

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
December 12, 2018**

**MEETING CALLED TO ORDER**

President Kirk Heger called to order the December 12, 2018 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:03a.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  
Bret Rooney, Vice President, Haskell County Representative  
Fred Jones, Municipal Representative  
Dave Casterline, Ford County Representative  
Zachary Gale, Hamilton County Representative  
Seth Nelson, Stanton County Representative  
Steve Stone, Finney County Representative  
Randy Hayzlett, Surface Water Representative  
Hal Scheuerman, Kearny County Representative

**Directors Absent with Notice**

Douglass Fox, Meade County Representative  
Fred Claassen, Morton County Representative  
Kent Dunn, Seward County Representative  
Clay Scott, Grant 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  
Austin McCollough, KDA  
Dave Brenn, Kansas Water Congress  
Gregg Graff, GMD1  
Clayton Befort, Producer  
David Walker, Producer

**APPROVE AGENDA**

President Heger asked for consideration of the meeting Agenda. Add D and E and F under 7: Travel for Trevor, Capital Strategies and Under President's. Report add Mr. Walker time to talk, delete Executive Session. Hal Scheuerman made a motion to approve the agenda as amended. Brett Rooney seconded. The motion passed.

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

President Heger drew the attention of the Board to consider the November 16th, 2018 draft minutes Mike McNiece moved to approve the November 16th, 2018 minutes, as revised by deleting "the term permit" from motion for WCA on John Kleysteuber. Mike O'Brate seconded the motion. Motion passed.

President Heger next drew the attention of the Board to review the **November 2018 financial report** documents. Forrest Service Grassland was assessed. However, Kevin Taylor stated they do not pay taxes. Mark Rude is communicating with other districts to see how they handle those issues. Randy Hayzlett made a motion as follows: Approve the financial reports and payments for the month of November as presented at this meeting and submit them for the annual audit. Zachary Gale seconded the motion. Motion passed

President Heger signed and submitted the financial documents.

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

Water Commissioner Meyer announced DWR and KGS are getting geared up for the annual static water well measurements. Garden City DWR office is committed to measuring Finney, Grant, Gray, Kearny, and Haskell counties.

Water Use Report Cards will be mailed out January 2<sup>nd</sup>, 2019. Important information will be highlighted on the card explaining the return of the paper water use report includes a \$20.00 fee per water right. On-line water use reporting is going on its 5<sup>th</sup> year and should be utilized more. All Kansas GMDs have been provided a practice site for the on-line water use reporting. If the public would like to familiarize themselves with the online reporting there are tutorial videos available. Jason displayed the link of the training videos up on the screen for all to see. Mike noted that outreach camps will be set up a few days to help producers with on-line reporting. He also mentioned that DWR and GMD3 can help customers while they are on line by getting onto the practice site and walking them through. Seth Nelson asked if there is any way that last years ending meter reading could be brought forward. Mike noted that is the number one request and could be looked at in the future, however, many variables go into the yearly beginning number. Seth also asked if there is anyway the "multiplication factor" could be forwarded. Mike mentioned there is a dropdown choice that does the factoring for you. Jason suggested an area to forward to owner. Mike Meyer stated a PDF can be done and forwarded to the owner / tenant. Jason also asked what happens if numbers are switched, what can be done to fix it. Mike replied that a call can be made to Mike or Andy to get it corrected. Mike Meyer also stressed that some producers cannot file on-line and those producers will be waived from the fee. Zachary Gale asked what is DWR going to do if the paper water use report is received with no money. Mike responded the fee is required. Randy Hayzlett inquired if 70% of producers are not using on line reporting, how does DWR plan on making water users aware of the required \$20.00 fee on paper reporting. Mike stated a post card will be mailed out to all water correspondents / owners stating the options of water use reporting.

**Dave Walker**

Zachary Gale introduced Dave Walker from Stanton County. Mr. Walker was attending the meeting to talk about a possible re-drill of one of his wells. The well initially pumped 1,650 gallons. Over the last year a hole in the piping caused some issues and the well dropped to 130gpm. Mr. Walker stated he went to DWR to speak with them about the GPS. Mike Meyer suggested to go to the GMD3 board and get the green light on the proposal. Mr. Walker said he contacted GMD3 and was advised he should have an answer within the week. He received an email response from Mark Rude on December 6, 2018. He handed out copies of the email. Reading through Mark's email, Mr. Walker expressed concern he was being held up in seeking re-drilling, based on the rules he is aware of. He understands there are additional rules for showing impairment, however, Mr. Walker believes in one way or another we are all impairing each other's wells. 3 miles from the proposed location, a well was drilled in 1967. Mr. Walker stressed he does want to re-drill his well, and he is asking the board to read through the correspondence that Mark Rude sent. Mike Meyer added that since GMD3 is using the new added analysis he sent Mr. Walker over to review his proposal so there wouldn't be any surprises from the GMD3 analysis results. Mike Meyer as of today has not received a change application. Dave Walker responded that he did turn an application in this morning. Zachary Gale stressed that Mr. Walker just needed a straight forward response of what the process is; complete and file and application, pay the fee and then be in the waiting zone, until decision is completed by the appropriate offices. Brett Rooney stated he is unaware of the background and issue with the application and would like a better explanation of what the idea is regarding Mr. Walker's change. Mr. Meyer stressed the concerns of what to tell the producers who want to seek a re-drill, based on the rules. However, GMD3 has created a new evaluation and the move doesn't "pass" the evaluation but meets the rules. Its frustrating to DWR and to owners understanding what "we" are supposed to do with the new evaluation that GMD3 is wanting to employ. Mike Meyer added, he was told last month it is an evaluation to provide information to the owner, and now there is information provided to the owner saying he cannot move to that location. Mark Rude, noted that GMD3 wants a tool that evaluates the effects of the change / move implementing what law says must be considered. Zachary Gale stressed his concern of the evaluation being a tool and informational or will GMD3 use the evaluation and say no to moving forward. Because the more depleted the aquifer gets the more the tool will say no. He believes the tool should be informational allowing the producer to move with the understanding there could be impairment against him in the future years.

Mr. Walker finished saying he is ready to drill; the pit is dug, and they are within the permitted area under the minimum spacing rules. The application is completed and ready for signature. Zachary Gale asked 'once Mr. Walker delivers the application and money to DWR it then comes to GMD3 for recommendation, what is the staff going to recommend, because at this point it sounds like they would say No. Mark answered unless the board directs them differently, the plan is for GMD3 to complete the calculation, provide the information to the applicant and neighbors, see if there is any concern from the neighbors and then include that information to Mike and the chief engineer.

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**Committee Reports**

There were no committee reports to be announced.

**Old Business**

**27188 Befort / Borth**

Mark Rude turned the boards attention to the papers in front of them for Water Right #27188. He read the motion from the minutes of the January 10<sup>th</sup>, 2018 meeting to work from. "Mike McNiece moved to recommend approval of the term permit subject to establishing a suitable observation well for 2018, prior to first use of water. If agreement is reached with neighbor having concern, the permanent change could be supported subject to a presentation to the board and continue support from GMD3. The motion had passed. The monitoring well was established, data was collected, and staff conducted the analysis. A review of the analysis occurred, along with two outstanding action items were noted: 1. Communication of the analysis with DWR 2. Neighbor had asked for a meeting and that meeting has not yet occurred.

Jason Norquest reviewed what the actual change would look like on the field map and recapped the past details of the change.

**Proposed:**

- Move WR No. 27188 ID 2 1869 ft to the northwest to the well currently authorized under term permit no. 20179047.
- Move WR No. 27188 ID 5 to the well currently authorized under WR No. 27188 ID 2.
- Move authority so that both wells are authorized 353 acre-feet at a rate of 1,000 gpm.
  - ID 2 currently averages 394.3 AF at an observed rate of 831 gpm.
  - ID 5 has only been at its current location for 1 year. It is authorized at 171 AF and was observed pumping a rate of 257 gpm.

Trevor Ahring supplied the evaluation results:

**Wells within 1 mile and Proposed Drawdown effects:**

- 24754
  - Distance from new location = 2345 ft
  - 50 yr. drawdown effect = 7.1 ft
  - Drawdown allowance = 4.0 ft
- 19712
  - Distance from new location = 3247 ft
  - 50 yr. drawdown effect = 5.9 ft
  - Drawdown allowance = 2.0 ft
- 39709
  - Distance from new location = 4286 ft
  - 50 yr. drawdown effect = 4.2 ft
  - Drawdown allowance = 2.0 ft
- 11906
  - Distance from new location = 4997 ft
  - 50 yr. drawdown effect = 3.1 ft
  - Drawdown allowance = 4.0 ft
- 28263
  - Distance from new location = 5256 ft
  - 50 yr. drawdown effect = 3.5 ft
  - Drawdown allowance = 2.0 ft or 4.0 ft (debatable)
- Domestic well in 15-32S-31W
  - Distance from new location = 2041 ft
  - 50 yr. drawdown effect = 9.5 ft
  - Drawdown allowance = 2.0 ft
- Domestic well in 10-32S-31W
  - Distance from new location = 3361 ft
  - 50 yr. drawdown effect = 4.9 ft
  - Drawdown allowance = 4.0 ft

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#### Aquifer Conditions at Proposed Well Location:

- Saturated thickness is 181 ft
  - Projected to decline 38.2 ft in 25 years under prior use conditions.
- Based upon DWR pump test at the well location conducted by DWR, aquifer values for Theis calculations:
  - $T = 27,538$  gpd/ft
  - $S = 0.02664$

#### Evaluation & Constraints of WR 24,754

Total drawdown = 105.7ft

Physical Drawdown = 176ft

Economical Drawdown = 86.4 ft (more restrictive = max allowable)

Total drawdown of 105.7 is greater than the allowable drawdown = **critical well**.

#### Evaluation & Constraints of WR 19,712

Total drawdown = 76.0ft

Physical Drawdown = 128ft

Economical Drawdown = 75.2ft (more restrictive = max allowable)

The total drawdown of 76 ft is greater than the allowable drawdown = **critical well**.

#### Evaluation & Constraints of WR 39,709

Total drawdown = 101.6ft

Physical Drawdown = 64ft

Economical Drawdown = 41.6 (more restrictive = max allowable)

The total drawdown of 101.6ft is greater than the allowable drawdown = **critical well**.

#### Evaluation & Constraints of WR 28,263

Total drawdown = 75.6ft

Physical Drawdown = 85ft

Economical Drawdown = 50ft (more restrictive = max allowable)

Total drawdown of 75.6 is greater than the allowable drawdown = **critical well**.

#### Evaluation & Constraints of Domestic Well 15-32-31

Total drawdown = 54.5ft

Physical drawdown = 170ft

Economical drawdown = 76.0ft (allowable drawdown)

Total drawdown of 54.5ft is less than the allowable drawdown = **Not a critical well**.

#### Evaluation & Constraints of Domestic Well 10-32-31

Total drawdown = 51.2ft

Physical drawdown = 108ft

Economical drawdown = 51.2ft (more restrictive = max allowable)

Total drawdown is equal to the allowable drawdown = **Not a critical well**.

Mark Rude read out of the Draft Management Plan the definition of a critical well

\*\*\* Critical wells. Wells in which economic and/or physical constraints are exceeded due to adopted evaluation period criteria are referred to as "critical wells." Wells may become critical due to the use of existing water rights alone or the combined effects of dynamic drawdown, existing uses, and proposed uses if one or more of the drawdown constraints are exceeded. The drawdown allowance can be used as a screening tool to identify wells that require additional evaluation. \*\*\*

#### Mitigating critical wells:

If rules are to be waived, several options available by limiting rate and or quantity to stay within depletion allocation amounts.

GMD3 Staff Recommendation: Lowering allowable rate at ID3 to 650gpm and limiting the allowable rate at the proposed well location to 400 gpm

Produces the following effects:

- 24754: 50 yr. Theis drawdown effect = **3.7 ft** (4.0 ft allowable)
- 19712: Total drawdown becomes **73.0 ft** (EDC = 75.2 ft)
- 39709: 50 yr. Theis drawdown effect = **2.0 ft** (2.0 ft allowable)
- 28263: 50 yr. Theis drawdown effect = **2.8 ft** (debatable whether 2.0 or 4.0 ft allowable)

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**ARCA Annual Meeting**

The ARCA annual meeting was held in Garden City at the Clarion Inn, December 6<sup>th</sup> and 7<sup>th</sup>. There was good attendance and communication.

**2019 Legislative Session**

Many new faces in the legislative starting 2019. Important to make connections and create relationships.

**Monthly Western Water Conservation Projects Fund Business**

Mark Rude drew the attention of the board to the November 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. Seth Nelson seconded. Motion passed.

**Advisory Committee & Legislative Annual Report**

Committee meeting was held yesterday by phone. Legislative annual report should be presented at the beginning of the Legislative session 2019.

Discussion was held regarding Tracy Streeter's retirement reception at Cedar Crest tomorrow. Transportation will be determined by weather but could fly if not to windy.

**Board Member Report**

There were no board member reports announced.

**Regional Advisory Committees Reports**

**Upper ARK RAC, November 29<sup>th</sup>**

Fred Jones stated anything new was passed along in a prior email.

**Joint Ark/ Cimarron RAC meeting January 25<sup>th</sup>, 2019**

Greg Graff stated there was no interest on cost sharing the \$9,000 for the State Line Monitoring well down at the grasslands, Water Authority kicked back to RAC, to get with KGS for further support.

**Public Forum**

There were no public announcements.

**ADJOURNMENT**

Fred Jones made a motion to adjourn the meeting. Dave Casterline seconded. The meeting was adjourned at 11:59 a.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary

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**Summary:**

- GMD3 minimum rule standards not met (spacing & distance)
- GMD3 well evaluation done to provide perspective
- S & T values from DWR far less than model
- Saturated thickness similar to model, but PST is very different
- Most area wells are critical
- Boundary affects not in calculations (under estimates effects)
- Neighbor requested hearing/meeting
- Staff recommends no waiver of program rules, if Board considers waiver, need hearing/meeting and minimum mitigation calculation

After much discussion of prior test holes and pumping abilities, Fred Jones stated based upon the staff's recommendations and observations presented at today's meeting, he moves to recommend not approving waiver. Steve Stone seconded. Motion passed. Mike Meyer recommends information being provided to the producer and to the neighbors whom provided letters.

**New Business**

**Move January & February Board Meetings / Consider moving annual meeting date**

January 2019 regular board meeting date would be the 9<sup>th</sup>. However, GMDA and NWRA is that week and several staff and board of directors will be attending. Staff suggested date would be the 16<sup>th</sup>. Hal Scheuerman moved to change January board meeting date from the 9<sup>th</sup> to 16<sup>th</sup>. Dave Casterline seconded. Motion passed.

February meeting is usually held in Topeka, KS. However, the date this year for the meeting in Topeka would be the 6<sup>th</sup> at 9a.m. Hal Scheuerman moved to change the February meeting to the 6<sup>th</sup> of February and to have it be held in Topeka, KS at Capitol Plaza Hotel. Randy Hayzlett seconded. Motion passed.

Mark Rude brought to the boards' attention the 2019 Annual Meeting date. The meeting is scheduled for March 13<sup>th</sup> however, that is during spring break and could affect attendance for staff, directors and public. There was no interest in changing the 2019 annual meeting date expressed.

**GMDA, NWRA & 4 States Council, Travel approval**

Fred Jones moved to approve out of state travel for staff and board of directors to attend GMDA, NWRA and 4 State Council. Mike O'Brate seconded. Motion passed.

**Water Congress Membership**

Annual Water Congress Membership invoice was brought to the table for approval of payment. Brett Rooney moved to pay the annual Water Congress Membership of \$5,000.00. Hal Scheuerman seconded. Motion passed.

**Capitol Strategies Agreement**

Mark Rude brought to the table an agreement with Capitol Strategies. Mark reminded all those in attendance the monthly cost is \$1,250 for a monitor and report contract. Randy Hayzlett moved to continue the monitor and report contract with Capitol Strategies for \$1,250 per month for 2019. Mike McNiece seconded. Motion passed.

**Executive Director Report, Mark Rude**

**KSU Groundwater Management Survey**

Mark Rude noted that Research and Development reviewed and provided feedback on a proposed groundwater management survey that resulted in a more abbreviated survey form. A copy is available for review. If interested ask Mark for a copy.

**GMD3 Interstate River Resource Meetings Report**

Mark reported that GMD3 hosted the two Interstate River Resource Meetings. It was well attended, and the speakers were informative. Action items to meet Kansas resource needs were invited for work by the GMD3 Renewable Supplies Committee in 2019.