

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
May 8th, 2013**

MEETING CALLED TO ORDER

The May 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
Mike O'Brate, Treasurer, Gray County Representative
Randy Hayzlett, Secretary, Surface Water 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

Directors Absent with Notice

Meghan Houtsma, Hamilton County Representative
Wayne Breeding, Morton County Representative
Ford County Representative (vacant)
Seth Nelson, Stanton County Representative
Nathan Kells, Vice President, Haskell County Representative

District Staff Present

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

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City
Paul Reynolds, Sunflower
Rocky Gottsponer, Sunflower
Jonathan Aquilar, Irrigation Engineer, KSU
Gary Baker, KWA & Water Right Consultant

APPROVE AGENDA

President Dunn asked for consideration of the meeting Agenda. After some discussion, Kirk Heger made a motion to approve the agenda as presented. Clay Scott 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 April 10th, 2013 draft minutes. Mike Meyer had requested an addition of brackets for added information. Mike McNiece made a motion to approve the April 10th, 2013 Board Meeting minutes as amended. Mike O'Brate seconded the motion. The motion was approved with all in favor.

President Dunn next drew the attention of the Board to review the April 2013 financial report documents. Alan Schweitzer made a motion as follows: Approve the financial reports and payments for the month of April, 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

Mike Meyer, SW KS Water Commissioner

Water Commissioner Meyer reported the agency is busy completing change applications and finishing up water use reports. Preparation for fieldwork has begun.

Mark Rude brought to the boards' attention a letter from the State Department regarding the safety of agency employees in their service to the state. Each county attorney in the western 1/3 of Kansas will be receiving a similar letter.

Appointment of Ford County Director

Jason noted that Doug Melia is still interested in the appointment; however, he couldn't be in attendance today due to field work. The consensus of the board was to place an ad in the Dodge City paper and review nominations in the June meeting.

Board Review, Change Application, Klotz (KMT, LLC)

KMT, LLC had applied to flip the quantities and rates on the points of diversion for KE75 and 11,881. There are no neighboring wells within ½ mile of the requested location. 2,300 feet is needed for proper spacing, currently have 1,740 feet in spacing between the two wells.

After some discussion Mike O'Brate moved to recommend approval of the change application. Alan Schweitzer seconded. Motion passed with all in favor.

Board Review, New Application & Term permit, Mid-Kansas

Paul Reynolds and Rocky Gottsponer were in attendance to answer any questions the directors may have regarding the board review for Mid-Kansas Electric.

The applicant applied for a 20 year term permit, for fire protection with .89AF/year being requested. The term permit is requested to be stacked on the irrigation well currently under Water Right #19446, which is owned by the applicant. There are no issues of spacing to other wells.

An industrial well is being proposed at 11af/year at a rate of 50gpm. This well is needed for cooling purposes for the new electric plant that is currently being built. There is a spacing issue with two neighboring wells.

1. 19446 and the proposed term permit is needs 1900' spacing. Currently the spacing is 1007'. This well is owned by the applicant.
2. 11741 is authorized 640af, with a 2300feet spacing required. The proposed location lacks approximately 60' from meeting the minimum spacing, according to footages provided in WRIS. However, GMD3 inspections and the drilling log GPS shows that the wells would meet the minimum required spacing. Mr. Gottsponer also stated that they had measured the wells and believed that the spacing was met.

There are no domestic wells found in the ½ mile area. It was noted that a reduction of the irrigation rights will be necessary due to the acres reduced from the right to accommodate the plant site, and this will offset the amount of the new appropriation.

After some discussion, Hal Scheuerman moved to recommend a waiver of well spacing and approval for both the new industrial well at a rate of 50gpm with 11 AF/year, and for the 20 year term permit for fire protection filed on the applicants irrigation well. Clay Scott seconded. Motion passed with all in favor.

Board Briefing, Spacing to well with flex account

Jason advised that no board action is needed, just a board briefing regarding spacing of a proposed replacement well location to a well with flex account. The replacement well is proposed under water right, File No. 23,488. Jason explained that WR 23,344 has a Multi Year Flex Account with 732 ac feet of quantity possible in one year. Spacing is met to the base water rights, however not to the MYFA term permit amount, which is junior in priority. This is the first for a neighboring well moving closer to a MYFA well. There are no domestic wells in the area of concern.

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After some discussion, the consensus of the directors was to proceed with staff discretion in a GMD3 review process. If spacing issues with MYFA's occur and concerns arise, GMD3 staff should take to the board for advice. Information to the board and to the producer regarding the effects of what the move could cause should be provided.

Haskell County Impairment concern, Fact Finder Report.

Mark turned the boards' attention to a Fact Finder Report pertaining to Case No. 12-CV-9 of Haskell County District Court. This is a long running impairment concern in the area. Mark read the first paragraph of the Executive Summary. He stated the court can't decide on an injunction against neighboring wells until a hearing is completed. What part or role does the adjudicate judge have over the Chief Engineer? Clay Scott asked for an update to all directors either by email or at the June meeting.

Committee Assignments

President Dunn announced that committee assignments have not been announced. He is hoping to get Ford County Representative filled before announcing committees' assignments.

Old Business

Alan Schweitzer asked if there were any update regarding the land acquisition from Garden City Community College. Mark stated no new information to be announced today, but hopefully in the June meeting.

New Business

There was no new business.

Executive Director Report, Mark Rude

GMD3 Aquifer Area Meetings in June

Mark announced that additional GMD3 Aquifer meetings will be held in June. At this time towns and locations of the meetings had not been announced.

Kansas Water Authority

Mark will attend the Kansas Water Authority. Information from that meeting will be discussed in the June meeting.

Aqueduct Update

Mark Rude provided the directors a conceptual application regarding the aqueduct. The initial application fee would be \$16,000 if filed initially for Hydro power. He reviewed the application with them noting a couple of changes. The maximum quantity of water desired would likely be for a maximum of 4 million acre feet per year, not 3,878,000.

Sponsorship, Governor's Conference, Future of Kansas Water

Mark brought to the boards attention, sponsorship for the Governor's Conference, Future of Kansas Water. The conference will be held October 24 and 25th in Manhattan, Kansas.

Mike McNiece made a motion to sponsor the Future of Kansas Water Conference by providing \$500.00 to be put in with the other GMD's. Steve Stone seconded. Motion passed with all in favor.

Earth Day Activities

GMD3 participated in Earth Day events at the Lee Richardson Zoo in Garden City, KS. Over 1,300 students learned about the aquifer formation, pollution and how water is pumped out of the ground for use.

Presentations to KU institute for Policy and Social Research.

Mark stated that he had made a presentation to the KU Institute for Policy and Social Research members visiting Garden City. The talk occurred with representatives of Garden City and Lakin, and included the Aqueduct Project.

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Flowmeter Summit Agenda

GMD3 will host a flowmeter summit in the board room tomorrow, May 9th, 2013. Other GMD's are invited along with DWR staff.

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 April financial report and payments as presented and submit them for annual audit. Randy Hayzlett seconded. Motion passed with all in favor.

Next Meeting of Advisory

The next meeting for the Advisory Committee for the Projects Funds has not been announced.

BOARD MEMBER REPORTS

Congratulations were given to Hal Scheuerman for being appointment as a Kansas Representative to the Kansas and Colorado Arkansas River Compact Administration.

PUBLIC FORUM

No public forum was announced.

Clay Scott called for an executive session lasting ten minutes. Mike McNiece seconded. Mark Rude was asked to sit in on the session. Clay moved to concur with personnel budget decisions. Hal Scheuerman seconded. Motion passed with all in favor.

ADJOURNMENT

Alan Schweitzer made a motion to adjourn the meeting. Doug Fox seconded. The meeting was adjourned.

Respectfully Submitted,



Randy Hayzlett