

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
August 11th, 2021**

MEETING CALLED TO ORDER

President Rooney called to order the August 11, 2021, Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:03 a.m. The meeting was at the GMD3 Board Room.

Directors Present in Person

Bret Rooney, President, Haskell County Representative
Mike O'Brate, Treasurer, Finney County Representative
Clay Scott, Grant County Representative
Hal Scheuerman, Kearny County Representative
Harrison Krey, Morton County Representative
Matt Johnson, Stevens County Representative
Zachary Gale, Hamilton County Representative
Randy Hayzlett, Surface Water Representative

Directors Present by Phone or Zoom

Ben Amerin, Meade County Representative
Seth Nelson, Stanton County Representative
Garrett Love, Secretary, Gray County Representative

Directors Absent with Notice

Fred Jones, Vice President, Municipal Representative
Chad McCormick, Industrial Representative
Dave Casterline, Ford County Representative
Kent Dunn, Seward County Representative

District Staff Present

Mark Rude, Executive Director
Jason Norquest, Assistant Manager
Patty Stapleton, Office Administrator
Chris Law, Director, Field Services
Brandi Sneath, Office Assistant

District Staff Absent with Notice

Trevor Ahring, Engineer

Others in Attendance in Person, By Phone or Zoom

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Dave Brenn, Kansas Water Congress
Kevin Salter, Division of Water Resources
Sean Miller, Capital Strategies
Susan Metzger, Senior Executive Administrator to the Dean
Connie Owen, Director of Kansas Water Office
Earl Lewis, Chief Engineer, Division of Water Resource

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APPROVE AGENDA

President Rooney asked for consideration of the August 11, 2021, meeting agenda. **Randy Hayzlett made a motion to approve the revised agenda, change the VI Official Management Program order, change A to Sean Miller with Capital Strategies, and add E for Earl Lewis and Connie Owen. Hal Scheuerman seconded. The motion passed.**

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Rooney drew the attention of the board to consider the July 14, 2021, draft minutes. **Hal Scheuerman moved to approve July 14, 2021, minutes, as presented. Clay Scott seconded the motion. Motion passed.**

President Rooney next drew the attention of the board to review the July 2021 financial report documents. Mark Rude brought the future expense of a new Heating and Air Conditioning system to the boards' attention. **Randy Hayzlett made a motion: Approve the financial reports and payments for July 2021 as presented at this meeting and submit them for the annual audit. Hal Scheuerman seconded the motion. Motion passed.**

President Rooney signed and submitted the financial documents.

Public Comments

Dave Brenn, Kansas Water Conference details have been provided. The conference will be on August 16 at the Clarion Inn.

Official Management Program Reports / Recommendation

Sean Miller, Capitol Strategies

Probably due to everything that got delayed last year, it has been a relatively busy summer. Work got pushed into this year from last year due to the pandemic. Water Committee Chairman Ron Highland took this opportunity to call in to his committee a representative from each water-related agency, department, and every division that touches water in any way in Kansas to gather water information. There has been a lot of information relayed to the committee. Interim committee meeting will take place next week in Garden City, KS. The committee will tour the Amazon Flume and hear discussions on water quality in the Lakin / Deerfield area and, more than likely, the quantity of river water. Redistricting of the house and senate seats occurs every ten years, and this is the year. Probably looking at bigger districts in Southwest Kansas, which means representation is declining. Sean will be in Garden City following Monday, Tuesday, and Wednesday if anybody would like to talk in person.

Water Rights, Water Commissioners Reports, Mike Meyer / Jeff Lanterman & Compact operations Update: Oklahoma and Colorado

Water Commissioner Mike Meyer brought up the complaints they have received regarding oil slicks near the well sights. The question is, should GMDs be notified? GMD4 would like to know about the oil slick, they will then address the issue, and the producer does not take care of it, GMD4 would contact KDHE. Mark added that GMD3 had not had a conversation regarding this issue while focusing on other water quality concerns. The Garden City Field office still has a vacancy; they are hoping to fill it soon. Producers need continual education on over-pumping issues, civil penalties, and cease and desist orders. GMD1 annual meeting is today at 1:30 in Scott City, KS.

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Board Review: Spacing Files 968, 8210, 21,070: Warren Willis
Allocation exchange between two wells for future redrill

Jason Norquest introduced Warren Willis and his wife, which were in attendance for the review. The proposal is switching authority between the wells under 968 and 8,210 with the well under 21,070. 21,070 is authorized 471acre feet at 1,240 GPM. 968 is authorized 1,200acre-feet at 2,693 GPM (blanket authority for wells in 16 and 21). 8,210 is authorized the following: sect 21,960 acre-feet at 1,240 GPM and section 16, 1,280 acre-feet at 1,653 GPM. In 2006 the well was redrilled. Currently, the east well has problems with the casing. Analysis shows the future move would improve the effects of the current wells. Clay Scott added that Policy and Legal reviewed the change, and it appears to be a beneficial move for the aquifer. A concern of the committee was the division of water rights with the neighbor. Clay Scott moved to recommend approval of the waiver. Zachary Gale seconded. Motion passed with all in favor.

Management Program Revision Draft State Approval

Mark Rude noted the Management Program Revision is a placeholder unless Earl Lewis has any additional information. Earl Lewis stated there is potential to meet next week but waiting to see the agendas at all the meetings. After discussion, everyone agreed next week would not work due to the absence of a couple of GMD3 Management Program Committee persons.

Earl Lewis and Connie Owens

Earl Lewis expressed his appreciation for allowing him and Connie Owen to set in on the meeting this morning. They will be heading to Scott City for the GMD1 annual meeting this afternoon. Kansas-Oklahoma Arkansas River Compact annual meeting was on July 28 in Oklahoma City. Good discussion, low stress, and friendly compact based on the amount of storage in each state. There is an effort to look at water quality issues in the Ark River, which is a growing concern. Much discussion on the quality of water. Is it safe for crops? At what point is it not useable? Earl noted the three-bucket approach, one being working through Kansas's water quality and putting some definition in it. We will press the issue, but we feel like we don't have much to stand on from a botanical stance. Mark mentioned the spreadsheet that GMD3 provided the Kansas Water Authority. It is simply a reminder of the potential projects in Western Kansas. Dave Brenn remembered when he was on the compact and operations committee, it was about the same time they adopted the matrix system for dispute resolution—establishing and prioritizing the issues. Is the compact the avenue to go to on these issues? Kevin noted this is not anything new to Colorado; it has been years in the making. They are working to implement best management practices in Colorado that would improve water quality. Water Quality has been modeled in the Arkansas River Basin. Anything they do today will show up decades down the road. They do need Kansas help that will improve the water quality. Colorado has attempted to put their recharge pits in areas that don't adversely impact the water quality. If we can show they adversely affect water quality, Colorado could be encouraged to do something with them. Earl announced that the States CREP agreement was modified and signed yesterday, adding rattlesnake creek as an authorized area.

Connie Owens added they are updating the Kansas Water Plan. Next week, Kansas Water Authority is responsible for reviewing a draft of the water plan; at that point, they will decide if it should be submitted for public comment. Again, it is a draft; it is intended to be modified. Currently, there are opportunities for written comments; some entities have submitted comments ahead of time, those will be considered in due course. Assuming it is approved for public comments, two public, hopefully, in-person comment sessions will follow.

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The goal is to have the Kansas Water Plan finalized by the end of the year. Kansas Water Authority will also review the budget; all 14 RAC's have stated input, along with State Agencies.

Committee Reports

Policy and Legal

Mark provided a presentation regarding GMD3 Interstate Water Transfer POC River water appropriation status. The highlights are as follows:

GMD3 Interstate Water Transfer POC

•Kansas Chief Engineer July 27, 2021 letter to GMD3

•Kansas release site

"To the best of my knowledge, and based on the considerable depth of potential static water level, no significant aquifer underlies your proposed release point so that no direct recharge will occur.

... and is, therefore, a waste of water, which cannot be approved."

• Colorado release site

"To fully consider the use of Missouri River water in Colorado, I need you to provide a plan ... to scale up to a full water transfer. Your plan should demonstrate how this POC (and the other small interstate POCs you have planned) are critical to your overall process and how these POCs will contribute to the overall success of a larger plan."

Mark mapped out the Greg Graff aquifer recharge release site. Greg Graff is a farmer and Kansas water leader. Greg seeks to complete voluntary water conservation activities on his property. In addition, Greg supports aquifer recharge in the new Wichita County LEMA. Water delivery hydration of channel depressions will add groundwater to enhance recharge above precipitation-based recharge. A similar process occurs in hydrated playa lakes and Low-Tech Process-based structures in prairie streams. These activities are commonly viewed as beneficial for available water and not considered a waste of water. Mark demonstrated the present saturated thickness, an average of 2017-2019, the percent loss in saturated thickness (pre to now) through many maps and graphs.

He reminded everyone of the wording in K.S.A. 82a-711, highlighting the following sentences, *Permits to appropriate water; standards for approval of use; review of action on application (a) If a proposed use neither impairs a use under an existing water right nor prejudicially and unreasonably affects the public interest, the chief engineer shall approve all applications for such use made in good faith in proper form which contemplate the utilization of water for beneficial purpose, to conform to the public interest to the end that the highest public benefit and maximum economical development may result from the use of such water.*

Mark talked about Water appropriation to another state: K.S.A. 82a726

(1) The diversion and transportation of such water complies with the Kansas water appropriation act, the water transfer act, and any other state law pertaining to such diversion, transportation, and use of water;

•(2) the statutes and common law of the state where such water will be used do not prohibit the use of water at the proposed place of use or for the proposed type of use, or both, if the water were to be diverted in that state; and

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•(3) the proposed diversion and transportation of water will not allow water apportioned to the state of Kansas by an interstate water compact to be used in another state.

Discussion continued where is GMD3 going with the overall effort. What is the long-term vision? Where are you going to put this water, and how is it going to fit? Clay Scott stressed the importance of the 3,000-gallon transfer and the benefits of going through the process. It is helping us understand the timing of the application and how the delay with DWR could affect permitting with KDHE.

Mark extended an invitation for Earl Lewis to attend the Agri-Business and Water Council of Arizona board meeting later in the week.

Kansas Water Congress

Mark noted that Dave Brenn needs some assistance at the Kansas Water Congress meeting on the 16th. Jason Norquest will help with technology, and Patty will help at the registration table.

Water Authority

There was no report from the Water Authority Committee

House Water Committee support

GMD3 was asked to sponsor the meal at Southwind, \$35.00 a plate.

Renewable Supplies

Hal Scheuerman noted Renewable Supplies Committee met, but the committee did not make any hard-core decisions.

Old Business

No old business to bring off the table.

New Business

Travel for Board Members & Staff, Arizona Agri-business, and Water Council.

Mark Rude brought to the table discussion on travel for GMD3 staff and board members to attend Agri-Business and Water Council in Arizona. He recommended himself, Jason Norquest, and Brant Peterson as a past board director and current supporter of the Water Transfer Project. **Mike O'Brate moved to support travel for all three listed, Mark Rude, Jason Norquest, and Brant Peterson. Harrison Krey seconded. Motion passed.**

Adoption of GMD3 2022 Budget, Resolution 2021-4

Mark Rude brought to the table GMD3 2022 Budget Resolution 2021-4. The Budget Hearing was completed in July; there were no changes or concerns brought up for discussion. **Randy Hayzlett moved to adopt Resolution 2021-4. Hal Scheuerman seconded. Motion passed.**

Procurement Policy, Resolution 2021-5

Mark Rude provided a copy of the Procurement Policy, Resolution 2021-5 to those in attendance. After some discussion, it was agreed that several revisions were needed. Therefore, procurement Policy, Resolution 2021-5 was tabled until the next meeting.

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Kansas House Water Committee activity, Garden City
Sponsorship for dinner at the Gold Club at Southwind.

GMD3 was asked to help sponsor a dinner at Southwind for the Kansas House Water Committee on Wednesday, August 18, 2021. **Mike O'Brate moved to fund with a budget up to \$1,400, and if any board of directors would like to attend, cover their cost also. Clay Scott seconded. Motion passed.**

Other Business

There was no other business to take to the board.

Executive Director Report, Mark Rude

Sustainable Agronomy Conference Virtual Presentation

Mark completed a virtual presentation on August 10, 2021, to about 500 people for the Sustainable Agronomy Conference.

Kansas Water Congress Presentation, Garden City

Mark will provide a presentation at the Kansas Water Congress on Monday, August 16, 2021.

Miscellaneous Information

Mark noted the oldest Heating and Air Conditioning unit is causing issues. The repairman servicing it last summer and this summer stated it might be time to replace the unit. **Mike O'Brate moved to authorize expenditure for a new system. Clay Scott seconded. Motion passed with all in favor.**

Monthly Western Water Conservation Projects Fund Business

Advisory Committee Activity

Randy: spoke about the funds available

Mark Rude drew the board's attention to the July 2021 Financial documents of the Western Water Conservation Projects Fund and the activity of the advisory committee. **After some discussion of the Board, Hal Scheuerman moved to accept the July 2021 Financial Report and payments as presented and submit them for annual audit. Mike O'Brate seconded. Motion passed.**

KWO/KWA/RAC's

KWO

KWO made no announcement.

KWA

There were no additional announcements from KWA.

RAC's

Both Cimarron and Upper Ark RAC's will have budget discussions.

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Board Member Report

There were no board member reports announce.

Public Forum

There were no public forum announcements.

ADJOURNMENT

Zachary Gale made a motion to adjourn the meeting. Harrison Krey seconded.
The meeting adjourned at 12::18 p.m.

Respectfully Submitted,



Garrett Love

GMD3 Board Secretary