

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
March 8th, 2023**

MEETING CALLED TO ORDER

President Rooney called to order the March 8, 2023, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 1:08 p.m. The meeting was at Grant County Civic Center.

Directors Present in Person

Bret Rooney, President, Haskell County Representative
Fred Jones, Vice President, Municipal Representative
Mike O'Brate, Treasurer, Finney County Representative
Clay Scott, Grant County Representative
Harrison Krey, Morton County Representative
Matt Johnson, Stevens County Representative
Randy Hayzlett, Surface Water Representative
Chad McCormick, Industrial Representative
Kyle Maddux, Kearny County Representative
Seth Nelson, Stanton County Representative
Zachary Gale, Hamilton County Representative
Kent Dunn, Seward County Representative

Directors Present by Phone or Zoom

Garrett Love, Secretary, Gray County Representative

Directors Absent with Notice

Dave Casterline, Ford County Representative
Ben Amerin, Meade 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 in person or by phone

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Keadron Pearson, KWO
Earl Lewis, Chief Engineer, KDA/DWR
Ann Gardner, Kuhn Ranch / Deseret Ranches
Perry Smith, Wheatland Electric
Luke West, Wheatland Electric
Gina & Mark Gigot, Circle Land & Cattle

APPROVE AGENDA

President Rooney asked for consideration of the March 8th meeting agenda. Zachary Gale would like a review of the Hamilton County Town Hall discussed under old business. **Kent Dunn made a motion to approve the agenda as revised by adding under old business discussion of the Hamilton County Townhall Meeting. Clay Scott 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 February 8, 2023, draft minutes. **Fred Jones moved to approve February 8, 2023, minutes, as presented. Kyle Maddux seconded the motion. Motion passed.**

President Rooney next drew the attention of the Board to review the January and February 2023 financial report documents. Point of Discussion by Clay Scott noted a discussion from last year to separate the administration category, stating that it needs to be completed. **Chad McCormick made a motion: Approve the financial reports and payments for January 2023 as presented at this meeting and submit them for the annual audit. Mike O'Brate seconded the motion. Motion passed.**

Clay Scott made a motion: Approve the financial reports and payments for February 2023 as presented at this meeting and submit them for the annual audit. Chad McCormick seconded the motion. Motion passed.

President Rooney signed and submitted the financial documents.

Election of Board Leadership

President

- **Zachary Gale moved to nominate Fred Jones as Board President.**
- **Harrison Krey moved to nominate Chad McCormick as Board President.**

President Bret Rooney ceased nominations and asked for a show of hands when the nominated names were stated.

By a show of hands, Chad McCormick is the new 2023-2024 Board President.

Vice President

- **Clay Scott moved to nominate Randy Hayzlett as Board Vice President.**

No other nominations were declared.

Randy Hayzlett is the new 2023-2024 Board Vice-President.

Secretary

- **Mike O'Brate moved to nominate Garrett Love as Board Secretary.**

No other nominations were declared.

Garrett Love continues to be Board Secretary for the 2023-2024 term.

Treasurer

- **Randy Hayzlett moved to nominate Mike O'Brate as Board Treasurer.**

No other nominations were declared.

Mike O'Brate remains the board treasurer for the 2023-2024 term.

President Rooney passed the gavel to the newly elected President, Chad McCormick.

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Committee Reports

Executive

The executive committee did not meet.

Policy and Legal

Chairman of Policy and Legal, Clay Scott, stated they reviewed 5 WCAs: three new ones and two renewals. The Board will review them later in the meeting.

Committee Assignments for 2023-2024

President McCormick will review the committees and provide updated Committee Assignments at the April Board Meeting.

Management Program: Reports and Recommendations

Water Commissioners Report, Mike Meyer, DWR

Water Commissioner Mike Meyer reported that since the first of the year, approximately 90 change applications were received. Hard to keep up with them, and being short-staffed isn't helping. The deadline for Water Use Reports was March 1, approximately 90% were received on time, and 182 were not submitted in this area.

Witcher WCA Plan. Limiting to 12"/acres, 10-year Plan, Seth Nelson is the tenant—new proposal.

Jason Norquest reviewed the proposed Plan as follows:

- 4 Irrigated Water Rights /5 wells in the Plan, covering 1,126 acres.
- 10-Year Plan, 2023-2032
- 11,260 acre-feet for ten years or 1,126 acre-feet per year.
22% reduction, based on NIR 50% value.
Amount to 12" / authorized acre
- 21,094, limited to current allocation and limiting endorsement, 911GPM
- 19,054 D2 limited to 200 acre-feet per year (167acre-feet is base)
- 10,194 limits both wells to 1,004 acre-feet per year combined.
- 44,631 limited to 500 acre-feet per year (167acre-feet is base)
- All Water Rights are limited to 1,408 acre-feet per year combined.
- All Water Rights are limited to 11,260 acre-feet per 10-year Plan.

Clay Scott noted that the committee liked the NIR calculation.

Policy and Legal Committee provided the following alternatives, while GMD3 staff recommends option 1:

1. By action of the governing body, recommend support for the Witcher WCA proposal
2. By consensus, indicate the need to develop mitigation of the Witcher WCA proposal further and bring it back to the Board.
3. Take No Action.

Clay Scott moved to recommend approval of the Witcher WCA proposal. Zachary Gale seconded. Seth Nelson abstained. Motion passed.

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Kuhn Ranch (Deseret Ranches) New Irrigation WCA 5-year plan. Ann Gardner

Jason Norquest reviewed Kuhn Ranch WCA 5-year Plan and had Ann Gardner on the phone for any questions and comments.

History: 26 Water Rights covering 42 Irrigation wells.

Combined annual allocation: 11,673 acre-feet.

Historic combined average annual use: 9,110 acre-feet (2008-2017)

Proposed:

- Five-Year Plan 2023-2027
- 39,000 acre-feet allocation during the WCA period (7,800 acre-feet per year avg.)
- File Change in Place of Use applications to block the acres into management groups
- Continued rate decrease is the goal.
- Up to 7,800 acre-feet can be carried over into the next possible WCA.
-

Ann stated that the ultimate Plan is to conserve and spread the assets for long-term use. Ann has been working for Farmland Reserve for about 18 years.

Jason reviewed the alternatives that Policy and Legal discussed:

- 1. By action of the governing body, recommend support for the Deseret Ranch / Kuhn Ranch WCA Proposal
- 2. By consensus, indicate the need to develop further mitigation of the Deseret Ranches / Kuhn Ranch WCA proposal and bring it back to the Board.
- 3. Take no action

Fred Jones moved to recommend approval of the Kuhn Ranch WCA. Brett Rooney seconded. Motion passed.

Wheatland Electric WCA Plan Renewal. No Changes. 5-year Plan

Perry and Luke were in attendance.

Jason Norquest provided the informational details for the WCA renewal plan for Wheatland Electric. History: Previous WCA ran from 2018 to 2022. The Board reviewed it at the July 11, 2018, board meeting and recommended support for the Plan. They included 14 industrial rights/wells with no reduction.

Proposed:

- Five-year Plan from 2023-2027
- Industrial rights held to the same Plan as the previous WCA. 4496.727 acre-feet per year.
- Irrigation now has 22 rights/wells.
- Same Plan for irrigation as prior WCA: 1382 acre-feet per year.
- Can use up to 1382 acre-feet of the carryover from previous WCA in the proposed WCA

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Alternatives:

- 1. By action of the governing body, recommend support for the Wheatland Electric WCA renewal proposal.
- 2. By consensus, indicate a further need to develop mitigation of the Wheatland Electric WCA renewal proposal and bring it back to the Board.
- 3. Take no action.

Bret Rooney moved to recommend approval of the Wheatland Electric WCA 5-year Plan. Fred Jones seconded. Motion passed.

Circle Land and Cattle, WCA Plan Renewal. Each will to 105% in drought, 10-year Plan. Gina Gigot and Mark Gigot were present for any questions.

Jason Norquest discussed the details of Circle Land and Cattle WCA renewal 10-year plan.

History: Previous WCA ran from 2018-2022. The Board reviewed it at the June 12, 2019, board meeting and supported documented conservation, which saved over 2,000 acre-feet.

Proposed:

- 10-year Plan: 2023-2032
- Same Irrigation rights/wells
- Any irrigation well could be used for stock with proper filing. (193 acre-feet limit for stock)
- Ability to use 2037 acre-feet carryover from prior WCA if needed.
- Any irrigation well can pump 105% base in drought, capped at the combined annual authority of all rights. (18,586 acre-feet)
- 14,268 acre-feet would be available to carry over into the next WCA if applied for.

Alternatives:

- 1. By action of the governing body, recommend support for the Circle Land and Cattle WCA renewal proposal.
- 2. By consensus, indicate the need to develop further mitigation of the Circle Land and Cattle WCA renewal proposal and bring it back to the Board.
- 3. Take no action.

Staff recommends alternative 1.

Zachary Gale moved to recommend supporting the Circle Land and Cattle WCA 10-year renewal proposal. Mike O'Brate seconded. Motion passed.

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EZ Farms WCA Plan Renewal was Frontier Farms, Zach Gale

Jason Norquest provided the specifics of the EZ Farms WCA Plan renewal. He noted that EZ Farms was previously Frontier Farms, and the Board recommended approval of the plan on September 12, 2018. The Plan was for five years, from 2018-2022. Three water rights (12 wells) had a combined authority of 2,493 acre-feet.

Proposed:

- 10-year Plan, 2023-2032
- Same three water rights
- 18804.78 acre-feet / 10 years (1880479 acre-feet / year averaged)
- 283.1423 acre-feet carryover available if needed.
- Each well is held to set individual cap and combined water right yearly allocation.
- Can carry over up to one year (1880.479 acre-feet) worth of unused acre-feet into the next WCA.

Alternative:

- 1. By action of the governing body, recommend support for the EZ Farms WCA Proposal.
- 2. By consensus, indicate a further need to develop mitigation of the EZ Farms WCA proposal and bring it back to the Board.
- Take no action.

Bret Rooney moved to recommend approval of EZ Farms WCA proposal. Kent Dunn seconded. Zachary Gale abstained. Motion passed.

Old Business

Hamilton County Townhall.

Zachary Gale provided an updated petition with signatures to Mark Rude. Zachary noted that 80% of diversions wished to get out. One significant stakeholder who is not opposing or supporting, is not signing. Zachary wants to vote next month and push it off to the Chief Engineer.

New Business

There was no new business to take to the table.

Executive Director Report, Mark Rude

Kansas Legislature

Mark Rude announced that hearings begin next week for HB 2279 and HB 2302.

Nex-Tech Technology Contract

Mark noted that a couple of computers need some repairs/updates. The buyout cost of our current contract is substantial, along with the increase in equipment. No changes will be made until the contract is up; however, be aware there will probably be an increase in cost for the new agreement at the end of the year. As for now, we will get our computers repaired and proceed.

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Conference and Travel: NWRA Federal Conference, April 17th – 19th, Washington D.C.

Mark Rude asked for travel for a couple of board members and staff to attend the NWRA Federal Conference, April 17th-19th in Washington D.C. **Kent Dunn moved to approve travel for the Board and staff to attend the NWRA Federal Conference, April 17th-19th in Washington D.C. Mike O’Brate seconded. Motion passed.**

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the Board's attention to the January and February Financial documents of the Western Water Conservation Projects Fund and the activity of the advisory committee. **After discussing with the Board, Randy Hayzlett moved to accept the January 2023 Financial Reports and payments as presented and submit them for annual audit. Clay Scott seconded. Motion passed.**

Randy Hayzlett discussed the \$15,750.00 payment under Southside Ditch, which was a payment for his time overseeing their project.

After some discussion with the Board, Bret Rooney moved to accept the February 2023 Financial Reports and payments as presented and submit them for annual audit. Zachary Gale seconded. Motion passed.

Agency Reports

KWO Keadron Person:

- KAWS – Kansas Alliance for Wetlands and Streams will have an event, ‘Sustaining Water in the Ark River Basin, Tuesday, March 21. open to the public. Starting place will be at the Boot Hill Casino and Resort Conference Center.
- WISE Tour Event will be on March 23, 2023.
- March 31st Upper Ark RAC meeting.
- April 19 Water Authority meeting

Keadron asked everyone to look at the updated KWO website and take note of the news tab up top. Victoria Pots updates all legislative issues.

Board Member Reports

There were no Board member reports.

Public Forum

There was no public forum brought to the table.

ADJOURNMENT

Randy Hayzlett made a motion to adjourn the meeting. Kyle Maddux seconded. The meeting was adjourned at 3:01 p.m.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary