

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
November 5th, 2020**

MEETING CALLED TO ORDER

Vice President Fred Jones called to order the November 5th, 2020 Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:07a.m. The meeting was held at the GMD3 Board Room.

Directors Present in person, zoom or by phone

Fred Jones, Vice President, Municipal Representative
Mike McNiece, Board Secretary, Industrial Representative
Hal Scheuerman, Kearny County Representative
Randy Hayzlett, Surface Water Representative
Fred Claassen, Morton County Representative
Clay Scott, Grant County Representative
Seth Nelson, Stanton County Representative
Kirk Heger, Stevens County Representative
Garrett Love, Gray County Representative
Kent Dunn, Seward County Representative

Directors Absent with Notice

Bret Rooney, President, Haskell County Representative
Mike O'Brate, Treasurer, Finney County Representative
Douglass Fox, Meade 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 in person, zoom or by phone

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Armando Zarco, Kansas Water Office, Garden City, KS
Dave Brenn, Kansas Water Congress
Jeff Lanternman, Water Commissioner, Division of Water Resources, Stafford, KS
Keadron Pearson, Kansas Water Office, Water Resource Planner
Austin McColloch, Kansas Department of Agriculture
Kevin Salter, Division of Water Resources
Sean Miller, Capital Strategies
Susan Metzger, Senior Executive Administrator to the Dean
Travis Hines, BTS Solutions, Water Quality Conditioner Technology
Earl Lewis, Chief Engineer, Division of Water Resources

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Garret Love took the oath of office as Gray County Representative

APPROVE AGENDA

Vice President Jones asked for consideration of the November 5th, 2020 meeting agenda. Mark Rude asked to revise the agenda to add item C, Kansas Water Congress Membership, under the Executive Director Report, **Randy Hayzlett made a motion to approve the agenda as revised. 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 October 14th, 2020 draft minutes. **Kirk Heger moved to approve the October 14th, 2020 minutes, as presented. Mike McNiece seconded the motion. Motion passed.**

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

Vice President Jones signed and submitted the financial documents.

**President's Report, President Rooney
KDA/DWR Water Commissioner Report**

Mike Meyer stated that business is as usual this time of year and the office is still closed to the public due to COVID—19. Mr. Meyer gave the floor to our new Chief Engineer, Earl Lewis. Chief Engineer Lewis noted he is excited about his position and looks forward to working with GMD3.

File 12.818 spacing waiver request, Ryan Reed, Gray County

Jason Norquest noted there was an error/misunderstanding with the past change applications which needs to be corrected. They now wish to flip the quantities between the two wells in the northwest. Overall effect is moving 26af to the northern well. The well in the center of NW is currently short on the minimum spacing of 2100' to WR 27932. Analysis shows current proposal would meet our criteria. Notices were sent out to neighbors and there were no comments. Mike Meyer noted it was a combination application and he is wanting to take water right 32,207 and do a complete overlap in place of use, well within the rules and no additional acres. **Mike McNiece moved to approve the change, due to minimal effect, and adds efficiency to use of the aquifer. Hal Scheuerman seconded. Motion passed.**

Travis Hines. Water quality conditioner technology

Travis Hines with BTS Solutions spoke to the group about Care-free Water conditioners. The conditioner changes calcium carbonate in water from its form of calcite to aragonite, using psi created by the well or booster pump while flowing through veins creating turbulence, using small electrical charges as a catalyst to change molecules. This change is important for the soil since calcite has a much larger and harder crystalline structure causing building up in the soils that prevent water from penetrating the soil. Aragonite is much softer and smaller structure making it easier to pass through the soil and allows for water and nutrient uptake by plants. Travis showed pictures demonstrating the benefits of the conditioning system. The system can be used for Domestic,

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Industrial & Commercial along with Irrigation and Farming. He suggested to not buy based off of the pipe size but to size according to flow rate. Under-sizing is better if a person can tolerate head loss in PSI.

Committee Reports

Policy and Legal

Mark Rude provided a review from the provided committee agenda and notes.

I: Water Right Change Apps

- a. *File 12,818 Spacing Waiver, Ryan Reed, Gray County*
- b. *746 & 4699, review GMD3 recommendation, Heger Family, Stevens Co.*

File 12,818 spacing waiver for Ryan Reed had already been reviewed earlier in this meeting. Committee discussed the Heger Family reviews for water rights 746 & 4,699. Mark went through the process and everything that was looked at. Significant limits were taken on the water right in order to be approved. Recommending a limit of Acre-feet could result in the past policy of them having to reduce the acres to match the acre-feet recommended. This is an issue that should be discussed further with DWR.

II: Noble Dairy end of 5-year Project Term Permit

- a. *PTP 20169054, 1,395 & 7554 D1*

Mark went over the history of the application and discussion within the committee. This is the first 5-year term to expire soon and a procedure for the future is needed, whether that is a change or another term permit. Staff had a video conference with DWR staff earlier this week, trying to come up with options. The original thought was to look at real changes, but there are hurdles with that idea that have to be overcome. Mike Meyer went into the possible issues that they have talked about internally:

- ✓ First big thing is that we are a closed district
- ✓ would need a waiver of closed area
- ✓ steps in a new application would need to be taken
- ✓ Currently they can only have one Point of Diversion per application
- ✓ Possible spacing issues
- ✓ Have to perfect that new appropriation

The whole certification process brings up a lot of challenges. Clay pointed out that he knew of one lot that lost a sale since they were working off term permits. Financer's wanted a permanent water right and would not finance the deal.

III: October 26th, 2020 Water Authority Mtg.

- a. *Missouri River RAC Message-MO River Transfer POC to Finney County*
- b. *Water Authority discussion*

Mark discussed the details of the meeting with the Kansas Water Authority that happened October 26th, 2020. Concerns from the Missouri RAC were discussed about the Missouri River POC transfer to Finney County. The final recommendation noted in the memo from the Kansas Water Office dated October 20, 2020 was Kansas Water Office shall request information from KDHE. KDA-DWR & GMD3 regarding the recent Proof of Concept project and share the finding of the project activities with the Missouri RAC and the Upper ARK RAC.

- c. *Upper Ark RAC Goal and Action Steps*
- d. *Cimarron RAC Goals and Action Steps*
- e. *Kansas Water Quality working draft plan*

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Upper Ark presented their goals, which brought quite a bit of the discussion with KWA. Some people on the KWA thought their goals were outside the scope of the RACs authority/ability. Staff recommendation to the committee is to communicate with KWO/KWA to request participation in any Water Office working group to advise and assist in developing good Kansas policy regarding the Missouri River water transfers and affects to elements of the GMD3 draft revised management plan and consider communicating with the Governor's Office.

IV: Interstate Transfer POC Partnerships

- a. *Central Colorado Water Conservancy District board agreement*
- b. *North Plains Groundwater Conservation District, Texas, Pending approval of both boards Still in the works*
- c. *Looking into New Mexico local district or municipality partnership Still in the works*

Mark reviewed a draft memo regarding other possible POC's and partnership with CCWCD for a POC transfer of Missouri River High Flow Water to Western Kansas and Northeastern Colorado. Mark discussed three alternatives and asked for action from the board on how to proceed.

ALTERNATIVES: (insert straight out of memo)

1. By action of the governing body, authorize the project partnerships with GMD1 and CCWCD and proceed with the application processes necessary to conduct the Missouri River High Flow Transfer POC to Western KS and Colorado and project funding, subject to securing all necessary land access permissions, partner participation agreements and funding contributions that reduce the fiscal impact to the GMD3 water conservation projects budget impact.
2. By consensus, indicate a willingness to continue moving forward with the development of an interstate water transfer POC project and bring the action item back to the board when all permissions and partner support has been determined and secured.
3. Indicate by vote or consensus to cease work on an interstate water transfer POC project at this time.

Kirk Heger moved to utilize alternative one. Randy Hayzlett seconded. Motion passed with all in favor.

V: Management Plan Language or Bylaws draft Language

- a. *Board represents member water right, interest*
- b. *Statements in Management Program or by-laws*

Mark discussed wording for added understanding in the Management Program. Talked about how it could be looked at and also explicit enumerated authority for GMD's in Idaho representing individual water right interests under Idaho law which is very similar to Kansas GMD law.

VI: Ark River

- a. 2020 virtual committees of ARCA, Tuesday, December 8th, 2020
GMD3 has asked to be put on the agenda to discuss water quality issues.
- b. 2020 Annual Meeting, Wednesday, December 9th, 2020

Old Business

There was no old business to take from the table.

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New Business

There was no new business to take to the table.

Executive Director Report, Mark Rude

December Board-Spouse Reception Preferences

Mark advised the December meeting will need to be change due to him and several Board of Directors being involved with the ARCA meeting that is being held that Wednesday, December 09th. December is also the time spouses / significant others come and eat with us typically at the Clarion, in honor of everyone's commitment to the District throughout the year. Mark questioned, during this time of COVID 19 is this something the board wants to continue. The consensus of the directors was to have staff check with restaurant and see what is available, pick a date and notify the directors of meeting and lunch details.

Kansas Water Congress Membership

Mark Rude brought to the table the Kansas Water Congress sustaining membership that has been support provided for years in the amount of \$5,000.00. **Kirk Heger moved to approve the payment of membership to the Kansas Water Congress in the amount of \$5,000.00 for the 2021 year. Hal Scheuerman seconded. Motion passed.**

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the October 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 October 2020 Financial Report and payments as presented and submit them for annual audit. Mike McNiece seconded. Motion passed.**

Update of Projects

Toured the Farmers Ditch reconstruction project a couple of weeks ago. Project is coming along and will be a very beneficial project when completed.

KWO/ KWA / RAC's

Armando Zarco, KWO

Mr. Zarco announced that Earl Lewis is no longer the Kansas Water Office Director and that Kara Hendrix is the new interim director until the Governor appoints a new KWO Director. Kansas Water Office is still tele-working. State Water Plan is still being worked on and for the most part all RAC's have provided revisions for their goals and action plans. Cimarron RAC met yesterday, and the Upper Ark will be scheduled later this month. Mark stated he saw notice that Connie Owen may be appointed subject to Senate approval to be the new Director of the Kansas Water Office.

Board Member Report

No reports

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Public Forum

Sean Miller with Capital Strategies provided some insight on the election, noting probably looking at a change in Presidency. Statewide; the faces have change along with a little on the Districts but by in large the makeup of the Senate will be the same. The House, where most people predicted that the Democrats would pick up 4-7 seats, instead it appears the Republicans picked up 3 or 4 seats. May not sound like much but the Veto override majority is the key issue.

ADJOURNMENT

Hal Scheuerman made a motion to adjourn the meeting. Garret Love seconded.
The meeting was adjourned at 11:55 a.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary