

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
October 12th, 2022**

MEETING CALLED TO ORDER

President Rooney called to order the October 12, 2022, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:06 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
Randy Hayzlett, Surface Water Representative
Kent Dunn, Seward County Representative

Directors Present by Phone or Zoom

Clay Scott, Grant County Representative
Harrison Krey, Morton County Representative
Dave Casterline, Ford County Representative

Directors Absent with Notice

Matt Johnson, Stevens County Representative
Chad McCormick, Industrial Representative
Kyle Maddux, Kearny County Representative
Ben Amerin, Meade County Representative
Seth Nelson, Stanton County Representative
Zachary Gale, Hamilton County Representative

District Staff Present

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

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Austin McColloch, Kansas Department of Agriculture
Sean Miller, Capital Strategies
Keadron Pearson, Kansas Water Office
Mike Gesling, Cobalt Cattle
Lucas Christianson, Cobalt Cattle

APPROVE AGENDA

President Rooney asked for consideration of the October 12 meeting agenda. Mark Rude suggested adding an Executive Session after the Public Forum to review attorney/client privilege. **Kent Dunn made a motion to approve the agenda as revised. 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 September 14, 2022, draft minutes. Fred Jones advised striking the first sentence of Wes McCary's report (*Director Owen has asked for proposals for infrastructure funding*). **Mike O'Brate moved to approve September 14, 2022, minutes as revised. Fred Jones seconded the motion. Motion passed.**

President Rooney next drew the attention of the Board to review the September 2022 financial report documents. Fred stated there are zero expenditures in the water conservation line item. Mark explained that grants funded the water conservation expenses, the POC has not occurred this year, and the ICARE expenses will be from the ICARE Grant. Fred noted that "Decision Memos" attached to the agenda would be beneficial for keeping track of expenses, especially through grants. **Fred Jones made a motion: Approve the financial reports and payments for September 2022 as presented at this meeting and submit them for the annual audit. Randy Hayzlett seconded the motion. Motion passed**

President Rooney signed and submitted the financial documents.

Correspondence/recognition/public comments

There were no announcements.

Management Program: Reports and Recommendations

Water Commissioners Report, Mike Meyer, DWR

Mike Meyer announced the river bailiff position in Garden City had been filled by Ethan Andrews. Still have one position to fill. There have been no new MYFAs submitted; they are still holding at 50. DWR measured the alluvial wells up and down the Arkansas River, and the levels are down to no surprise. DWR measures the alluvial wells on the Ark three times a year. Mike added that change applications have decreased except for test logs where there is a backlog.

DWR Draft Rules and Regulations

Mike Meyer spoke about the DWR Draft Rules and Regulations, an informal draft rule process. Stakeholders will provide feedback once a good draft has been completed. The draft would then go to the Department of Administration, which will critique them for grammar, consistency, and redundancy of other regulations. Once that is done, then a public hearing will be set up. The chapter of K.A.R. 5-1 focuses on regulations of metering.

K.A.R. 5-1-4 Water Flowmeter Specifications.

The Chief Engineer will approve flowmeters based on specifications. Along with the specifications already in K.A.R. 5-1-4, the following may be added:

- Battery meters must have a minimum of 2-year battery life.
- Propeller and turbine meters must have a sensor that is at least ½ the I.D. of the meter.
- Flow tubes must be identifiable (i.e., have a label)
- Saddle and insertion meters must indicate the I.D.

K. A. R. 5-1-5 will be rescinded, which was the regulation related to variances.

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K. A. R. 5-1-6 Water flowmeter installation specifications. Most flanged meters need cross-drilled bolts to secure the meter to the pipe. And then also ultrasonic and electromagnet meters, if you're going to inject, need to be downstream of the meter.

K. A. R. 5-1-7 Requirement to install a water flowmeter or other suitable water measuring device. Removed the language allowing one meter for multiple points of division.

K. A. R. 5-1-8 Water flowmeter maintenance. If at any time the flowmeter fails, the owner shall promptly get the meter repaired or replaced. Wording added to 5-1-8 would require the owners of a water right to maintain a log of meter readings every 14 days, and this data may be considered a prompt cessation of a violation.

The Board commented on the 14-day log. Some feel that once a month would be enough. However, energy Bills are not backup records; they are a last-ditch scramble to provide paperwork.

K. A. R. 5-1-9 Criteria to determine when a water flowmeter is out of compliance. Along with the criteria already in place, could add 1) meters with a dead battery are out of compliance 2) Meters that are imminently likely to become out of compliance may be considered out of compliance (i.e., the meter shows signs of failing soon)

K. A. R. 5-1-10 Duties of water right owner when a water flowmeter is out of compliance. As soon as the flowmeter is out of compliance, the water right owner or the authorized designee shall notify the State the next business day. This is on the honor system and only takes a quick phone call. The Chief Engineer should receive notice within 15 days of any repair work completed to the meter or modifications to the required straight pipe. The Chief Engineer shall receive invoices/work orders for meter repair work.

The ultimate goal is to get water rights owners to read their meters, keep better records, and communicate with the State.

Project Term Permit, 20229051, Cobalt Cattle

Mike Gesling and Lucas Christianson from Cobalt Cattle were present for any questions and additional comments. Jason Norquest explained the Project Term Permit 20229051. He stated that this is a term permit proposing to combine the wells' authority to meet the cattle operation's needs (stock use). About four years ago, they converted water rights 4,099 and 18,097 to dual-use (irrigated / stock). Those current limitations will remain the same. Water rights 38,448, 39,462, 39,463 and 39,464 currently don't meet minimum spacing from 15,015 (neighbor well). These wells are not good and will not be pumped unless for an emergency. Jason noted the conversation with the neighbor, and he had no concern about it since it is a stock project and doesn't believe he will be affected. Mike Meyer noted he has been working on this project since 2017. At that time, they needed options to get the water where they needed it. GMD3 reviewed a term permit to pipe water in from a well down by the cemetery. DWR worked with Cobalt Cattle to get a WCA (water conservation area) in 2017, but it didn't meet the statutory requirements. In 2018 the State introduced the dual-use concept—piping water in and better managing the small wells. Two wells were over-pumped a couple of years ago, causing a steep fine. **Clay Scott moved to waive the well spacing and the single well rules regarding term permit 20229051 with limitations on the smaller wells pumping under 100 acre-feet pumping up to 100 acre-feet and those larger remaining at their current limitations.**

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Committee Reports

Policy and Legal

Clay Scott reviewed the discussions of the Policy and Legal committee. The committee worked on a "work from home policy" and will send that to the Executive Committee for further review. There was a lot of discussion on voting and how the other GMDs handled it. Mark was asked to be a presenter at the Colorado River Water Users Association Conference on December 14-16 in Las Vegas, NV.

Clay Scott asked Mark to talk about what is happening in Bent County, Colorado, regarding what the city of Colorado Springs is doing regarding the taxes. Mark replied that Colorado Springs is in the process of contracting with producers who have pivoted their historic flood acres. As a result, Colorado Springs will help them become more efficient, and Colorado Springs will then get a portion of the corner dry-up water for transfer. The County will be paid for lost values.

Old Business

There was no old business to take from the table.

New Business

There was no new business to bring to the table.

Executive Director Report. Mark Rude

Finney County I-Care

Looking to get mailing out by the end of October.

Present-Colorado River Water Users Association. Annual Mtg

As a presenter, Mark Rude will attend the Colorado River Water Users Association in December. Clay Scott would like to attend also. **Randy moved to approve travel and have Mark check to see if there is any cost reimbursement/waiver registration from the Colorado River Water Users Association. Garret Love seconded. Motion passed.**

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the Board's attention to the September 2022 Financial documents of the Western Water Conservation Projects Fund and the activity of the advisory committee. **After discussing with the Board. Fred Jones accepted the September 2022 Financial Report and payments as presented and submitted them for annual audit. Randy Hayzlett seconded. Motion passed.**

Agency Reports

KWO, Keadron Pearson:

Governor's water conference will be on November 16th and 17th in Manhattan, Kansas, at the Hilton Garden Inn. Registration increases after October 21 and closes on November 1.

Water Authority Meeting will be on October 19 at Senator McGinn's home farmstead.

DWR, Mike Meyer

GMD1 LEMA hearing Monday, October 17, in Scott City. Mark reported that staff would be in attendance.

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Board Member Reports

Fred Jones shared a couple of stories that came out recently. One was on a Kearny County farmer, Bill Simshauser, and the other was on the City of Hays and their water usage. Fred would also like to hold a Research and Development Committee meeting soon.

Public Forum

EXECUTIVE SESSION

Fred Jones moved to go into an executive session for 20 minutes to discuss the attorney/client privileges. Randy Hayzlett seconded. Motion passed.

The meeting adjourned immediately following the executive session.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary

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