

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
December 14th, 2016**

**MEETING CALLED TO ORDER**

The December 14th, 2016 Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Kirk Heger at 9:00 a.m. The meeting was held in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

**Directors Present**

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

**Directors Absent with Notice**

Alan Schweitzer, Municipal Representative  
Jeff Reinert, 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**

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS  
Kelly Warren, Water Right Consultant  
Frank Mercurio, KLA Environmental Services, LLC

**APPROVE AGENDA**

President Heger asked for consideration of the meeting Agenda. Correct date on Western Water Conservation Projects Meeting Date, from November to December 19th. Also add Feb 14th, sponsor lunch for KDA meeting, and pay dues for KWC in the amount of \$5,000. After some discussion, Hal Scheuerman made a motion to approve the agenda as presented. Fred Claassen seconded. The motion was approved with all in favor.

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**APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT**

President Heger drew the attention of the Board to consider November 9th, 2016 draft minutes. Kent Dunn moved to approve the November 9th, 2016 minutes, as presented. Randy Hayzlett seconded the motion. The motion was approved with all in favor.

President Heger next drew the attention of the Board to review the November, 2016 financial report documents. Brett Rooney made a motion as follows: Approve the financial reports and payments for the months of November as presented at this meeting, and to submit them for the annual audit. Zachary Gale seconded the motion. The motion was approved with all in favor.

President Heger signed and submitted the financial documents.

Mark Rude brought to the table a bill for the Kansas Water Congress Annual Membership for December 1, 2016 through November 31, 2017 in the amount of \$5,000. Clay Scott moved to pay the annual membership in the amount of \$5,000.00. Doug Fox seconded. Motion passed with all in favor.

Mark brought to the table discussion of sponsoring lunch for the Kansas Department of Ag. Meeting that will be held on February, 14th, 2017 in Garden City, KS. Mike O'Brate moved to sponsor lunch, Mike McNiece seconded. Motion passed with all in favor.

**President's Report, President Kirk Heger**

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

Mike Meyer, announced they are gearing up to work on water use reports in January. Asking DWR and GMD staff to push for submittal of water use reports on line. Weather permitting, annual well measurements will begin in January.

Rachel Duran from the Garden City DWR has turned in her resignation, along with Chief Legal Counsel at the State level. Mark Rude offered GMD3 staff assistance if needed, such as with well measurements.

Mike provided an update on the Wichita County WCA Proposal and Process. Governor Brownback attended along with many others. Any irrigator in Wichita County can sign up with this approved management plan concept in the county or develop one of their own. Around 150 Water Rights have been reviewed, however, no one has officially signed up. The county management plan includes 50% reduction in historic use would equal roughly 25% of the current authorized. 2009-2013 are the years used for historic base line use.

**Term Permit, Cimarron Crossing Feeders, Spacing and Distance**

Frank Mercurio KLA Environmental Services, reviewed the long term plan, which should begin in 2017, is to convert a portion of water right 11511 to stock and run pipeline to the feed yard facility. Cimarron Crossing Feeders is requesting 135.13 acre feet, just to finish the 2016 season.

Discussion of the history and overview of a long term solution was held. Cimarron Crossing Feeders has already gone through a lot of discussion and paperwork to separate out new well and hope to convert a portion of existing IRR right and pipe it 3 miles to the pens. Letters to neighbors have been sent, however, no response to date. Mike has done a Theis calculation that indicates little effect over 50 year period.

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Much discussion was held looking into the future need for permanent solutions that could secure supply needs. How can we offer flexibility and still protect neighbors too? Like this application, appreciate the fact the applicant is looking at long term permanent solution. The IGUCA rule to not decrease distance to river channel may be technically applicable for this application hydraulically and of little actual concern when there is no flow in the river and no deliveries expected during the proposed permit.

Clay Scott moved to recommend approval of one year term permit. Steve Stone seconded. Motion passed with all in favor.

**GMD Boards Roundtable Highlights with KDA, November 21, 2016**

Mark Rude provided a summary of the discussions that took place during the GMD Boards Roundtable which was held with KDA on November 21<sup>st</sup>, 2016.

1. KDA stressed concern of GMDs and proposal to alter WCA legislation revisions. Request to state WCA (Water Conservation Area) should require approval by the local GMD. KDA did not want to go that route but agreed to allow GMD time for input. Management program rules can be proposed.
2. Only one GMD (GMD4) has an up to date management program. The others have been working through rules, and are in some stage of Program document revision.
3. No real agreement on the WCA proposed legislative revisions.
4. Consumptive use discussion: GMD3 was nearly the only board speaking favorably about the consumptive use proposed map under a condition it include consideration of better water right historic information as may be available. The proposed map looks at return flows while the current rule looks at the historic acres under each water rights. Being two different approaches, some GMD's believe the current rule seems to be more consistent / fair approach. GMD3 has looked at the consumptive use proposed map, which is a starting point, **but also needs to and will have to** allow for better information to be considered **if available**.
5. Impairment talks, establish a process. First go through administrative route and DWR but still allow appeal to court if not liking results.

**KLA and KFB water related policy updates**

Annual meetings were noted as having occurred for KLA (Kansas Livestock Association) and KFB (Kansas Farm Bureau) that included revisions to water policy of each organization.

**Committee Reports**

**Policy and Legal**

Policy and Legal Committee discussed the implementation of the new law requiring chief engineer to consider implemented water conservation, and how to quantify it. Producers are wanting to keep their rate and quantity up in the water right record since most programs start with the water use historic record. This seems to be working against conserving decisions now. Clay Scott stated he prefers allocation by acres instead of historic use. It would leave the decision up to the producer and might eliminate the feeling they need to pump to keep average up.

Some proposed legislation:

1. Expanding WCA Law. Expanding the WCA Law would authorize chief engineer to approve use flexibility in exchange for water conservation. GMD's would like to be involved in the WCA negotiation process from the beginning instead of waiting until the end with the 45 day comment. Water Commissioner, Mike Meyer asked what is the difference with how DWR and GMD's do application waivers of rules? Changes have standards about what to expect, WCA's have too much

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undefined. Mike McNiece wants to see open discussion between DWR and GMD's, and keep notions, evaluations and information between neighborhoods and GMD3 members open. Especially when the results can affect neighbors.

2. Change to impairment complaint process. No concerns noted.
3. Flexible water management for animal facilities is supported and recommended either as a regular water right application (with statutory variance from inspection fees and perfection process) for this type of flex water management similar to term permit language or as a set of change applications. Policy and Legal Committee believe some of this could be allowed with permanent Changes instead of terms.
4. Securing interstate waters leaving Kansas for use by Kansas.
5. GMD user fee cap raised: the cap on the statutory maximum user fee that a local GMD can assess to fund management program activity currently stands at \$1.00 per acre foot. Each GMD would still set their Districts assessment amount, the increased amount is only a statutory cap.
  - a. Mark Rude read an email from GMD2 regarding the need for the increased cap. They are currently capped out and need additional funds to further the groundwater management efforts of their organized groundwater area. The consensus of the GMD3 Board of Directors was it is a GMD2 issue and to have "no comment" at this time.
6. Possible GMD program or rule-Volunteer annual water conservation reports in declining groundwater areas.
7. Consumptive Use Rule: revision using the proposed statewide irrigation return flow map. This **could** be a beneficial alternative to existing consumptive use rules only if provisions are retained in a rule to allow more accurate project data.
8. Prior Appropriation: Western Kansas Groundwater area: absolute protection of senior groundwater rights or a decline tolerance version adopted and modified in practiced norms?
9. Impairment Topic:
  - a. GMD3 Revised Management Program will be presented in January, 2017. Mark presented a power point regarding the topics of the Management Program.

**Old Business**

There was no old business to take from the table.

**New Business**

There was no new business to bring to the table.

**Executive Director Report, Mark Rude**

**Governor's Water Conference, November 14<sup>th</sup> & 15<sup>th</sup>, Manhattan, Aqueduct Coalition Video**

Mark stated the Governor's Water Conference was held November 14<sup>th</sup> and 15<sup>th</sup> in Manhattan. The Aqueduct Coalition Video was presented for viewing and the Coalition was a gold sponsor and maintained a display. See the Feast and Famine Documentary at: [www.KansasAqueductCoalition.com](http://www.KansasAqueductCoalition.com).

**ARCA Annual Meeting, December 9<sup>th</sup>, 2016 Lamar Colorado**

The ARCA annual meeting was held December 9<sup>th</sup>, 2016 in Lamar, Colorado. Compact representative and GMD3 board members Randy Hayzlett and Hal Scheuerman presided.

**KWA Meeting, December 15<sup>th</sup>, 2016**

Kansas Water Authority meeting will be held December 15<sup>th</sup>, 2016.



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GMDA Conference, Ft. Worth, Texas, January 9<sup>th</sup> – 11<sup>th</sup>, 2017

GMDA Winter Conference will be held in Fort Worth, Texas, January 9<sup>th</sup> through 11<sup>th</sup>, 2017. Registration and travel arrangements need to be made so let Jason Norquest know if you plan on attending.

**January Board Meeting Date, Change date.**

Due to the GMDA Winter Conference the January meeting will be changed to Friday 13<sup>th</sup>, 2017 at 9:00a.m.

**Topeka: Kansas Water Congress, GMD's Roundtable / Legislative Reception. Wednesday, February 8<sup>th</sup>, 2017**

Mark your calendars to attend the Water Congress Meeting, GMD's Roundtable and Legislative Reception, Wednesday, February 8<sup>th</sup>, 2017 at the Ramada Convention Center, Downtown Topeka, KS.

**Topeka: Board Meeting on Thursday, February 9<sup>th</sup>, 2017**

GMD3 Board Meeting will also be held in Topeka at the Ramada Convention Center, Thursday, February 9<sup>th</sup>, 2017.

**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, Hal Scheuerman moved to accept the November financial report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed with all in favor.

**Draft Annual Legislative Report**

Mark stated the draft Annual Legislative Report is almost out. Should be on schedule to present to the two financial committees of the legislature.

**Meeting December 19<sup>th</sup>, 2016**

Arkansas River Litigation Funds Advisory Committee will be meeting Monday, December 19<sup>th</sup>, 2016 at the GMD3 Board Room. GMD3 Application for *Technical report for replacing 400,000 acre feet past compact violation* along with *GMD3 application Update past reservoir site studies* will be placed on the agenda for discussion.

**Board Member Report**

There were no board member reports announced.

**Public Forum**

There were no public forums for discussion.

**ADJOURNMENT**

Fred Claassen made a motion to adjourn the meeting. Seth Nelson seconded.

The meeting was adjourned at 12:07 p.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary