

Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
August 14th, 2019

MEETING CALLED TO ORDER

President Bret Rooney called to order the August 14th, 2019 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:01 a.m. The meeting was held in the GMD3 Board Room.

Flag Salute

Directors Present

Bret Rooney, President, Haskell County Representative
Fred Jones, Vice President, Municipal Representative
Mike McNiece, Board Secretary, Industrial Representative
Mike O'Brate, Treasurer, Gray County Representative
Zachary Gale, Hamilton County Representative
Hal Scheuerman, Kearny County Representative
Douglass Fox, Meade County Representative
Randy Hayzlett, Surface Water Representative
Kent Dunn, Seward County Representative
Clay Scott, Grant County Representative
Kirk Heger, Stevens County Representative

Directors Absent with Notice

Steve Stone, Finney County Representative
Seth Nelson, Stanton County Representative
Dave Casterline, Ford County Representative
Fred Claassen, Morton 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
K.K. Warren, Consultant

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Carlin Koehn, Producer
George Koehn, Producer

APPROVE AGENDA

President Rooney asked for consideration of the August 14th, 2019 Meeting Agenda. **Mike O'Brate made a motion to approve the agenda as presented. Hal Scheuerman seconded. The motion passed.**

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APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Rooney drew the attention of the Board to consider the July 10th, 2019 draft minutes. **Kent Dunn moved to approve the July 10th, 2019 minutes, as presented. Mike McNiece seconded the motion. Motion passed.**

President Rooney next drew the attention of the Board to review the July 2019 financial report documents. **Randy Hayzlett made a motion as follows: Approve the financial reports and payments for the month of July as presented at this meeting and submit them for the annual audit. Fred Jones seconded the motion. Motion passed**

President Rooney signed and submitted the financial documents.

**President's Report, President Bret Rooney
Water Commissioner's Report, Mike Meyer**

Water Commissioner Meyer remarked there was nothing new to report, busy as usual. Water call on the river from JMR Reservoir may need to be re-adjusted down. Also, there have been some complaints on end-gun issue spraying roads. Those reports have been addressed on the DWR side.

Grant of Petition for Administrative Review

Mark can provide a copy to board if requested. There will be an exchange of briefs through November.

Illegal well response update

Mark Rude turned the boards attention to an AG opinion in the board book dated May 24th, 2012 from Kansas Attorney General Derek Schmidt. *Synopsis of the letter noted a "water well contractor is not obligated under the Kansas Water Appropriation Act or the Kansas Groundwater Exploration and Protection Act to apply for and obtain a permit to appropriate water or operate a public water supply system prior to commencing water well construction or reconstructions."* Mark reported the enforcement request of the board to sanction both owners and drillers of illegal wells must therefore fall on the Chief Engineer. Water Commissioner Mike Meyer confirmed state staff had not yet met to address the enforcement sanction request.

Board Review, Illegal well WR File 32,654 TP20199047 for additional well

Jason Norquest introduced Carlin Koehn and George Koehn, whom were present to assist in any question that may arise from discussion regarding the illegal well for water right file 32,654. A Term permit application was completed to get them through the year until DWR can complete the additional well change application process.

- PD App filed May 10, 2018
- App stated, "old well needs to be replaced" and would "plug" the old well in 2018.
- PD App approved June 20, 2018
- Change completion acknowledged Dec. 14, 2018
- Both wells found operating in 2019
- Cease Diversion order issued July 30, 2019
- Term 20199047 filed Aug 6, 2019. Proposed 106AF @ 600gpm to finish year using the old PD. Also using the new/currently authorized PD. Both wells held to 516AF
- Old well shows 131AF and new well 64AF =195AF total so far
- App also filed for additional well

Clay Scott made a motion to recommend denial of the proposed term permit and enforce the cease and desist order. Fred Jones seconded. Mr. George Koehn noted they did everything they were aware was expected under the law. Mike Meyer reiterated the term permit was to keep the crop alive until the change

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application was processed through DWR. Board comment was the crop had more water available without the term permit than many corn fields. Motion carried. 6 in favor and 4 against (Mike O'Brate, Kent Dunn, Zachary Gale and Kirk Heger).

Ark Water Quality Response and Presentation

Mark reviewed the KDHE domestic well drinking water "mineralization study" project information. <http://www.kdhe.ks.gov/mineralization> KDHE, KWO, KDA and KGS are all partnering for the study which is a continuation of the groundwater study implemented by KGS in 2009 and a response to district sponsored resolutions in both houses of the legislature in 2019 addressing uranium concerns. The study focuses on analyzing the impact of naturally occurring minerals from private water wells in the following study areas: parts of Hamilton, Kearny, Finney, Gray and Ford counties. Homeowners in the study area can provide a voluntary water sample and receive the results of the lab test along with those results anonymously reported to Kansas Geological Survey for inclusion into the study update.

Management Program Update

Mark provide a slide presentation that he presented at the Kansas Water Congress. He highlighted the points dealing with GMD's and their rights and purposes as a lead into the GMD3 presentation Trevor made to the KWC describing well drawdown evaluation guidelines.

Committee Reports

Policy and Legal

Policy and Legal Chairman, Fred Jones briefed the directors on the committee meeting that occurred Tuesday, August 13th, at the GMD3 Board Room. Committeemen; Fred Jones, Clay Scott, Mike McNiece were present with GMD3 staff, Jason Norquest, Mark Rude and Chris Law.

Fred noted that the GMD4 LEMA case Friezen vs. Chief Engineer David Barfield was a point of discussion. Mark Rude added that it is the most notable in that their concerns are not only authority of the Chief Engineer and the key role of prior appropriations, but also authority and the role of GMD's. Fred suggested to google the case for more information [as it is fully documented on the DWR website].

Much discussion was held in the committee meeting on illegal wells policy. Penalty on members who use unpermitted wells and the AG opinion on drillers not being held liable for establishing unpermitted non-domestic wells.

Chris Law provided a presentation on metering low flow, low velocity and or no flow wells. Due to the low flow of water meters are having difficulty metering. Opinion with committee was those still need to be metered and therefore it is up to the owner/producer to figure out the proper way to meter. GMD staff can assist.

Renewable Supplies

In the July board meeting the directors were asked to rank State Water Plan fund request, the results of the ranking were in the August board book for review. There is continued Board support for Resolution 93-10 of the Southwest Kansas Groundwater Management District states support for the Kansas Water Authority in maintaining a State Water Plan Fund and the benefits of the projects and programs.

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Old Business

2020 Budget Final Consideration and Adoption

2019-1 Cash Base Budget Resolution and 2019-2 Budget Resolution

Mark Rude presented 2019-1 Cash Base Budget Resolution and 2019-2 Budget Resolution to the Directors. Mark discussed the current assessments, 5Cents for land and 14Cents for water, noting may want to consider raising that slightly with all the “unbudgeted” items in the near future; such as updating models and interactive programs. Zachary Gale asked what was presented to the members at the annual meeting and the budget hearing? Mark responded with 5Cents for land and 14Cents for water. Fred Jones would like a list presented to the Board of Directors of “unbudgeted” expenses that Mark is foreseeing.

2019-2. Budget Resolution / 2020 Budget: Randy Hayzlett moved to approve 2019-2 as presented today. Zach Gale seconded. Motion passed.

2019-1. Cash Base Resolution: Doug Fox moved to approve Resolution 2019-1 as presented. Fred Jones seconded. Motion passed.

New Business

There was no new business to bring to the table.

Executive Director Report, Mark Rude

State application resume'-Hearings, application and proposals

Mark Rude or Jason will email State application resume' out to the directors for review.

Kansas Water Congress Report

Mark Rude reported on Kansas Water Congress summer conference that was held in Manhattan, KS August 1st and 2nd, 2019. It was noted that GMD1 committed \$1,000 for Kansas Water Congress membership to NWRA. All remaining support has come from Kansas Aqueduct Coalition for Kansas NWRA membership.

NWRA Western Water Seminar Report

Through a couple of power points Mark described NWRA Western Water Seminar. Avra Morgan, is the Program Analyst, Policy and Administration, Bureau of Reclamation. Avra provided her contact information along with Irene Holby for Financial Assistance.

Six categories in the WaterSMART Program:

- 1)Basin Study Program: Collaborative Planning
- 2)Title XVI Program: Water Reclamation and Reuse
- 3)WaterSMART Grants; Water Conservation and Efficiency
- 4)Water Conservation Field Services Program: Water Conservation Planning and Design
- 5)Drought Response Program: Planning and Building Resiliency
- 6)Cooperative Watershed Management Program: Watershed Management and Restoration

US Army Corps of Engineers discussed Water Supply Rule Making. Publishing a proposed rule to update the Corps' policies governing water supply uses. They are currently considering all comments and looking forward to a final rule by December 30th, 2019.

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Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the July 2019 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 July Financial Report and payments as presented and submit them for annual audit. Fred Jones seconded. Motion passed.**

State Water Plan & Funding

Water Office Report

No representation from Kansas Water Office was present, therefore no report.

RAC Committee Report

Neither RAC Committees have met, therefore, no reports.

Board Member Report

There were no Board Member reports.

Public Forum

No public announcements were made.

ADJOURNMENT

**Fred Jones made a motion to adjourn the meeting. Kirk Heger seconded.
The meeting was adjourned at 11:50 a.m.**

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary