

Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
May 9th, 2018

MEETING CALLED TO ORDER

President Kirk Heger called to order the May 9th, 2018 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:00 a.m. Which was in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

Flag Salute

Directors Present

Kirk Heger, President, Stevens County Representative
Mike O'Brate, Treasurer, Gray County Representative
Mike McNiece, Board Secretary, Industrial Representative
Kent Dunn, Seward County Representative
Randy Hayzlett, Surface Water Representative
Fred Claassen, Morton County Representative
Hal Scheuerman, Kearny County Representative
Steve Stone, Finney County Representative
Zachary Gale, Hamilton County Representative

Directors Absent with Notice

Seth Nelson, Stanton County Representative
Dave Casterline, Ford County Representative
Fred Jones, Municipal Representative
Bret Rooney, Vice President, Haskell County Representative
Clay Scott, Grant County Representative
Douglass Fox, Meade 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, DWR, Garden City
Dwane Roth, KFL Committee
Richard Rockel, KWO
Alexandra Davis, KWO
Dave Brenn, Kansas Water Congress
Reid Petty, District Director for Senator Jerry Moran
Wes McKinley, Baca County, CO
Bill McKinley, Baca County, CO
David Macer, Baca County, CO
Brian Graham, Producer

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APPROVE AGENDA

President Heger asked for consideration of the meeting Agenda. Executive Director, Mark Rude asked for consideration to add item under Executive Report for Summer Internship. Randy Hayzlett made a motion to approve the agenda as amended. Hal Scheuerman seconded. The motion passed.

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Heger drew the attention of the Board to consider the April 12th, 2018 draft minutes. Mike McNiece moved to approve the April 12th 2018 minutes, as revised by Mark Rude, with minor spelling corrections. Fred Claassen seconded. The motion passed.

President Heger next drew the attention of the Board to review the **April 2018 financial report** documents. Kent Dunn made a motion as follows: Approve the financial reports and payments for the month of April as presented at this meeting and submit them for the annual audit. Zachary Gale seconded the motion. The motion passed

President Heger signed and submitted the financial documents.

Introductions were completed.

Presidents Report, President Kirk Heger

President Kirk Heger recognized GMD3 Employee Jason Norquest for his 20 years of dedicated service to the district and presented him with a commemorative plaque.

Water Commissioner's Report, Mike Meyer

Water Commissioner Mike Meyer stated there are 15 approved WCA's in the state with 30,000 acres enrolled. He also reminded the board their drought response plan is the Multi Year Flex Account tool in cases where dry conditions may necessitate above normal groundwater pumping.

A conversation regarding waste of water was had. If a small well is pumping on alfalfa in sandy soil, and in high winds, is that a waste of water? Is it beneficial use? Mark Rude stated policy discussion thinking where several evaluation perimeters may be included in any determination of waste that is beyond reasonable explanation. Policy and legal Committee would need acceptable criteria with multiple variables to develop Rule standards and ask the board to request adoption by the chief engineer.

Revised Management Program, Adoption of Draft for Chief Engineer approval

The current Revised Management Program was available for review by hard copy or displayed on the TV overheads. Mark also mentioned that the current Program draft is on the GMD3 Website. Mark reviewed the document and highlighted the changes recommended by the Policy and Legal committee. Upon approval, it will go to the Chief Engineer for his approval as consistent with state law, and then the board will conduct a public hearing, after which the board will decide adoption or revision. Mike Meyer reminded Mark Rude that thought had occurred of taking this to the public information meetings before the public hearing Mark stated still the thinking after the Chief Engineer approves it and before official public hearing.

Mike O'Brate moved to send the Draft Revised Management Program to Chief Engineer Barfield with the addition of clarifying language on GMAs. Mike McNiece seconded. Motion passed.

Specific text concern of Mr. Dwane Roth

Text review was part of document review. No comment made here.

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KF LEMA update, monitoring well network

Mark Rude spoke about the chosen index monitoring well site, which the Policy and Legal Committee reviewed. He noted the “hot spots” of high water use density on a map. A monitoring well in the area that KGS installed and monitors on line. A review of the prospective well site by a pump service company is needed to see if the well can be deemed “acceptable”.

Dwane Roth stressed his concern for advancing conservation discussions through use of a KFL outside mediator and asked Randy Hayzlett and / or Hal Scheuerman for assistance in seeking one. Discussion amongst those in attendance occurred on who could be an effective facilitator having knowledge of both GMD3 and KFL. Discussion will continue next month after some research for a facilitator is completed.

Mark brought the board attention two review requests associated with LEMAs. One is in Stafford County where the plaintiffs seek judicial review of an alleged Chief Engineer failure to enact regulations as specifically directed by the Legislature. The second review is in NW Kansas asking the Kansas Secretary of Agriculture to review the initial order of the Chief Engineer establishing most of GMD4 as a LEMA.

Wes McKinley, action before the Colorado Groundwater Commission,

Mark introduced visitors from Baca County. Wes McKinley was recognized as an ex-legislator of the Colorado House and a concerned citizen over the proposed groundwater development in Baca County, Colorado near the Kansas Stateline and the Cimarron National Grassland. Mr. McKinley provided information regarding the development in Southeast Colorado. From his earlier notice of the proposed project, GMD3 considered Opposer participation before the Colorado Groundwater Commission, hired a Colorado attorney and made a filing before the commission. Mark hopes to communicate the board’s concerns effectively where the development threatens to change the hydrology of the area of the Cimarron River into Kansas and the district.

Wes McKinley provided some insight on the number of applicants that filed for permit with Colorado Division of Water Resources for 28 monitoring wells to be established with water rights. Yesterday a conference call was held to discuss the schedule of the hearing. Suggestions to have it held in Baca County were made. A trial style hearing is set for November 22nd 2018. Wes suggests a petition with 500 legal names seeking administrative consideration. After the names are collected, send the petition to State Legislatures and Senators providing insight of what is occurring in this area. A tentative meeting is set for May 21st in Denver, Colorado with Mr. Pete Lee, if there is interest in GMD3 attending Wes could set up an interim meeting.

GMD3 would like to install a Stateline Groundwater Gage in the alluvium in light of this development, to gather additional data. GMD3 has been working with the Forest Service for a general use permit. Forest Service has indicated not to engage in a formal complaint, however very interested in providing resources that can resolve local natural resource management concerns. KGS will use their push probe rig to establish the groundwater gage, which their estimate cost is around \$9,000.00. There are three sites for locating the Cimarron River Groundwater Gage. After discussion amongst the board, the consensus is to continue to investigate the sites and proceed to find funding partners, and table action on this expenditure until the June meeting.

Committee Reports

Executive Committee

Executive Committee did not meet.

Finance

Finance Committee has reviewed the 2019 budget and will present at the Public Hearing in July. Investigation for property next door is still underway.

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Policy and Legal: Report Resolution 2018-2

Mark Rude will present Resolution 2018-2 at the June meeting regarding Offsets after further committee review. Policy and Legal will continue to monitor the Colorado State Line concern and Water Banking.

Research and Development

Research and Development will research facilitation resources for LEMA and other conservations. A conference call for staff is scheduled May 15th to discuss the Master Irrigator Program with NRCS and state partners.

Renewable Supplies

A memo to Kansas Water Authority looking into renewable supplies providing a list of items to research for renewable supplies. The next Kansas Water Authority meeting is scheduled for August 22nd in Manhattan.

Old Business

There was no old business to take off the table.

New Business

No new business brought to the table.

Executive Director Report, Mark Rude

GIS Workshop Final Payment

Mark noted he held the final payment of \$15,000 to GIS Workshop, until some technical issues are resolved. He reminded the board the program is a mobile tool that allows in field data entry and research on a well. Other districts are invested in the program as well and a meeting will be held on May 18th to review the program and approve final payment. Randy Hayzlett moved to approve the final payment of \$15,000 after the meeting of May 18th with approval of other GMD's. Zachary Gale second. Motion passed.

Hire of Summer Intern:

Mark would like to bring to the table discussion on hiring a summer college student intern at \$11.00 an hour. Caleb Rude has shown interest with an application for such a position and will interview with Chris Law and Jason Norquest. Kent Dunn moved approve summer intern hire of \$11.00. Hal Scheuerman seconded. Motion passed.

Mark Rude out of office May 26ththrough June 8th

Mark Rude announced that he would be out of the office May 26ththrough June 8th. The first part of the trip will be personal and then he is hoping to attend the Colorado Law Conference June 7thand 8th in Boulder, Colorado.

Travel and Attendance approval, Boulder, Co. Colorado Law June 7thand 8th, 2018

Approval is needed for travel and attendance to the Colorado Law Conference in Boulder, Colorado June 7thand 8th, 2018 for Mark, staff and board of directors. Hal Scheuerman moved to approve out of state travel and attendance to the Colorado Law Conference in Boulder, Colorado June 7thand 8th, 2018 for Board of Directors, staff and Mark Rude. Mike McNiece seconded. Motion passed.

Kansas Water Authority, Report on April 18thmeeting.

Kansas Water Authority had a meeting on April 18th, 2018 in In Lenexa at Water One Board Room. Mark noted their frustration of the work they have done to identify funding needs for implementing the Kansas Water Vision.

Cimarron RAC

Jason Norquest updated the board of the Cimarron and Upper Ark RAC meetings held last week. He noted they are feeling frustrated in advising without funding, and seeking where best to apply their efforts. Committees liked the concept of the Master Irrigator Program and looking forward to hearing more on that program.

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Upper Ark

Mike O'Brate reported on the Upper Ark RAC. Consideration of a .01 sales tax to fund state water plan projects still supported. No projects out here in western Kansas the works.

Sale of District PU

Mark Rude updated the directors on the pickup bids. The highest bid was \$10,000, and the bids ranged from about \$2500 to \$10,000. Mike O'Brate moved to accept the \$10,000 bid on the pickup. Kent Dunn seconded. Motion passed.

Libraries Rock, Stanton County Library, Groundwater Education.

Mark announced that Stanton County Library called and asked GMD3 involvement in their Libraries Rock Groundwater Education event. GMD3 will provide groundwater education to young learners one Friday in June.

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the April financial documents of the Western Water Conservation Projects Fund. After some discussion of the Board, Hal Scheuerman moved to accept the April financial report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed.

Board Support of Reclamation grant submittal

Mark announced that Trevor is working on a \$300,000.00 WaterSMART grant through Bureau of Reclamation for Finney County Water Users. This grant is subject to water savings and the thought is to line the first part (first 2 miles) of the Farmers Ditch coming off their headgate. Randy Hayzlett moved to support grant submittal with the Bureau of Reclamation for \$300,000.00. Kent Dunn seconded. Motion passed.

Executive Session for purposes of discussing matters of non-elected personnel. Aka Staff

Randy Hayzlett moved to call an executive session with Board of Directors and Mark Rude attending for approximately 10 minutes. Mike McNiece seconded. Motion passed.

Reconvening from executive session, president Heger confirmed that no action was taken in executive session. Randy Hayzlett moved to accept up to 3% salary increase for staff in 2018 at Executive Director Mark Rude's discretion. Hal Scheuerman seconded. Motion passed.

Board Member Report

There were no board member reports announced.

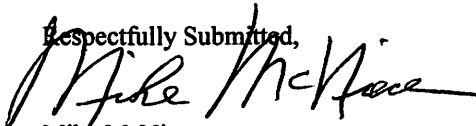
Public Forum

No public forum.

ADJOURNMENT

Zachary Gale made a motion to adjourn the meeting. Fred Claassen seconded. The meeting adjourned at 12:30 p.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary