

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
June 10<sup>th</sup>, 2020**

**MEETING CALLED TO ORDER**

Due to Bret Rooney unable to attend in person he handed the gavel immediately over to Vice President Jones to conduct the meeting. **Vice President Jones called to order the June 10th, 2020 Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:04 a.m. The meeting was held at the GMD3 Board Room.**

**Directors Present in person or by phone**

Fred Jones, Vice President, Municipal Representative (in person)  
Mike O'Brate, Treasurer, Gray County Representative (in person)  
Mike McNiece, Board Secretary, Industrial Representative (on phone)  
Bret Rooney, President, Haskell County Representative (on phone)  
Hal Scheuerman, Kearny County Representative (in person)  
Douglass Fox, Meade County Representative (on phone)  
Randy Hayzlett, Surface Water Representative (on phone)  
Fred Claassen, Morton County Representative (on phone)  
Clay Scott, Grant County Representative (on phone)  
Kent Dunn, Seward County Representative (in person)  
Kirk Heger, Stevens County Representative (on phone)

**Directors Absent with Notice**

Seth Nelson, Stanton County Representative  
Dave Casterline, Ford County Representative  
Zachary Gale, Hamilton 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  
Armando Zarco, Kansas Water Office, Garden City, KS  
David Barfield, Kansas Water Resources Consulting, LLC  
Keadron Pearson, Kansas Water Office, Water Resource Planner  
Garrett Love, Gray County Representative Candidate  
Joe Jury, Upper Ark Representative, Gray County Representative Candidate  
Auston McCullough, DWR

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**APPROVE AGENDA**

Vice President Jones asked for consideration of the June 10th, 2020 meeting agenda. Executive Director Mark Rude asked to add "Staff Raises" under Presidents Report as item D. **Randy Hazlet made a motion to approve the agenda as revised by adding Item D under President's Report for Staff raises. Mike O'Brate seconded. The motion passed by roll call vote.**

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

Vice President Jones drew the attention of the Board to consider the May 13th, 2020 draft minutes. **Kent Dunn moved to approve the May 13th, 2020 minutes, as presented. Hal Scheuerman seconded the motion. Motion passed by roll call.**

Vice President Jones next drew the attention of the Board to review the May 2020 financial report documents. **Hal Scheuerman made a motion as follows: Approve the financial reports and payments for the month of May 2020 as presented at this meeting and submit them for the annual audit. Randy Hayzlett seconded the motion. Motion passed by roll call.**

Vice President Jones signed and submitted the financial documents.

**President's Report, Vice President Fred Jones**

**KDA/DWR Water Commissioner Report**

Mike Meyer announced their doors are still closed to public due to COVID-19. Most staff working from home, and field work is still happening. Called for a 400cfs release from John Martin, which hit the state line last night (Tuesday, June 9<sup>th</sup>). Randy Hayzlett asked about the over pump list that went out last month. Mike Meyer replied there was not really an increase over last few year, about 50 water rights.

**Gray County Board Vacancy**

Mark Rude reviewed the process which was taken to advertise for interest in serving on the board as the Gray County Representative. He introduced the persons of interest: Joe Jury, Garrett Love and Kyle Averhoff. It was noted that upon further consideration, Mr. Averhoff had withdrawn his name. Mark asked if each candidate wanted to introduce themselves.

**Joe Jury:** Joe Thanked everyone for their time at today's meeting. He described he has been involved with the Upper Ark since its inception. Being on the Upper Ark board has been a good learning experience. He expressed that he would like to be involved in solving the aquifer issue for Western Kansas.

**Garrett Love:** Thanked everyone for their time. Garrett lives with wife and 3 kiddos, farms with dad and along with his own job. He has had the chance to work with GMD personally and politically having served on both the state Senate and on House Ag committees. He appreciates the consideration of his interest.

Both, Joe, and Garrett excused themselves from the meeting to allow the Board of Directors the freedom to discuss and make an appointment of the Gray County Representative. After some discussion, **Kent Dunn nominated Garrett Love for the Gray County Representative. Bret Rooney seconded.** Randy added discussion that both parties are solid candidates. Clay Scott agreed and added with Joe Jury being on the Upper Ark and adding Garrett Love to the GMD3 Board would give both organizations solid representation.

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**Motion passed by roll call.** Mark will relay the board appointment outcome to the interested parties. Garrett Love is the new Gray County Representative on the board.

**Draft Revised Management Program resubmittal for legality review.**

Mark Rude asked the board to consider taking the draft management program concepts, as it stands today and re-submit to the Chief Engineer for approval. This has been a long process and a number of changes have been made since the first submittal when the State thought parts were unlawful.

**Mike McNiece moved to submit the Draft Revised Management Program for legality review by the Chief Engineer. Kirk Heger seconded. Motion passed by roll call.**

**Staff Compensation**

Mark Rude brought to the table staff pay raises. Mark compared the Garden City school teachers 28% increase in 10 years to the GMD3 staff of 26%. This expenditure does not include Mark Rude as that probably will need executive session. Mike McNiece asked Mark when was the last time employees received pay increases? Mark noted every year it has been 3% except for one year when it was 2%. Doug Fox asked, "how did the staff like working from home during the pandemic response?" Mark noted that not all staff worked from home and he has not discussed others what they thought, but his impression was most preferred to work at the office if allowable.

**Randy Hayzlett moved to approve 3% increase of staff pay raises for 2020 being retroactive to employment anniversary date. Doug Fox seconded. Motion passed by roll call.**

**Old Business**

There was no old business to bring off the table.

**New Business**

There was no new business to bring to the table.

**Executive Director Report. Mark Rude**

**Flowmeter Inspections-Trespassing**

Mark Rude updated the board on meter inspections and an incident that occurred June 2nd. GMD3 has 2 new summer employees. One of the new employees inspected a well in Finney County owned by a member that was not welcoming to this person or activity on his property. The member took the employees paperwork away and insisted the employee get off the land. The next day, the unhappy member called and spoke with Jason Norquest about the matter. Later in the day, Mark Rude called the member to discuss which wells were of concern to the member. Two of three wells are in this summer's inspection area and will be visited at a later date. Clay Scott suggested writing a letter to the producer, quoting statute and explaining work of the GMD3. Randy Hayzlett agreed with Clay Scott and also mentioned taking employees paperwork is considered stealing. Bret Rooney agreed with Clay and Randy. Consensus of the board was to have Mark get with Mr. Ramsey for a letter to the producer.

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**Legal Updates**

**HS003 Impairment-no request to secure water in 2020**

Mark Rude turned the boards' attention to a letter from Water Commissioner Meyer. The letter stated HS 003 has not filed a request to secure water form, therefore, the call is off and junior water rights can pump. However, the two wells under court order are still off and would have to go back to court to get it lifted. Mike Meyer stated the person has to file request to secure water every year for it to be effective. The request really doesn't have a hard deadline but hope to receive the request prior to irrigation season. Since, it is irrigation season, DWR will not act on the request if it came in now. This has been made known to all parties involved.

**Brief of Key issues of Plaintiffs, NW LEMA appeal case**

Mark updated the board on the NW GMD4 LEMA. Stating the Chief Engineer ruled in favor of establishing a district-wide LEMA (Local Enhanced Management Area). Not sure if appeal will be pursued further, deadline has not passed. David Barfield informed the board all the details of this case can be found on the DWR website.

**Clean Water Act, WOTUS & Functional Equivalent Guidance to EPA**

NWRA, Groundwater Group is considering a request for guidance on "functional equivalent" test to implement the Supreme Court ruling in the County of Maui case. Discussions will continue to take place through NWRA and GMD3 is providing input to the EPA communications.

GMD3 staff is monitoring the Wichita and GMD2 hearing proceedings, 12 days of hearing with final four days expected late this year.

**GMD3 Missouri River Transfer POC Project**

Mark Rude updated the board on the GMD3 Missouri River transfer POC Project. He turned the boards' attention to the summary of the POC which was in the board book for review. Board consensus was to build partner support for the project.

**GMD3 RCPP non-competitive renewal, Advanced Irrigation Water Management Flowmeter application enhancement**

RCPP, Advanced Irrigation Water Management Flowmeter application enhancement has been active with limited participation. The grant helps producers to install technology in their fields. Two elements, flowmeters and soil moisture probes, however, there were many requirements. Throughout the years the requirements have lessened and this year the only requirement is keeping record of flowmeter details. Approximately 30 contracts have been completed. A non-competitive opportunity was offered to GMD3 to extend the RCPP for another 5 years or less, but 90% of the monies have had to be spent. There is a deadline at the end of this month for competitive renewal submittal, which could include partnership with Mammoth Meter, GMD4 has committed up to 500 participants for \$50.00 each well for three years and the producer would pay the district back.

**August Travel, NWRA, Spokane, WA August 5 through 7<sup>th</sup>, 2020**

NWRA conference, as of today, will be held August 5<sup>th</sup> through 7<sup>th</sup>, 2020, in Spokane, WA. Due to COVID 19, this conference could be rescheduled or cancelled but at this time is still on the books to happen. **Mike O'Brate moved to approve travel for board and staff to Spokane, Washington, August 5<sup>th</sup> through 7<sup>th</sup>, 2020. Kirk Heger seconded. Motion passed by roll call.**

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**Budget Hearing next month**

A reminder that the budget hearing is next Month, July 8<sup>th</sup>. The hearing will be advertised and will be held at the GMD3 Board Room, 2009 East Spruce St, Garden City.

**Monthly Western Water Conservation Projects Fund Business**

Mark Rude drew the attention of the board to the May 2020 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 May 2020 Financial Report and payments as presented and submit to annual audit. Kent Dunn seconded. Motion passed by roll call.**

**Projects Update**

**Recommended Expenditure, South Side ADS Agreement Pilot funding \$6,000**

DWR submitted an application, for operation and maintenance agreement to utilize South Side as alternate delivery to Farmers Ditch. The original application requested \$20,000 until an agreement was reached or until 12/31/2022, whichever came first. Discussion amongst the advisory committee came to the agreement to authorized \$6,000 to proceed with the project for one year, ending 12/31/2020. An amendment is attached to the original application. **Mike O'Brate moved to approve expenditure of the South Side ADS agreement pilot funding of \$6,000 with an end date of 12/31/2020. Hal Scheuerman seconded.** Randy Hayzlett mentioned that this was a one item meeting that discussed this project and was on the conference call for over one hour.

**Preferred Interstate Supply Evaluation, update**

Mark Rude referred to PISE Evaluation application in the board book page 37 through 43. Wright Water Engineers, and David Barfield, Kansas Water Resources Consulting, LLC have both expressed interest and proposal language. SS Papadopoulos is a third consulting firm under discussion that should provide their proposal soon.

**KWO/ KWA / RAC's**

Armando Zarco announced Water Authority meeting is still scheduled for next week and will be a virtual meeting.

Cimarron and Upper Ark RAC meetings were held. RAC goals need to be re-evaluated and then approved by the Water Authority. Once approved they become a new action plan.

Governors Water Conference is still in the works but could change due to COVID-19. Winter Tech Expo for January is in the works, date will be announced.

**Board Member Report**

Fred Jones mentioned Towns Riverview, public water supply boil alert and some media attention has been occurring. He explained the City of Garden City provides good water to the housing development. The problem is in the private Towns Riverview distribution infrastructure.

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**Public Forum**

There was no public forum brought to the table.

**ADJOURNMENT**

**Randy Hayzlett made a motion to adjourn the meeting. Mike O'Brate seconded.**  
**The meeting was adjourned at 11:21 p.m.**

Respectfully Submitted,

A handwritten signature in black ink that reads "Mike McNiece". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke at the end.

Mike McNiece  
GMD3 Board Secretary