

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
August 11, 2017**

**MEETING CALLED TO ORDER**

9:05 a.m. President Kirk Heger called to order the August 11th, 2017 Board of Directors meeting of the Southwest Kansas Groundwater Management District which 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  
Dave Casterline, Ford County Representative  
Fred Claassen, Morton County Representative  
Douglass Fox, Meade County Representative  
Zachary Gale, Hamilton County Representative  
Randy Hayzlett, Surface Water Representative  
Fred Jones, Municipal Representative  
Seth Nelson, Stanton County Representative  
Hal Scheuerman, Kearny County Representative  
Clay Scott, Grant County Representative  
Steve Stone, Finney County Representative

**Directors Absent with Notice**

Bret Rooney, Vice President, Haskell County Representative  
Kent Dunn, Seward 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  
Dwane Roth, KFL Committee  
Randy Richmeier, KFL Committee  
Troy Dumler, KFL Committee  
Todd Ploeger KFL Committee  
Stephen Lauer, PH.D. Student, KSU  
Diane Knowles, Kansas Water Office

**APPROVE AGENDA**

President Heger asked for consideration of the meeting Agenda. Hal Scheuerman would like to present / review his document regarding conversions of water rights from irrigation use to any other use. Also, Mark Rude reported that neither Jeff Tormalke nor Mary Hill were able to attend this meeting. Therefore, under Presidents Report note to strike items B(i.) and D. After some discussion to place Hal at item A and adjust others down with the two removals, Randy Hayzlett made a motion to approve the agenda as revised. Doug Fox seconded. The motion passed.

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

President Heger drew the attention of the Board to consider July 12, 2017 draft minutes. Fred Jones moved to approve the July 12, 2017 minutes, as presented. Hal Scheuerman seconded the motion. The motion passed.

President Heger next drew the attention of the Board to review the July 2017 financial report documents. Clay Scott made a motion as follows: Approve the financial reports and payments for the month of July as presented, and submit them for the annual audit. Doug Fox seconded the motion. The motion passed.

President Heger signed and submitted the financial documents.

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

**Board member Hal Scheuerman on water right use changes**

Hal Scheuerman presented a one page document of calculations for review on conversions of water rights from irrigated to any other use. Using a proposed Deerfield Dairy expansion as an example, many scenarios and questions were reviewed.

- 1) Would the change be permanent or could they go back to irrigated use with original right?
- 2) Do they take junior priority when converting from irrigation use to stockwater use?

The proposed rule would use the county presumptive return flow percentage to calculate a use limit. The dairy also has to show they need the water and will be limited to only what is reasonable, possibly not the whole quantity. Mark noted, if in a LEMA, the calculation would go off the base right and not include the conservation limits for the LEMA.

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

Water Commissioner Mike Meyer reported that Multi-Year Flex Account (MYFA) Term Permit application deadline to include 2017 in the five year account is October 1. MYFA is a good program especially if a producer believes, he/she might over pump or if wanting to bank conservation.

Across the State 9 WCAs (Water Conservation Areas) are being drawn up. Several Water Technology Farm field days are going on throughout the month. Due to rains and the river having flow there is no call for reservoir water from Colorado. Deerfield River is flowing at 300cfs. No ditches are diverting which will leave the water in river a little longer.

**Kearny/Finney LEMA Plan Development update**

Dwane Roth addressed those in attendance reviewing the board LEMA Plan development guidance. Much discussion occurred on proposal to limit groundwater pumping and the opportunity to tie in the surface water aqueduct concepts also. August 21<sup>st</sup>, is the next KFL meeting. At that meeting, discussion will be to add plan options or focus options. Deadline to stop talking and take action is viewed as January 1, 2018.

**Richmeier WCA**

Mark Rude reminded the Board of the July review of the original plan for the Richmeier Farms WCA. The GMD3 board moved to support the WCA with concerns for a better letter to neighboring members should be sent that addresses the rate and quantity along with clarification that the neighbor could comment on the project within a limited amount of time.

Randy Richmeier was present to review and summarize the updated plan. The revised limits on the two SW wells now carry a limit of 200 AF / annual and 800AF / five years. It was noted that no reply to the second letter had been received from the vested right objector. Discussion amongst the board with consensus indicated that the plan revision did satisfy some of the concerns from the July meeting.

Mike O'Brate moved to recommend approval of the revised WCA. Clay Scott seconded. Motion passed.

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**Ogallala Water CAP Project Survey, Stephen Lauer, PH.D.**

Stephen Lauer introduced himself as a Sociology Doctoral student from Kansas State University working with the Ogallala Water Coordinating Agriculture Project grant involving 8 universities in 6 states. The focus with the Sociology Economics Team is looking at the monetary and non-monetary values of groundwater along with motivation that drives the decisions of producers regarding groundwater. This past summer he completed interviews with producers regarding what motivates their decisions. Later in the year, a mailing of surveys on the monetary and nonmonetary factors will be sent to producers. All responses will be analyzed and compiled.

**Committee Reports**

**Policy and Legal: July 25, 2017 meeting report**

Policy and Legal met on July 25<sup>th</sup> in Satanta. Mark updated the board on the recent KDA rules and regulations hearing, mainly on the consumptive use changed approach using county irrigation return flow values. He stated several GMDs were opposed to it and might request their own rules if it is adopted.

Water Right 27,188 change application: Policy and Legal did not recommend waving any rules for this project at this time. However, they did recommend support for a conditional term permit to finish out the irrigation year for one year only as a temporary transfer of existing remaining water right authority for the project. Water Commissioner Meyer reported that DWR has installed logging sensors on area wells; this will allow a chance to get actual data on the area actual pumping and possible effects. Policy and Legal stressed the need for proper communication overall and not allow applicants to take all concerned into a situation like this again. Mike McNiece moved to support the term permit concepts per Policy and Legal Committees recommendation. Steve Stone seconded. Motion passed with Randy Hayzlett voting opposed.

Mark Rude provided a brief update on the GT County Feeders term permits, which were dismissed.

**Executive Committee**

President Heger stated the Executive Committee met this morning. The topic of discussion was communication between State and GMD staff. Mike Meyer will set up date and time of a meeting between State and the GMD3 Executive Committee.

**Old Business**

**Draft Revised Management Program Document**

Mark reviewed the main points and form of on the Draft Revised Management Program Document. He stressed the detail of the document demonstrates the acknowledgement of issues. Fred Jones asked how we will measure the goals that have been discussed or are they just statements of activity? It is important to measure what we are doing against our goals so progress can be determined. Mark explained the format of the program document was to have separate board documents for action plans and time lines, and that perhaps “activities” was a better term for the general program document than “goals.”

Sean with Capital Strategies has agreed to review the document for edit consistencies. After some discussion, Fred Jones moved to adopt the draft revised program document and present this to the Chief Engineer for approval. Clay Scott seconded. Motion passed.

**New Business**

There was no new business to bring to the table.

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**Executive Director Report, Mark Rude**

**Kansas Water Congress Summer Conference, July 27-28, Report**

Mark Rude reported on the Kansas Water Congress Summer Conference was reasonably well attended at the Clarion Inn in Garden City July 27-28, 2017. Arkansas River Surface Water Rights, LEMA, WCAs, Municipal Water Management were just a few topics on the agenda. Past Chief Engineer David Pope provided history and unique perspectives on the Kansas Water Transfer Act with examples. There was good attendance and great communication between all attendees. Presentations to be posted at <https://www.kswatercongress.org/2017-summer-conference>

**Annual Arkansas River Basin Compact Meeting Report**

The 2017 annual meeting of the Kansas-Oklahoma Arkansas River Commission met on Wednesday, July 26 at Marland Estate - Lydie's Cottage, Ponca City, Oklahoma. Mark Rude attended and provided a report on two questions posed to the Commission regarding the "pig-in-a-poke" concern to the unknown extent that compact allocations by basin for each state may be found to be adversely affected by reserved federal water rights, and the question whether potential efforts to acquired use of water rights in Oklahoma for use in Kansas would cause concern from the Commission? Mark Reported there was no commission discussion.

**NWRA Summer Conference, Santa Fe, NM, August 8-10**

Clay Scott, Jason Norquest and Mark Rude attended the NWRA Summer Conference in Santa Fe, NM. Clay offered that being a part of the NWRA and the Groundwater Caucus organization assists us in learning from others and to be active in all groundwater issues across the country that may affect SW Kansas groundwater and economy.

**Cimarron RAC**

Mark announced there is an open seat on the Cimarron RAC and some thought that Jason would seek to fill that position. Consensus of the board, there was no issue having direct staff presence on the Cimarron RAC as there remains roughly two board members on each of the Cimarron and Upper Arkansas RACs.

**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 by the Board, Hal Scheuerman moved to accept the July financial report and payments as presented and submit them for annual audit. Seth Nelson seconded. Motion passed.

**Board Member Report**

Fred Claassen reported the Cimarron River has water in Morton County for now.

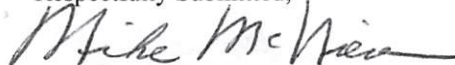
**Public Forum**

DWR will be meeting with McCrometer within the next week to discuss the closing of the Nebraska flowmeter service office.

**ADJOURNMENT**

Dave Casterline made a motion to adjourn the meeting. Fred Jones seconded.  
The meeting adjourned at 12:28 p.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary