

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
October 13th, 2021**

MEETING CALLED TO ORDER

Vice President Jones called to order the October 13th, 2021, Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:06 a.m. The meeting was at the GMD3 Board Room.

Directors Present in Person

Fred Jones, Vice President, Municipal Representative
Mike O'Brate, Treasurer, Finney County Representative
Hal Scheuerman, Kearny County Representative
Kent Dunn, Seward County Representative
Zachary Gale, Hamilton County Representative
Randy Hayzlett, Surface Water Representative
Chad McCormick, Industrial Representative

Directors Present by Phone or Zoom

Clay Scott, Grant County Representative
Garrett Love, Secretary, Gray County Representative

Directors Absent with Notice

Seth Nelson, Stanton County Representative
Ben Amerin, Meade County Representative
Bret Rooney, President, Haskell County Representative
Dave Casterline, Ford County Representative
Harrison Krey, Morton County Representative
Matt Johnson, Stevens 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
Trevor Ahring, Engineer

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Dave Brenn, Kansas Water Congress
Keadron Pearson, Kansas Water Office, Water Resource Planner
Kevin Salter, Division of Water Resources
Chris Beightel, Water Management Services Program Manager, Kansas Department of Agriculture,
Earl Lewis, Chief Engineer, Kansas Department of Agriculture
Lane Letourneau, Program Manager, Kansas Department of Agriculture
Brownie Wilson, Kansas Geological Survey
Jeff Sternberger, Manager, Midwest Feeders
Kurt Snyder, Assistant Manager, Midwest Feeders
Craig Griswold, Kansas Livestock Association
Andrew Carson, Senator Moran Representative

APPROVE AGENDA

Vice President Jones asked for consideration of the October 13th, 2021, meeting agenda. **Kent Dunn made a motion to approve the agenda as revised, striking 7B, Renewable Supplies Committee Meeting, and 10A Irrigation PVD data. Mike O'Brate seconded. The motion passed.**

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APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

Vice President Jones drew the attention of the Board to consider the September 8th, 2021, draft minutes. **Randy Hayzlett moved to approve the September 8th, 2021, minutes, as presented. Hal Scheuerman seconded the motion. Motion passed.**

Vice President Jones next drew the attention of the Board to review the September 2021 financial report documents. **Hal Scheuerman made a motion: Approve the financial reports and payments for September 2021 as presented at this meeting and submit them for the annual audit. Chad McCormick seconded the motion. Motion passed**

Vice President Jones signed and submitted the financial documents.

Correspondence / Recognition / Public Comments

Dave Brenn announced a long-range planning meeting first or the second week of November. He is hoping to have a meeting agenda shortly for the winter conference.

Official Management Program Reports / Recommendation

Water Commissioners Report, Mike Meyer / Jeff Lanterman

Mike Meyer referred to Chief Engineer Earl Lewis. Mr. Lewis noted he and his team are still working on the GMD3 Management Program and a response to the POC Interstate Water Transfer application. Preparations are moving forward for the upcoming Ark River Compact meeting. Mr. Lewis acknowledged recent information from Mark on potential uses of the Garden City Ditch, noting the water right being in good standing. Mark agreed to the suggestion of a special meeting and suggested having the Renewable Supplies committee and the DWR team work together to meet on the subject.

Waiver Request, 22,053: Reallocate on wells on the same water right

Jason Norquest provided the review details on the Waiver request for water right 22,053. Water Right 22,053 covers four wells, one in each quarter of 21-26-29, each having its own authority and rate. The applicant proposes a reduction to the well in Northwest corner to 176AF (-100-acre feet) and moves authority to the Northeast, increasing allocation on the well in the Northeast corner to 376AF (+100). This move would cause spacing issues in the Southwest corner, under this same water right. Analysis shows effects within our well drawdown guidelines with no critical wells identified. Jason mailed notice out to neighboring well owners, and there was no response. The only well that doesn't meet spacing rules is to his owned water right. Staff and committee recommend approval of a spacing waiver.

Kent Dunn moved to recommend approval of a waiver to reallocate on wells on the same water right. Zachary Gale seconded. Motion passed with all in favor.

Midwest Feeders / from WCA to term permit & Dakota well waiver

Midwest Feeders would like to increase the feedlot from 74,000 to 104,000 head capacity. All stock wells would be changing place of use to include the expansion. They propose converting the following irrigated water rights to dual-use stock/irrigation, an 89.3% conversion, 10.7% acre-feet decrease.

- Water Right 10,639: currently, 159.6AF would decrease to 142.523AF
- Water Right 22,121: currently, 41.4AF would reduce to 39.970AF
currently, 112.1AF would decrease to 100.105 AF
- Water Right 22,122: currently, 52AF would decrease to 43.436 AF
- Water Right 29,614: currently, 109AF would reduce to 97.337AF

Midwest Feeders filed a term permit for a project term permit that would cover all the water rights for a total combined authority of 1169.471AF/year @ 800gpm

- WR 10999 ID03 (GEO of battery) limited to 241AF/year [same as WCA plan]
- WR 10999 ID08 (GEO of battery) limited to 367AF/year [same as WCA plan]

No other limits on the different water rights except combined cannot exceed 1169.471 AF/year for the term permit. The proposed term limit is from 2022-2026, 5 years. If approved, they will request out of the WCA.

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Craig Griswold with KLA explained the change is not to develop additional water or increase the authorized water limit; the proposal is for management flexibility on the wells. Jeff Sternberger noted he would like to consider a WCA again at the end of the term permit.

The last issue was for a new appropriation of Dakota Wells. The proposal is for two new Dakota wells for Stock use. Water Right 50,637 (primary) well, section 24, proposed at 400AF @ 410gpm. Water Right 50,636 (secondary) well, section 18, proposed at 100AF @ 300gpm. If the second well, 50,636, is approved, Midwest Feeders would request water right 50,637 to reduce to 300AF. The main objective is to have 400AF authority from the Dakota. Jason noted a waiver of appropriation policy is needed if both Dakota wells are recommended. K.A.R. 5-23-3a requires a two-mile distance between Dakota wells authorized more than 100AF per year.

Mike O'Brate moved to recommend approval of waivers to change dual purpose on the wells indicated and waive rules on the Ogallala for this project. Clay Scott seconded. Motion passed with all in favor.

Kent Dunn moved to deny the waiver to drill two Dakota wells that don't meet Dakota appropriation spacing. Randy Hayzlett seconded. Motion passed with all in favor.

Management Program Revision with Chief Engineer.

Mark Rude stated the Management Program Revision is a placeholder on the agenda. We are waiting on DWR's feedback and need to schedule another meeting for additional updates to the Program document.

Committee Reports

Policy and Legal

Vice President Jones touched on the remaining topics Policy and Legal Committee discussed. GMD3 is still looking at the water rights conservation donations program. Agreement with the committee was to get the background work completed and then bring the entire presentation and information to the Board.

Draft Water Plan Review:

The public comments period on the State Water Plan is over Friday at midnight. Mark reviewed all of his wording questions in the document and asked for guidance on sending comments to KWO. After Mark detailed his modifications throughout the document, he asked the Board if they were ok with the wording or suggested corrections. Conesus of the Board was to comment on formatting and some language in Conserve & Extend the High Plains Aquifer.

Old Business

There was no old business.

New Business

Move November Meeting

Clay Scott, Randy Hayzlett, Mark Rude, and Jason Norquest will attend the NWRA in Arizona during the regular meeting date. Vice President Fred Jones stated many side meetings need to occur before the end of the year, such as Executive Meeting, Renewable Supplies, and Policy and Legal. Might want to consider having these meetings and catching up on a regular board meeting in December. The consensus was to move the November meeting to Friday the 12th.

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Executive Director Report, Mark Rude

Drought Response Project Update

GMD3 has the Bureau of Reclamation grant for the Drought Response Project. We are working with the Garden City City Department, Finney County Economic Development, and KGS to evaluate water use reports. Every well in Finney County the first year and then the remaining wells the following year. Currently working with Brownie Wilson at KGS to query from the water use reports in Finney County, working to gather "neighborhoods" with similarities.

Monthly Western Water Conservation Projects Fund Business

Advisory Committee Activity

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

KWO/KWA/RAC's

KWO

Keadron Pearson with Kansas Water Office reminded everyone that comments for the State Water Plan are due by Friday, October 15th at midnight. Governor's Water Conference will be virtual on November 17th and 18th virtually. KWO employees are working from home until the end of the month. Water Authority approved Abe Waller to be a member of the Upper Ark RAC. Chad McCormick stated that he spoke with Adam Gering and Adam showed interest in being a member of the Cimarron RAC.

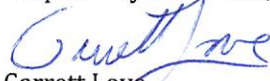
Board Member Open Discussion

The next meeting November 12th.

ADJOURNMENT

Zachary Gale made a motion to adjourn the meeting. Hal Scheuerman seconded. The meeting adjourned at 11:47 a.m.

Respectfully Submitted,



Garrett Loye
GMD3 Board Secretary