

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
July 8th, 2020**

MEETING CALLED TO ORDER

Vice President Jones called to order the July 8th, 2020 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:00 a.m. The meeting was held at the GMD3 Board Room.

Flag Salute was performed.

Directors Present in person or by phone

Fred Jones, Vice President, Municipal Representative (in person)
Mike McNiece, Board Secretary, Industrial Representative (by phone)
Mike O'Brate, Treasurer, Finney County Representative (in person)
Hal Scheuerman, Kearny County Representative (in person)
Randy Hayzlett, Surface Water Representative (by phone)
Zachary Gale, Hamilton County Representative (in person)
Fred Claassen, Morton County Representative (by phone)
Clay Scott, Grant County Representative (in person)
Kent Dunn, Seward County Representative (in person)
Garrett Love, Gray County Representative (in person)
Douglass Fox, Meade County Representative (by phone)

Directors Absent with Notice

Bret Rooney, President, Haskell County Representative
Kirk Heger, Stevens County Representative
Seth Nelson, Stanton County Representative
Dave Casterline, Ford County Representative

District Staff Present (in person)

Mark Rude, Executive Director
Jason Norquest, Assistant Manager
Patty Stapleton, Office Administrator
Chris Law, Director, Field Services
Trevor Ahring, Engineer
Brandl Sneath, Office Assistant

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS (by phone)
Armando Zarco, Kansas Water Office, Garden City, KS (by phone)
Dave Brenn, Kansas Water Congress (In person)
David Barfield, Kansas Water Resources Consulting, LLC (in person)
Auston McColloch, DWR, Garden City, KS (by phone)

APPROVE AGENDA

Vice President Jones asked for consideration of the July 8th, 2020 meeting agenda. **Clay Scott made a motion to approve the agenda as presented. Hal Scheuerman seconded. The motion passed.**

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

Vice President Jones drew the attention of the Board to consider the June 10th, 2020 draft minutes. **Kent Dunn moved to approve the June 10th, 2020 minutes, as presented. Mike O'Brate seconded the motion. Motion passed.**

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Vice President Jones next drew the attention of the Board to review the June 2020 financial report documents. Clay Scott made a motion as follows: Approve the financial reports and payments for the month of June 2020 as presented at this meeting and submit them for the annual audit. Garrett Love seconded the motion. Motion passed.

Vice President Jones signed and submitted the financial documents.

President's Report, Vice President Fred Jones
KDA/DWR Water Commissioner Report

Water Commissioner, Mike Meyer attended the GMD3 board meeting via phone. Mr. Meyer stated a pre-hearing conference call for the proposed Wichita County LEMA will be held later this morning. The potential hearing date is August 14th, 2020.

DWR is still closed to the public due to Secretary Beam guidelines addressing the COVID-19 pandemic, most staff are working from home and business is otherwise as usual.

This Sunday the online water use reporting will be shut down. Late water use reports will then be \$1,000 fine and reporting will have to be completed on paper. Don't have a list in hand yet but not a long list of late reporters like in the past few years.

Discussion was brought to the table regarding over pumping notices. Mike Meyer stated over pumping notices from the State are sent to all parties involved with the water right, no matter if they use water on the ground or not. Notification to all landowners are required and technically all owner interests are responsible for the penalty under the orders, not just the owners of the land where the over pumped well is. Mike recommends that non-active owners sending a letter/notice back to the State stating that they don't have interest in the problem well. This will just give them documentation and will not get them out of responsibility of the water right. Garrett Love asked, "Is that in statute or regulations?" Statute has the fine, but no specifics in statute or reg on who pays the fine.

Missouri River Transfer POC Project Update

Mark Rude spoke about the Missouri River Transfer POC Project. This project would transfer excess flood water from Eastern Kansas to Western Kansas. Point of Diversion permission and the truck driver have been verbally secured. Mark is working on the application for Wildlife and Parks for nuisance species and plan to protect endangered species. KDHE says no permit is needed as long as we provide complete water quality sampling for the water source and water that is transferred. The water is to be taken above high flows, above target navigation levels, which needs to be done soon since the flows are expected to decrease in the next few weeks. The other option would be to wait on the project till fall when flows pick up. Clay Scott noted consideration of taking samples now of the water coming into Finney County in the river, if there is any. That would show the differences in water quality from Colorado to what we bring in from Eastern Kansas. Maybe also video the process so that we have that available for any possible questions that come up later or permit questions. Fred Jones asked, "What is the timeline for this project?" Mark replied "As soon as possible." Dave Brenn said the project has a lot of merit with low risk and high reward. Improving water quality that is coming in and the benefits of it are particularly important. Mark Rude asked for authorization to approve a cost of \$6,000, subject that some finances could be paid by other partners, if any partners would be secured. Garrett Love noted the POC seems like a good project and he is supportive of the concept. It would be better to have partners, but someone has to start the process.

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At 10:02 a.m. Discussion of the regular meeting was adjourned to hold the Public Budget Hearing

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Public Hearing

Called to order at 10:02 a.m. by Vice President Jones

Vice President Jones stated he would be the hearing officer for the budget hearing and declared a GMD3 budget hearing is necessary and proper, according to state policy to fund our organized groundwater area program activities under the GMD Act of the Kansas legislature. Specifically, K.S.A. 82a-1030 provides for the funding of the GMD3 through an annual water user fee per acre foot against the water right amount of not to exceed \$2.00, and an annual land assessment not to exceed 5 cents per acre for owners of tracts of land 40 acres or more in size. The purpose of GMD3 are long standing in the history and practices of Southwest Kansas water administration and our water use driven economy. The hearing is being held according to state statute to receive comments on both the proposed 2020 budget and level of assessments to fund the management program activities of the Groundwater Management District. Hearing announcements have been published in the newspapers of the District in compliance with State Law and draft budget was presented to members at the Annual Meeting, which was held this past March, with the same budget copies available here today.

Hearing officer Jones introduce Mike O’Brate, Treasurer for the Southwest Kansas Groundwater Management District No. 3.

Treasurer Mike O’Brate reviewed the proposed budget and assessment amounts to fund the management program. “The proposed General Budget is \$1,188,992.00 being funded by land assessments at 5 cents per acre and water assessments of 14 cents per acre foot of groundwater. There are four special budget accounts; Water Right Retirements, Arkansas River Western Water Conservation Projects (WWCP), Kansas Aqueduct Project and Federal Proceeds.” All but the WWCP have a current balance of zero.

Hearing officer Jones opened the floor up to public comments. No public comments were stated.

To allow more time for the public to review and voice their opinion, hearing officer Jones left the hearing record open and continued the Board meeting discussion of the Missouri River Transfer POC Project Update. After some discussion, Hal Scheuerman moved to proceed with the Missouri River Transfer POC Project with financial expense being capped at \$6,000 from the GMD3 general account. Mike O’Brate seconded. Motion passed by roll call.

Hearing officer Jones having heard no comments on the proposed 2021 GMD3 budget then closed the Budget Hearing record at 10:07 a.m.

Committee Reports

Renewable Supplies Committee

David Barfield had requested to be involved in the Preferred Interstate Supply Evaluation discussion, however, was on the phone with the GMD1 LEMA talks. Mark Rude asked to temporarily table this item until later in the meeting and continued the meeting by discussing the Garden City Ditch Partnership.

Garden City Ditch Partnership

The goal of the partnership is to preserve the ditch area aquifer recharge, and to keep it active. Use it or Lose it was removed for groundwater under KSA 82a-718 but still applies to surface water rights. Mark Rude talked to J.O. Cattle Company and the tenant of the old Clutter property on the GC Ditch system. Both parties would like to see the water come to them again. GMD3 could be a partner to help that and help recondition ditch infrastructure. \$25,000 is earmarked in the Western Water Conservation Projects fund for the Garden City Ditch measuring station.

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Shane Knoll inherited the administrative duties of the Ditch from his grandfather but does not take water at this time. The abandonment clause for the water right could be favorably addressed as there were years when no water was available from Colorado. Due to the uncertainty associated with the water right status, it cannot be purchased or conveyed at this time. Majority of the ditch has been filled in and not in use. Renewable Supplies Committee recommended to proceed with the goals of preserving the ditch right and the historical aquifer recharge benefits.

Annual requests for State Water Plan Support and budgeting

Mark reviewed the spreadsheet for annual GMD3 requests for State Water Plan support and budgeting. Recommendation of the committee was to proceed as listed and prioritized. Hal Scheuerman moved to proceed with the list as reviewed and submit to the State Water Plan and Budgeting process. Mike O'Brate seconded. Motion passed by roll call.

Preferred Interstate Supply Evaluation

Mark spoke about the decade old Preferred Interstate Supply Evaluation (PISE) project. The project has been authorized for WWCP funding and on hold since 2009 and needs to be completed. Mark reviewed the three consultants that submitted interest or a proposal. 1) *Wright Water Engineer*: appears to be the A team of consultants, however cost and available budget a concern. 2) *David Barfield with Kansas Water Resources Consulting, LLC* spoke on his own interest and behalf. Mr. Barfield noted he would still like to be involved with the water issues in SW Kansas. He planned to contract with the State of Kansas, but shortfall of state funding occurred, and the state lacked the present funding. 3) *S.S. Papadopoulos and Associates*: Past consultant for GMD3 on the Colorado Cimarron depletion Issue, and development technical partner in the GMD3 groundwater model and have considered grant funding options. Recommendation from the Renewable Supplies Committee deliberations is to work with S.S. Papadopoulos & Associates to seek a needed larger evaluation effort through grant funding opportunities. \$85,000 would be from the Western Water Project Fund.

David Barfield added his proposal was not really to work with the level of evaluations contemplated by PISE but to continue to work with the team and to work with the stakeholders. Believes he could contribute to the work of with S.S. Papadopoulos if appropriate. Kent Dunn asked why isn't the State paying for this planning work? When all the money is spent and more information is needed, what happens then? After discussion, Kent Dunn moved to hire S.S. Papadopoulos and Associates, to be paid from the Western Water Conservation Projects Fund cap of \$85,000 for the project activity. Clay Scott seconded. Motion passed by roll call.

Randy Hayzlett added that it was a hard decision as all were really good candidates with their own special strengths to offer.

Old Business

There was no old business to take from the table.

New Business

There was no new business to bring to the table.

**Executive Director Report, Mark Rude
Management Program Document in the legality review**

Mark Rude announced the GMD3 Management Program Document was submitted for legality review, Monday July 6th to the interim Chief Engineer, Chris Beightel. Mark acknowledged that some wording was changed from the last document that was reviewed by the Board of Directors to be less wordy while preserving the "policy and spirit of the wording". Vice President Jones asked since the document was changed, what is the procedure to have the board review the document that was presented. Mark stated it is a legality review step and the exact document language will be reviewed by the Board when InterIm Chief Engineer sends his response back and again when the results of the board hearings are considered.

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GMD3 RCPP non-competitive renewal submittal

RCPP non-competitive renewal was re-submitted.

Reclamation, WaterSMART-Drought Response Program: Drought Resiliency

GMD3 will resubmit to Reclamation for the WaterSMART Drought Response Program grant. Deadline was changed to August, due to COVID-19.

GMD3 Groundwater Model updating

Continuing to work on the necessity and prepare budgeting for the SW Kansas GMD3 groundwater model improvements. Still need funding communication from Water Office.

Office Operations

- 1) Staff and temporary summer help, Caitlyn Rude, has been working to assist with scanning GMD water right files and eliminate paper files. As of today, we have 2 more file cabinets available if anybody would like them.
- 2) Storage unit completely cleaned out and no longer paying that expense.
- 3) Phone system: Office phones are needing to be updated. At&t will be putting in fiber optics in the near future, causing the phone system we currently have to not work. Jason Norquest added that estimates for new phones were received from At&t and Nex-Tech. New monthly prices were comparable, however, customer service is better with Nex-Tech. Currently GMD3 works with Nex-Tech on the computer system and have had great service from their tech's. **Clay Scott moved for staff to proceed with staff preference to update phone system. Garrett Love seconded. Motion passed with roll call vote.**

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the June 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 June 2020 Financial Report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed by roll call.**

KWO/ KWA / RAC's

Armando Zarco stated most of the staff is still working under state agency COVID-19 guidelines, however, this is a week by week process.

Water Authority meeting will be held later this month, date will be announced. RAC's will also meet, however after the Water Authority meeting to develop budget recommendations and regional goals.

Board Member Report

Discussion amongst the directors was to look into zoom meetings for future meetings.

Public Forum

Dave Brenn reported the Water Congress meeting that was scheduled for August, has been put on hold and could be rescheduled for early fall with location near Western, KS.

ADJOURNMENT

**Garrett Love made a motion to adjourn the meeting. Zachary Gale seconded.
The meeting was adjourned at 12:00p.m.**

Respectfully Submitted, Mike McNiece, GMD3 Board Secretary

