports and payments for the month of March, as presented at this meeting, and to submit them for the annual audit. Kirk Heger seconded the motion. The motion was approved with all in favor.

President Dunn signed and submitted the financial documents.

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Ford and Chevy Vehicle Sales

Jason Norquest announced the Ford pickup had been sold.

Bids for the Chevy pickup were received from several interested parties. The bids ranged from \$2,400.00 to \$11,631.00. After some discussion, Clay Scott moved to accept the high bid on the Chevy. If high bidder withdraws, staff has the authority to seek second highest bid. Alan seconded. Motion passed with all in favor.

Land Acquisition

Discussion was held on acquiring some land east of the GMD3 office. This land would be the site of a possible test stand. Currently Garden City Community College owns the land. Expense of land & test stand along with conditions is unknown. Consensus of the board was to have Mark Rude and / or Mike O'Brate get further details from the college and report back to the board of directors in the May, 2013 meeting.

President's Report, President Kent Dunn

Mike Meyer, SW KS Water Commissioner

Water Commissioner Meyer reported the Topeka Agency will be moving to Manhattan, Ks in June 2014. More information will be reported in the future.

On April 1st, 2013 DWR provided a Report of Fact Finder [58 pages] prepared for the Haskell County District Court [regarding the Garretson case number 12-CV-9 on water rights histories, hydrology of area wells, concepts of impairment and needs for more study. Mike reported he has no updates from the court since then. When completed through the courts, an update may be provided.]

Mark Rude asked what the status is on the Clausen new applications court complaint. Mr. Meyer stated that he is unsure of the current status.

Mike also stated that a Report of Findings was drafted in the Meade County-Devine area impairment investigation. This was a complaint against both a Senior and junior water right. Chief Engineer has the drafted report and a decision is forthcoming.

There has been much talk on domestic type wells being tied in with irrigation wells to improve supply to fields and maintain irrigation systems pressurized. This is an illegal activity. A plan to locate these illegal wells would be helpful and beneficial to DWR, GMD3 and well owners of legal operations.

Mike reported on the practice of conducting settlement conferences held prior to holding an actual hearing in Topeka. This practice should allow for details and discussion to be heard by the Agency beforehand and may resolve issues more efficiently than through a formal hearing.

Mike ended his report stating that to date, there have been 10 water right suspensions issued for this year.

Appointment of Ford County Director

Mark announced that in conversation with Tom Bogner, two people were mentioned as candidates to the board as the Ford County Director. Jason Norquest did speak with Doug Melia and he indicated interest. Doug plans on attending the May meeting. Additional nominations will be sought and invited to attend the meeting in May as well.

Meeting with Secretary of Agriculture

Kirk Heger, Kent Dunn and Executive Director Mark Rude attended a meeting with Dale Rodman, Kim Christianson and Lane Letourneau a week after the GMD3 annual meeting. All in attendance agreed it was a good meeting and more discussion will likely occur in the future on the activities and coordination between the two agencies.

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Board Review, Dale Zortman, File 28,402

Jeff Zortman was in attendance to answer any questions regarding the board review of file number 28,402. Jason stated the proposal was to reduce annual quantity authorization down to 480 acre feet. This amount requires a 2100' spacing by rule. Spacing between the proposed well and the well authorized under file no. 2,392 is only 1,634 feet, and does not meet minimum spacing requirements. There are no domestic wells identified in the area.

After some discussion of the lack of a physical well in place for File No. 2,392, Clay Scott moved to recommend approval of a spacing waiver as requested; with the condition that water right 2,392 shall meet the minimum 2,100 foot spacing requirement when relocated. Hal Scheuerman seconded. Motion passed with all in favor.

Board Briefing, FO 075 MOU dismissal, Phil Derstein

Phil Derstein has purchased ground that presently has a conditional water right approved based on a Memorandum of Understanding between the chief engineer and GMD3 for compliance monitoring services. He is uncomfortable with the MOU annual service agreement fees for special compliance monitoring and would like it to revert to the prior acres and no special program. Mr. Derstein advised Jason he is unsure he will even be pumping the well. Mark Rude explained in detail what the MOU consists of for the producer and staff of GMD3. After discussion occurred between Mr. Derstein and GMD3 staff, it was agreed to go back to the revisionary acres and to stop the pivot before it waters other acres. Mr. Derstein will also be held to the five year allocation in the remaining two years. Staff of GMD3 will also provide water meter readings and field data to the state. A reduction request will be submitted by Mr. Derstein accordingly.

Board Review, New Application, Mennonite Church, File 47,932

Jason Norquest reviewed File number 47,932, which is a new application for the Mennonite Church south of Cimarron and in the Ark River IGUCA . Appropriation of Water, File No. 47,932 proposes an added quantity on the well currently authorized by 39,648, authorizing the well for a total of 15 acre feet annually. Spacing is met to all neighboring regular appropriation wells. However, spacing is not met to several domestic wells. Waivers support statements have been submitted by several neighboring domestic well owners. After some discussion, Mike McNiece moved to recommend approval of the well spacing waiver, with 15 AF or less. Clay Scott seconded. Motion passed with all in favor.

Letters to the Governor

Mark reviewed a letter sent to Governor Brownback regarding "Poor Water Quality from Colorado". The purpose of the letter is to inform the Governor of the water quality concerns of poor quality Arkansas River water and the detrimental effects of that poor quality on the region's water supply and water quality treatment expenses. The letter provides information on the institutional interaction occurring with Colorado Water Quality Control Board Staff and KDHE staff to explore opportunities to address the mutual problem with Colorado by reducing salinity and selenium loads to the river from irrigated lands below John Martin Reservoir.

Mark then brought to the boards' attention a draft letter to Governor Sam Brownback from Board President Kent Dunn regarding the Kansas Aqueduct and Energy Corridor project. This letter explains several inefficiencies in the Kansas approach to managing interstate waters, apparent compact violations at Milford and Tuttle, and significant lack of appropriation of Missouri River water for Kansas. It alerts the governor to the filing for appropriations from the Missouri River for Kansas being considered by GMD3. Mark has spoken with Chris Wilson for legal assistance on the application. After some discussion Alan Schweitzer moved to proceed in completing the letter and sending it to Governor Brownback. Mike O'Brate seconded. Motion passed with all in favor.

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Ogallala Aquifer Advisory Committee (Kansas Water Authority) update

Kent Dunn, Clay Scott, Mark Rude and Jason Norquest attended the Ogallala Aquifer Advisory Committee meeting in Scott City. Mark updated the board on limited transfers, which is a temporary permit for oil and gas borrowing from existing water right. The Bill [HB2363] for Limited Transfer is currently on the Governor's desk for signature.

It was reported to the committee that a pilot project is being considered by the Governor in NW Kansas, to show limited water irrigation strategies can be profitable.

Risk Management Agency was also a topic of discussion. The consensus of the directors was to draft a letter and note that it is very much accepted in this area.

Committee Assignments

Committee assignments have not been completed.

Old Business

There was no old business to discuss.

New Business

There was no new business to be brought to the table.

Executive Director Report, Mark Rude

GMD3 Aquifer Area Meetings

Mark Rude will be scheduling more public Aquifer meetings in the near future. Evening meetings might be considered. Dates and details will be announced at the next meeting.

Joint Upper Ark and Cimarron BAC Meetings,

Mark spoke about the Aqueduct at the Joint Upper Ark and Cimarron BAC Meetings. Both BAC's advice to full Kansas Water Authority is to pursue investigating the Aqueduct project.

Presentation to Eisenhower Excellence in Public Service Class

Mark Rude along with other speakers provided a talk to the Eisenhower Excellence in Public Service class; educating women leaders in Kansas politics in the role of Kansas water law and management.

Presentation to Missouri River BAC

Tuesday, April 9th Mark provided a presentation on the Aqueduct to the Missouri River Basin Advisory Committee in Atchison, Kansas. He stated there was positive discussion and a resulting recommendation to the full Water Authority to revise the Kansas Water Plan so as to better represent the importance of the Missouri River as a resource to Kansas.

GMD5 Hosting KGMDA Spring Meeting

GMD5 will be hosting the spring Kansas Groundwater Management District Association meeting at their office in Stafford, Kansas.

GMD3 Hosting Flowmeter Summit

The flowmeter summit is planned to be held in the GMD3 board room on April 25th, 2013.

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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, Kirk Heger moved to accept the March financial report and payments as presented and submit them for annual audit. Alan Schweitzer seconded. Motion passed with all in favor.

BOARD MEMBER REPORTS

Clay Scott brought to the table approval for out of state travel for board and staff to attend the GMDA Conference in Colorado Springs at the Cheyenne Mountain Resort, June 2nd thru 4th. Hal Scheuerman seconded. Motion passed with all in favor.

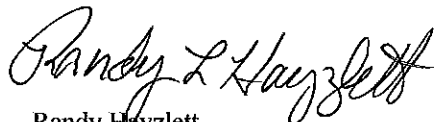
PUBLIC FORUM

No public forum was announced.

ADJOURNMENT

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

Respectfully Submitted,



Randy Hayzlett
Board Secretary