

Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
September 13th, 2017

MEETING CALLED TO ORDER

Nine:07a.m. President Kirk Heger called to order the September 13th, 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.

Oath of Office: Directors Dave Casterline & Seth Nelson

Oath of Office will be held at the next meeting Dave Casterline and Seth Nelson attend.

Directors Present

Kirk Heger, President, Stevens County Representative

Mike McNiece, Board Secretary, Industrial Representative

Mike O'Brate, Treasurer, Gray County Representative

Kent Dunn, Seward County Representative

Randy Hayzlett, Surface Water Representative

Douglass Fox, Meade County Representative

Fred Claassen, Morton County Representative

Fred Jones, Municipal Representative (left at 10:15)

Hal Scheuerman, Kearny County Representative

Directors Absent with Notice

Steve Stone, Finney County Representative

Seth Nelson, Stanton County Representative

Clay Scott, Grant County Representative

Zachary Gale, Hamilton County Representative

Bret Rooney, Vice President, Haskell County Representative

Dave Casterline, 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

Dave Brenn, Kansas Water Congress

Dwane Roth, KFL Committee

Randy Richmeier, KFL Committee

Todd Ploeger, KFL Committee

Jeff George, Producer

Nathan Kells, Producer

Jerry Gano, FGI Sales and Research

David Mitzner, Plains Research Agronomist.

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APPROVE AGENDA

President Heger asked for consideration of the meeting Agenda. Mark Rude added items C under the Executive Report; reschedule November Board of Directors meeting and D. USGS contract renewal. Randy Hayzlett made a motion to approve the agenda as amended adding the two mentioned items under Executive Report. Doug Fox seconded. The motion passed.

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Heger drew the attention of the Board to consider August 11, 2017 draft minutes. Fred Jones moved to approve the August 11, 2017 minutes, as presented. Fred Claassen seconded. Motion passed.

President Heger next drew the attention of the Board to review the August 2017 financial report documents. Hal Scheuerman made a motion as follows: Approve the financial reports and payments for the month of August as presented at this meeting, and submit them for the annual audit. Randy Hayzlett seconded the motion. Motion passed.

President Heger signed and submitted the financial documents.

President's Report, President Kirk Heger
Water Commissioner's Report, Mike Meyer

Water Commissioner Mike Meyer reported that September 22nd, 2017 the consumptive use county map rates go into effect. A couple of tweaks to the wording along with updating the map were made. Water Use Report regulation revision also goes into effect. This revision will increase the current civil penalty of \$250.00 for non-filing of an annual water use report to \$1,000 and can include water right suspension. The late filing penalty of \$50 would jump to \$250. Mike also reminded everyone the MYFA deadline to include this year's water use in an account is October 1; MYFA is a great program for a water management system.

Kearny Finney LEMA Plan Development Update

Kearny Finney LEMA Committee held a meeting September 8th, 2017 at 8:00a.m at the GMD3 Board Room chaired by Mark Rude. Trevor Ahring presented two calculation versions of reaching the 11% committee conservation goal: 1) 15% off recent average use for non-vested rights.

2) Combination of cap of base water right and % limit (referred to as the R&R version). He demonstrated several calculation scenarios to the Board.

KFL steering committee member Duane Roth provided supporting comments that people are changing how they think about groundwater and surface water in the area. He indicated some of the difficulties inherent in communicating with neighbors about options for making all sources of water go further. Mr. Roth further commented on the recent slowdown of the committee due to harvest farm operations and efforts to hear more options and then narrow them to a couple to be communicated in a fall mailing followed by a winter survey of water users and land owners as feedback to the steering committee and board.

1. The first part of the document discusses the general principles of the law of contract. It states that a contract is a legally binding agreement between two or more parties.

2. The second part of the document discusses the formation of a contract. It states that a contract is formed when the parties have reached an agreement and the agreement is supported by consideration.

3. The third part of the document discusses the performance of a contract. It states that the parties to a contract are bound to perform their obligations under the contract.

4. The fourth part of the document discusses the breach of a contract. It states that a breach of contract occurs when one of the parties fails to perform their obligations under the contract.

5. The fifth part of the document discusses the remedies for a breach of contract. It states that the injured party may be entitled to damages or specific performance.

6. The sixth part of the document discusses the discharge of a contract. It states that a contract may be discharged by agreement, frustration, or operation of law.

7. The seventh part of the document discusses the assignment of a contract. It states that a party to a contract may assign their rights under the contract to another party.

8. The eighth part of the document discusses the novation of a contract. It states that a contract may be novated, which means that the original contract is replaced by a new contract.

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Term Permit 20179054, Finney County Feeders,

Jason Norquest reviewed the highlights of Term Permit 20179054 for Finney County Feeders. Jeff George was present for any questions. The application proposed a term permit for the well located on the SE corner of 31-23-31. This permit authority would assist in water supply to the new cattle pens, 85af for stock use, along with still having irrigation authority. This request does not add additional water but bridges the gap for WR 18,046 while permanent change applications are processed. Spacing issue is to own wells and there were no responses from neighboring wells within a mile. The proposed term permit would end December 31, 2017. Mike O'Brate moved to recommend well spacing waiver and approval of for Term Permit 20179054. Doug Fox seconded. Motion passed.

Term Permit 20179057, Nathan Kells

Nathan Kells was present for the review of term permit 20179057. Jason Norquest updated the board, advising the term permit is for SE corner of 19-27-33 in Haskell County. The permit would allow the well to supply water to the cattle pens and still have irrigation authority, providing pumping does not exceed the current base water right 12,520 authority. No new additional quantity authority is being requested, 400af total from the well, capping the well at 200af. There were no comments from neighbors. Nathan Kells apologized for the Term Permit issue, stating he was waiting for Topeka changes to occur and/or WCA development information. In the meantime, he needs a term permit to be allowed to get water to animals. This term permit would go through 2018. So, bridging the processing time for permanent changes and possible WCA no added quantity on existing wells. Mike O'Brate moved to recommend waiver of well spacing rule and approval of term permit. Kent Dunn seconded. Motion passed.

Committee Reports

Executive Committee: Communications Meeting with AG Secretary and Chief Engineer, KDA/DWR

WCA Process

A communications meeting with the Chief Engineer and KDA occurred at the invitation of the GMD3 executive committee on September 11th with Ag Secretary Jackie McClaskey, Chief Engineer David Barfield and KDA and DWR staff. Mike McNiece expressed gratitude that open communications occurred.

A copy of the WCA Process was in the Board book as previously provided to the Chief Engineer. Mark noted the inclusion of the WCA process issues document occurred in the books occurred prior to the September 11 meeting with KDA/Chief Engineer and action items identified in the meeting are under way. Staff in both offices will develop a procedural checklist for the WCA development process.

Mike McNiece reported of the invitation by the Secretary to hold the traditional February GMD3 Board meeting in Topeka at the KDA offices. Doing so could further engage the communication and participation with State Agencies.

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Management Program Document State Review

Chief Engineer David Barfield provided good supportive comments regarding the draft Management Program Document development process. DWR staff is reviewing the draft revised Management Program document. A general review time frame was set providing 30 days to study and develop any preliminary questions and feedback. Then another 30 days to finalize the response back to the Board.

Application evaluations and well effects

A document concerning the application review process provided earlier to KDA staff was included in the board packet. Chief Engineer Barfield indicated in the communications meeting his office is open to consider additional well evaluation techniques and to provide training on updated DWR tools. Consensus of the board was to move the highlighted Mew Mexico well evaluation tools to committee work for some guidelines or further coordinating with DWR and recommendation.

Old Business - There was no old business to consider.

New Business

Forage Genetics International, Alfalfa Research

Jerry Gano and Dave Mitzner were present to discuss Forage Genetics International, Alfalfa Research. Forage Genetics International (FGI) is a wholly owned subsidiary of Land O'Lakes. FGI is looking into a dryland corner east of Garden City with approximately 33 acres next to a full section pivot. Plans are to put a small windshield wiper pivot system in the corner that would irrigate approximately 21 acres allowing approximately 30 separate test plots for forage research. Most test plots are in for three years with a one-year out rotation. Consideration for proposing their own well with 150 gpm is desired. This would allow the operation of the system to be independent. FGI would like to get the application completed and approval by first of year. The board provided guidance of their preference for the project water applications to be consistent with the rules and that quantity would come from the existing base rights for the land.

Executive Director Report, Mark Rude

Employee Recognition

President Kirk Heger recognized to the Board GMD3 employee Patty Stapleton for her 10 years of service and presented her with a commemorative plaque.

Meeting to develop Multi-jurisdictional governance-Water Transportation - No discussion.

USGS Contract

Mark Rude brought to the table the pending annual USGS contract. GMD3 has paid approximately \$6,900 annually for groundwater gage sites in the south part of the district near the state border with Oklahoma. Mark questioned the board if they wish to discontinue the contractual responsibility for these sites, since KGS is taking similar data at these sites and publishing it quarterly. Real time reporting is the main procedure that is funded. Discussion occurred.

Doug Fox moved to none-renew the contract with USGS. Fred Claassen seconded. Motion passed.

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November Board Meeting, Date Change

Due to a conflict in schedule with the Governor's Water Conference, the November board meeting was considered for rescheduling. Consensus of the board was Monday, November 6th, 2017 will be the new date. Notice of publication will be sent to district papers.

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,

Randy Hayzlett moved to accept the August financial report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed.

Mark handed out the Projects allocation estimates spreadsheet that demonstrates the working, completed and proposed projects and brought to the table an addendum request of \$5,000 from the Fund to cover overage expenses on the Frontier Ditch River Routing Method / Extension of the Muskingum River Model project. The project is near completion. The additional funds would provide \$3,000 for additional modeling analysis and \$2,000 for additional legal support. The Arkansas River Litigation Funds Committee recommends approval. Hal Scheuerman moved to approve the additional \$5,000. Mike O'Brate seconded. Motion passed.

Board Member Report

There were no board member reports.

Public Forum

Dave Brenn acknowledged the display of productive activity, positivity and leadership by the Board of Directors in their consideration of LEMAs and other activities. He encouraged them to stay steadfast in their work. Dave will continue to work with GMD3 on possible change to the February Legislative Retreat and Winter Water Congress meeting held in Topeka, KS.

Nathan Kells asked if the Board had considered a District wide LEMA. Mark Rude replied that the Board has taken the approach observed over the process of such discussions of a local leadership for a smaller idea as a catalyst and operational example for possible district wide considerations. Attitudes have been changing slightly about taking a more forward approach.

ADJOURNMENT

With no other business or reports, President Heger entertained a conclusion of the meeting. Kent Dunn made a motion to adjourn the meeting. Doug Fox seconded. The meeting adjourned at 11:30 p.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary

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