

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
September 9th, 2020**

**MEETING CALLED TO ORDER**

President Bret Rooney called to order the September 9th, 2020 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:02 a.m. The meeting was held at the GMD3 Board Room.

**Directors Present in person or by phone**

Bret Rooney, President, Haskell County Representative  
Mike McNiece, Board Secretary, Industrial Representative  
Mike O'Brate, Treasurer, Gray County Representative  
Hal Scheuerman, Kearny County Representative  
Douglass Fox, Meade County Representative  
Randy Hayzlett, Surface Water Representative  
Fred Claassen, Morton County Representative  
Clay Scott, Grant County Representative  
Kent Dunn, Seward County Representative  
Kirk Heger, Stevens County Representative  
Garrett Love, Gray County Representative

**Directors Absent with Notice**

Fred Jones, Vice President, Municipal Representative  
Seth Nelson, Stanton County Representative  
Zachary Gale, Hamilton County Representative  
Dave Casterline, Ford 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  
Dave Brenn, Kansas Water Congress  
David Barfield, Kansas Water Resources Consulting, LLC  
Kevin Salter, Division of Water Resources, Garden City, KS

**APPROVE AGENDA**

President Rooney asked for consideration of the September 9th, 2020 meeting agenda. **Randy Hayzlett made a motion to approve the agenda as presented. Mike O'Brate 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 August 12th, 2020 draft minutes.

**Kent Dunn moved to approve the August 12th, 2020 minutes, as presented. Hal Scheuerman seconded the motion. Motion passed.**

President Rooney next drew the attention of the Board to review the August 2020 financial report documents. **Mike McNiece made a motion as follows: Approve the financial reports and payments for the month of August 2020 as presented at this meeting and submit them for the annual audit. Garrett Love seconded the motion. Motion passed**

President Rooney signed and submitted the financial documents.

**President's Report. President Rooney**

**KDA/DWR Water Commissioner Report**

Water Commissioner Meyer announced DWR is status quo on work. The office is still closed to the public, due to COVID-19 guidelines, but employees are still carrying on their duties. Mike Meyer added that all DWR offices are closed to the public and there is no known status of when they will reopen. Mike O'Brate asked if there is any water left to be called for on the river? Hal Scheuerman noted it has all been called. Mike Meyer agreed and noted ditches are still diverting. Mark Rude noted a number of fines have been issued and questioned if they are following the matrix that was set up? Mr. Meyer responded noting that yes, the matrix guidelines are being followed, which were set up in regulations.

**Conservation POC- Missouri River Water Transfer Project**

Mark Rude spoke about the Missouri River POC water transfer project that took place last week. Four main purposes to the transport:

1. Conserves water for Kansas
2. Restores river flow in SW KS
3. Adds local water storage
4. Successful Government Permitting

Mark added the driver and truck cost was \$1,800 along with an over night stay plus food for Hugh Brownlee (trucker) Jason Norquest and himself. Jason Norquest showed some pictures and videos of the process. President Rooney asked what was the difficult part of the project, was it Governmental Permitting? Mark noted they were actually good to work with. Clay Scott stated, if we would have done this at the time of Arizona, we would be in better shape. We can overcome the hurdles if we continue to push through. The value of the water will go up, but the need will increase also. We need to be smart so that other powers do not jump in and basically leave Kansas out of getting the benefit of the water. Dave Brenn added this is a huge first step in the process. From a national perspective you need to join other western states to keep moving forward. Also, work with Kansas folks, east and west, to build support.

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**Concept Introduction: Conserve to Preserve agreements**

Conserve to Preserve concept was introduced to the board of directors. If the board sees a benefit for this program it should be sent over to Research and Development for expansion. Mark turned the boards attention to page 46 of the Management Program, which outlines the idea of the "Conserve-to-preserve water accounting". High Plains Water District in Lubbock, Texas has an Irrigation Assessment Program (page 10 of the Board Book) that could be a guideline of the proposed concept.

Garrett Love agreed this concept is needed, but could the existing staff handle the paperwork and field visits? This program starts out as voluntary and as a pilot program, could it end up being one that is charged a fee to the producers. Discussion continued with points of concern of; staff time in field and working the paper, how does the information get on record they preserved water and accepted by the state and other programs, separate out paper water from wet water and a form and agreement to contract of preserving. Consensus of the board was to push to Research and & Development Committee for further work.

**Committee Reports**

**Renewable Supplies Committee Report**

Randy Hayzlett provided some details of the Frontier Ditch water rights meeting, regarding the sale of their surface water rights. There are a lot of details that need to be worked out. The water right is about 7,000af. A concern is observing how things are working up stream in Colorado, Frontier Ditch would like to sell before of the water is gone, even though there is a compact. Mark also pointed out that that area is outside the district. He presented a map that demonstrated the proposed area to bring into the district, which was also proposed in 2014. The concept would be to work on ways to improve water management in that area, but we would need to pull numbers and concepts with the Frontier Ditch to form a pilot project to utilize the ditch water rights. Adding this into the district would add 235 wells and 118,920 acres. GMD3 has spent roughly \$650,000 in the proposed area since 2010 from the "project funds".

Mark updated the board on the Colorado unrestrained shared aquifer development policy. They are working through objection arguments to be heard in hearing prior to holding the hearing. Wes McKinley kept objecting and seeking hearings. The applicants and their attorney filed for court ordered restraint which was granted by the court. But then a contempt of court and other filings attempted to quiet the objections. Mr. McKinley has been found not in contempt of court unless he objects again.

PISE: Randy Hayzlett has done a good job raising interest and concerns in the Kansas Water Authority of the State Water Plan spreadsheet that was submitted from GMD3. PISE and Reclamation Applied Science Grant were the first two items listed. Conversations for GMD3 and Kansas Water Office to work with local and interstate folks to address the water quality problem. We have to be active so that the State team doesn't go around us and vote to authorize the pilot account in John Martin, with ARCA. Talked about trying to get a committee meeting with cabinet secretaries on the issue.

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Open Abandonment Investigation: Garden City ditch right/abandonment discussion with DWR. Abandonment rule is not the same for surface as it is for groundwater. Will work with the ditch on a response.

WaterSMART Grant: the bids for the farmers ditch came in higher than expected. Budget is tight so trying to stay within \$300,000 which was allowed with the grant.

Missouri Floodwater Transportation POC to Kansas & Texas: Mark Rude handed out a POC vision for water transfer to Kansas & Texas areas. Key Water Transfer concepts are:

1. Conserves Water for Kansas & Texas
2. Restores river flow
3. Improves native poor-quality water
  
4. Adds local water storage
5. Successful inter-governmental permitting.

**Old Business**

There was no old business to take from the table.

**New Business**

There was no new business to take to the table.

**Executive Director Report, Mark Rude**

**DWR open investigation – GC Ditch right abandonment**

Discussed in the Renewable Supplies Committee Report.

**Colorado Concerns – Rules to avoid laws**

Discussed in the Renewable Supplies Committee Report.

**GMD3 advice and assistance for RAC action plans**

Mark Rude turned the boards attention to the GMD3 Draft-Recommended action plan of the Upper Arkansas RAC that started on page 29 of the board book. Mark stated the two recommended water conservation goals; 1) Strongly encourage KWO/KWA priority action to fully support development of water transfer projects 2) Support priority conservation projects and programs identified by locally lead planning and coordinating with GMD3 and other funding partners.

**Monthly Western Water Conservation Projects Fund Business**

Mark Rude drew the attention of the board to the August 2020 Financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. **After some discussion of the Board, Hal Scheurman moved to accept the August 2020 Financial Report and payments as presented and submit them for annual audit. Kirk Heger seconded. Motion passed.**

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**Update of Projects**

Mike O'Brate asked if there are many projects in wait after the Farmers Ditch is completed? Randy Hayzlett stated there are no unapproved projects waiting, just some smaller ones that have been approved already such as the PISE, Garden City Ditch Measuring Station Grant, SS ADS Pilot operations Expense and payment to the GMD3 for administration fee.

**KWO/ KWA / RAC's**

**KWO**

Armando Zarco announced that KWO is still closed to the public due to COVID-19 and staff working from home. Upper RAC will be meeting by Zoom next Tuesday at 11a.m. September 25<sup>th</sup> and October 26<sup>th</sup> are the dates for the next Water Authority meetings. Still considering virtual Governor's Water Conference.

**KWA**

No announcement was made by KWA representative.

**RAC's**

Upper RAC will be meeting by Zoom next Tuesday at 11a.m. Cimarron RAC has no meeting scheduled.

**Board Member Report**

No reports were made by board members.

**Public Forum**

Dave Barfield announced the GMD4 District wide LEMA appeal is over due to plaintiffs not having the financial backing to proceed. GMD1 LEMA had a first hearing and seems like it went well and will go forward. Mr. Barfield believes the documenting conservation is a worthwhile concept. The State is supposed to look at conservation, but it can still be hard to determine and needs some kind of documentation. It has been part of discussions for several years. Other GMD's and agencies may be able to help proceed with the concept.

**ADJOURNMENT**

Clay Scott made a motion to adjourn the meeting. Mike O'Brate seconded. The meeting was adjourned at 11:43 a.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary