

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
September 8th, 2021**

MEETING CALLED TO ORDER

President Rooney called to order the September 8, 2021, Board of Directors meeting of the Southwest Kansas Groundwater Management District to order at 9:01 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
Fred Jones, Vice President, Municipal Representative
Garrett Love, Secretary, Gray County Representative
Dave Casterline, Ford County Representative
Hal Scheuerman, Kearny County Representative
Kent Dunn, Seward County Representative
Randy Hayzlett, Surface Water Representative

Directors Present by Phone or Zoom

Ben Amerin, Meade County Representative
Clay Scott, Grant County Representative
Chad McCormick, Industrial Representative

Directors Absent

Seth Nelson, Stanton County Representative
Matt Johnson, Stevens County Representative
Zachary Gale, Hamilton County Representative
Harrison Krey, Morton 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 in person or by technology

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
David Barfield, Kansas Water Resources Consulting, LLC
Keadron Pearson, Kansas Water Office, Water Resource Planner
Kevin Salter, Division of Water Resources
Connie Owen, Director of Kansas Water Office
Kirk Tjelmeland, Kansas Water Office, chief of Planning
Chris Beightel, Division of Water Resources
Earl Lewis, Chief Engineer, Division of Water Resources
Lane Letourneau, Program Manager, Kansas Department of Agriculture

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APPROVE AGENDA

President Rooney asked for consideration of the September 8, 2021, meeting agenda. **Kent Dunn made a motion to approve the agenda as presented. Hal Scheuerman seconded. The motion passed.**

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

President Rooney drew the attention of the board to consider the August 11, 2021, draft minutes. **As revised, Randy Hayzlett moved to approve August 11, 2021, minutes, adding Earl Lewis, Chief Engineer, as present in the meeting. Mike O'Brate seconded the motion. Motion passed.**

President Rooney next drew the attention of the board to review the August 2021 financial report documents. **Fred Jones made a motion: Approve the financial reports and payments for August 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.

Correspondence / Recognition / Public Comments

David Barfield is working with GMD1 on the Wichita County LEMA and additional LEMA's. There are eight different ways to delegate water. Mr. Barfield described that he presented the preferred allocation plan to the members at the GMD1 annual meeting. This fall, county meetings will be held, and the program will be presented at the annual meeting in 2022, with implementation starting in 2023. If GMD3 would like a presentation of what GMD1 is proposing, Mr. Barfield would be happy to present.

Official Management Program Reports / Recommendations

Water Rights, Water Commissioners Report, Mike Meyer

Mike Meyer noted they are following Governor's directive to work from home and refrain from in-person meetings if possible. The Garden City office still has a vacancy to fill. There are several requests for MYFAs. Change applications are coming in heavily. 250 applications to date. Second most penalties issued to date in any calendar year. Fred Jones asked, "is there any summary data regarding pumping penalties?" "How many and how much?" Lane stated they do keep a spreadsheet.

Management Program Revision

Mark Rude noted this is a placeholder; however, Earl has provided an agenda for today's afternoon meeting. Management Program concerns Committee and the State staff will be meeting today at 1.

LEMA Rules and Regulations

Mark turned the boards' attention to the "Proposed K.A.R. 5-19-1 through 5-19-5 Local Enhanced Management Areas" proposed regulations that may 'change an adopted local groundwater management program or impact water use in a groundwater management district." Since these regulations could impact water use within the district, each Groundwater Management District is required to respond. A public hearing on these proposed regulations will be held on November 22, 2021. The consensus was to take it to the Policy and Legal Committee and then back to the board of directors at the October meeting.

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Committee Reports

Policy and Legal

Policy and Legal Committee met on September 3 in the GMD3 board room. A copy of the agenda is in the board book for review. In addition, the committee discussed the Kansas Geological Survey Grant tool development contract.

Water conservation Donations:

Fred Jones noted that utilizing agencies, such as Land Trust Alliance, may be beneficial before being comfortable with a program like this. Mark reviewed a PowerPoint. Significant additional work is needed.

Arizona Agribusiness and Water Council Briefing

Mark stated this was a good meeting; the Arizona group would like us to come back to discuss further. Their annual meeting is in September; the registration fee is \$95.00 to attend by noon. NWRA will also hold its annual meeting in November in Scottsdale, Arizona.

Draft State Water Plan and comments

The Draft State Water Plan was not reviewed by the Policy and Legal committee. Final edits for the review release will be available soon. Connie Owen would be happy to set up a meeting with Mark if there is anything that he would like to discuss further. Email is preferred on submitting comments.

Briefing

Missouri River Water Transfer Concerns

Mark noted that on page 31 is a GMD3 summary of Missouri River Water Transfer Concerns that came from the State of Missouri vs. Garrison Diversion District et al. Garrison Diversion Conservation District of the State of North Dakota, established as a primary state entity to oversee the realization of the Garrison Diversion Unit of the Missouri River Basin Project as authorized by the Flood Control Act of 1944. Garrison Diversion has taken the lead in developing water supply projects throughout central and eastern North Dakota. For example, the non-federal, state-sponsored Red River Valley Water Supply Project is under construction, which will deliver 165 cubic feet per second of water from the Missouri River to Lake Ashtabula, 130 miles to the east. Also at the center of a dispute is Central North Dakota Project. Mark stated the purpose of this information is to guide us with the structuring transfers as we move forward.

District-wide WCA may need to be researched to make sure it is still a valid regional program approach. A contract between the Chief Engineer and one or a group of water-user. What is the incentive to enroll in a WCA?

Old Business

Procurement Policy

Mark reviewed the Procurement Policy with the directors; the following are edits suggested: Strick out B: consider adding procedures for sealed bids and construction projects-which would probably be at a higher dollar limit and includes a competitive, published request for bids process. Add receive quotes by email to letter D. **Fred Jones Moved to adopt Procurement Policy Resolution 2021-5 with corrections. Dave Casterline seconded. Motion passed.**

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New Business

Annual Meeting (Virtual) ABWC of Arizona

Mark Rude brought to the table consideration of paying the \$95.00 registration fee for the board and staff to attend the ABWC virtual annual meeting. **Hal Scheuerman moved to support registration for the board and staff. Garrett Love seconded. Motion passed.**

NWRA Annual Meeting, Scottsdale, AZ November 8-10

Mark Rude brought to the table discussion on the NWRA annual meeting in Scottsdale, Arizona, on November 8 – 10, 2021. As of today, there is no agenda. **Fred Jones moved to support staff and board to attend the NWRA Annual Meeting. Randy Hayzlett seconded. Motion passed.**

Other business

There was no other business brought to the table.

Executive Director Report, Mark Rude

Miscellaneous

Mark Rude reminded everyone that Thursday, September 16, is Kansas Agri Business Day at the State Fair. Governor Kelly and Mike Beam will be in attendance.

POC term permit

Mark updated those in attendance of the POC term permit. Chief Engineer is willing to approve the portion of Water to Colorado but not to Wichita County as his conclusion is that aquifer recharge doesn't meet the statewide regulations for aquifer storage and recovery (ARS). Mark sent an email asking for more information on the decision. There is a question on what GMD3 wants to do with the term permit. Do we abandon the sharing and do the Colorado transfer? Chief Engineer said he would approve the Colorado portion. Chris Beightel stated defining the use of water is one of the accomplishments. Beneficial use has to be legal in the accepting State. Artificial recharge has regulations that shall be followed for this type of water use. As long as the application has valid reasons for use and everything else is kosher, the application will be approved. The use of water has to be for a beneficial purpose. The burden of proof is always on the applicant. Mark Rude recommends moving this activity to the Renewable Supplies Committee and report back next month.

Monthly Western Water Conservation Projects Fund Business

Advisory Committee Activity

Mark explained to the board there is a cost overage on the Farmers Ditch Headgate Project. The final voucher was for a total of \$27,327.61 which caused the project to be over budget by \$19,842.26. Doug Mai, Rodney Kirchoff, Patty Stapleton, and Mark sat down and called the engineer for discussion. After a lengthy conversation, \$26,000 was not eligible for sales tax exemption. Mark advised he will get ahold of the State and figure out if this can be corrected and refunded.

Mark Rude drew the board's attention to the August 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 August 2021 Financial Report and payments as presented and submit them for annual audit. Fred Jones seconded. Motion passed.**

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KWO/KWA/RAC's

KWO

Keadron Pearson announced there are still vacancies for the RAC's. Cimarron has three vacancies, and Upper Ark has one vacancy. Keadron noted she is also working from home due to the directive from the Governor; however, she is very responsive to emails. In addition, the draft version of the State Water Plan will soon be available on the website.

KWA

Echoed what Keadron reported on the State Water Plan.

RAC's

No reports. Dawn is in the process of sorting thru the nominations for chair and vice-chair.

Board Member Open Discussion

Fred Jones noted the City of Garden City provided a presentation at the Water Authority Committee on the water reuse marketing plan with the Bureau of Reclamation. Fred will also be going out to Nevada to collect a Customer Engagement Award for Irrigation Association for the water use reports


Garrett Love and family had an excellent write-up in the Kansas Farm Bureau magazine about leading hunting excursions on their family farm in southwest Kansas.

President Bret Rooney announced the next meeting is October 13, 2021. Please mark your calendar to be in attendance.

ADJOURNMENT

Dave Casterline. made a motion to adjourn the meeting. Garrett Love seconded. The meeting adjourned at 11:57 p.m.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary