

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
May 10, 2023**

MEETING CALLED TO ORDER

Vice President Hayzlett called to order the May 10, 2023, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:15 a.m. The meeting was in the GMD3 Board Room.

Directors Present in Person

Randy Hayzlett, Vice-President, Surface Water Representative

Mike O'Brate, Treasurer, Finney County Representative

Garrett Love, Secretary, Gray County Representative

Fred Jones, Municipal Representative

Kent Dunn, Seward County Representative

Zachary Gale, Hamilton County Representative

Directors Present by Phone or Zoom

Bret Rooney, Haskell County Representative

Clay Scott, Grant County Representative

Directors Absent with Notice

Chad McCormick, President, Industrial Representative

Ben Amerin, Meade County Representative

Dave Casterline, Ford County Representative

Harrison Krey, Morton County Representative

Kyle Maddux, Kearny County Representative

Matt Johnson, Stevens County Representative

Seth Nelson, Stanton County Representative

District Staff Present

Mark Rude, Executive Director

Jason Norquest, Assistant Manager

Patty Stapleton, Office Administrator via Zoom

Chris Law, Director, Field Services

Trevor Ahring, Civil Engineer

Brandi Sneath, Office Assistant

Others in Attendance in person or via Zoom

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS

Kevin Salter, Division of Water Resources

Chris Beightel, Water Management Services Program Manager, Kansas Department of Agriculture

Keadron Pearson, Kansas Water Office

Earl Lewis, Chief Engineer, Kansas Department of Agriculture

Tom Adrian, Legal Counsel

Sam Hands, Producer

Gary Bolt, Cimarron RAC

Johnathan Aquilar, KSU

Ross Koehn, Producer

John Kleysteuber, Producer

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APPROVE AGENDA

Vice President Hayzlett asked for consideration of the May 10 meeting agenda. Zachary Gale wants to add to the agenda under New Business to discuss the Kansas Open Meetings Act (KOMA) and the violation of Board Member rights. **Garrett Love made a motion to approve the agenda as revised. Mike O'Brate seconded. The motion passed.**

APPROVAL OF MINUTES & GENERAL MONTHLY FINANCIAL REPORT

Vice President Hayzlett drew the attention of the Board to consider April 12, 2023, draft minutes. **Fred Jones moved to approve April 12, 2023, minutes, as presented. Zachary Gale seconded the motion. Motion passed.**

Financials:

The check details for April were for review only; reconciliations are incomplete; therefore, they will be reviewed and approved at the next month's meeting.

Management Program: Reports and Recommendations

Water Commissioners Report, Mike Meyer, DWR

Mike Meyer with the Garden City DWR announced they still have two positions open in the Garden City Office. Change applications are still about a year from processing. They are reviewing the over-pump list, which is long and probably longer than last year.

Change App. file 18317, Ross Koehn, Gray County

Ross Koehn is present for the change application review for File 18,317. Jason Norquest reviewed the change with the Board, stating the following highlights:

- Mr. Koehn stated that he lost pumping capacity in the SE well. Numerous test holes were made without finding a suitable location.
- The proposed move will combine the authority on this other well under the same water right.
- The applicant does not own neighboring wells.
- The minimum spacing requirement, as proposed, is 2,300 feet. The proposed location is 1,650 feet from the well under ID 02. The current tenant has also filed a 15af exemption, File No. 50948, which would be 1,900 feet south of the proposed stacking of authority. The new appropriation is currently in the initial review.

Policy and Legal Committee reviewed the change and recommends allowing 28AF authority to be moved, which would meet current area rules while the remainder can stay at the current location.

Fred Jones moved to recommend approval allowing 28AF authority to be moved, which would meet current area rules while the remainder can stay at the current location. Mike O'Brate seconded. Motion passed Zachary Gale opposed.

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Kleysteuber Farms WCA Renewal

The GMD3 Board reviewed the Kleysteuber Farms WCA at the November 16, 2018, meeting; at that time, the GMD3 Board supported documenting the conservation of 21 Irrigated Rights (23 wells). A combined WCA allocation is set at 11,252 AF/5 years. Water Right 12,583 could exceed the annual base acre-feet; however, capped at 320 acre-feet. Water Rights 12,583 and 16,187 have a combined cap of 2,800 acre-feet for five years. All other wells are held to an annual authorized rate/quantity.

The proposal for 2023-2027 is:

- Add two new water rights to the same irrigated rights/wells that ended the previous WCA.
- 13,306.599 acre-feet for five years allocation
- Ability to use 144.63acre-feet carryover from prior WCA.
- Water Rights 12,583 and 16,187 have a combined limit of 2,800 acre-feet for five years.
- Any irrigated well can pump 105% base in a drought year as long as the total annual authorized quantity is not exceeded (per statute)
- They can carry over one year of WCA allocation into the next WCA.

The Policy and Legal Committee reviewed and recommended supporting the WCA renewal process for Kleysteuber Farms.

Fred Jones moved to recommend approval for Kleysteuber Farms' proposed WCA renewal process for 2023-2027. Garrett Love seconded. Motion passed with all in favor.

Review Timeline for Implementing HB2279.

Planning Retreat, Annual MP Review

The board consensus was to shorten the monthly board meetings and plan time within them to discuss the implementation of HB2279.

Informal Community roundtable meetings

We are proposing to hold informal community meetings.

Committee Reports

Research and Development

Chairman Fred Jones and Kent Dunn were present in person, and Zachary Gale was present via the phone for the committee meeting. A review of an allocation model based on priority was developed in the past. The Committee also heard updates on the status of the hydrologic model update for GMD3 that Brownie Wilson provided. The Committee also heard a proposal from Dr. Bill Golden, KSU, on developing an economic model that could be linked to the hydrologic model. There was also further discussion on water conservation programs.

Policy and Legal

Chairman Clay Scott informed the Board that the Policy and Legal Committee discussed updates to rules and regulations. There is a need to clean up and eliminate some rules in their current form. Fred noted a preliminary request from the Chief Engineer on the status of past activities and stated it needs to be on next month's board meeting agenda.

Old Business

There was no old business to take off the table.

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New Business

Kansas Open Meetings Act (KOMA) & the Violation of Board Member Rights

Zachary stressed his concern about the April Board Meeting regarding the Executive Session. He believes his and Seth Nelson's rights were violated by not being allowed to stay in the Executive Session. Zachary contacted Nichole Aiken with the League of Kansas Municipalities and directed him to their handbook. Legal Counsel Tom Adrian said it was based on his past dealings with GMD2. GMD2's Wichita representatives excused themselves (or asked) not to participate in the executive session. KOMA doesn't state one way or another.

Fred Jones moved to go into Executive Session with Legal Counsel and the Board of Directors for ten minutes. Kent Dunn seconded. Motion passed with all in favor.

The meeting resumed in open session at 11:23 a.m.

Fred Jones moved to have legal counsel, Tom Adrian, seek the Attorney General's opinion on the legality of Seth Nelson and Zachary Gale being excluded during the Executive Session at the April 12 Board of Directors meeting. Kent Dunn seconded. Motion carried with all in favor.

Executive Director Report, Mark Rude

DC Hill Report and Update

Mark Rude, Jason Norquest, Clay Scott, and Randy Hayzlett attended. In addition, they discussed the Farm Bill with staff members.

Hamilton County Update

No update at this time.

Colorado-Kansas Water Quality Summit Travel, La Junta, Colorado.

The Colorado and Kansas Arkansas River Water Quality Summit will be in La Junta, Colorado, on May 23rd and 24th, 2023. Registration is \$20.00. May need to have out-of-state travel approved since it is in Colorado. **Kent Dunn moved to approve out-of-state travel for the Board and staff to attend the Water Quality Summit in La Junta, Colorado. Garrett Love seconded. Motion passed.**

Bulk Water Sample shipping for testing

Mark noted that the bulk water sampling will be completed for the Bureau of Reclamation.

GMDA July Conference Travel

The GMDA conference will be held July 10 -13th in Santa Fe, New Mexico. **Fred Jones moved to approve out-of-state travel for the Board and staff to attend the GMDA Summer conference in Santa Fe, New Mexico. Garrett Love seconded. Motion passed.**

We need to reschedule the July board meeting as it is also the week of the GMDA Conference. **Fred Jones moved to change the July Board meeting, which is also the budget hearing, to July 14, 2023, Mike O'Brate seconded. Motion passed.**

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Western Water Conservation Projects Fund Business

Financial Report

We will present the Western Water Conservation Projects' financials in the July meeting.

Agency Reports

KWO

Keadron Pearson with KWO announced the following:

- Upper RAC meeting this Friday, May 12.
- Kansas Water Authority will be on June 7 in Dodge City, Ks.
- Colorado and Kansas Arkansas River, Water Quality Summit, will be May 23rd-24th. in La Junta, Colorado.
- RAC member open enrollment is next month. There are four or five openings on the Cimarron RAC.

KSU: Jonathan Aguilar.

Jonathan appreciated all that attended the President's visit. They are looking into the TAPS program that is going on in NE currently. We might be able to tap into the HB2302 funds.

Mark reminded everyone that meter inspections would start soon and would like to consider bumping up the pay. The consensus of the Board was to have the Finance or Executive Committee make a recommendation to the Board at the next meeting.

Trevor is looking for summer interns for the watershed grant. Trevor will hold a couple of interviews in the next few days.

Earl Lewis mentioned they got funding for employees and some new positions.

Board Member Reports

There were no board member announcements.


Public Forum

There were no public announcements.

ADJOURNMENT

Lost quorum after the Executive Session.

Respectfully Submitted,


Garrett Love
GMD3 Board Secretary