

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
September 13, 2023**

MEETING CALLED TO ORDER

President McCormick called to order the September 13, 2023, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:00 a.m. The meeting was in the GMD3 Board Room.

Directors Present in Person

Chad McCormick, President, Industrial Representative
Randy Hayzlett, Vice-President, Surface Water Representative
Mike O'Brate, Treasurer, Finney County Representative
Garrett Love, Secretary, Gray County Representative
Bret Rooney, Haskell County Representative
Clay Scott, Grant County Representative
Fred Jones, Municipal Representative
Kent Dunn, Seward County Representative
Kyle Maddux, Kearny County Representative
Zachary Gale, Hamilton County Representative

Directors Absent with Notice

Dave Casterline, Ford County Representative
Harrison Krey, Morton County Representative
Ben Amerin, Meade 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
Chris Law, Director, Field Services
Trevor Ahring, Civil Engineer
Brandi Sneath, Office Assistant

Others in Attendance in person or by Zoom

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Brownie Wilson, Kansas Geological Survey
Gaisheng Liu, Kansas Geological Survey
Josh Olson, Kansas Water Office
David Barfield, Independent Consultant
Keadron Pearson, Kansas Water Office
Don Whittemore, Kansas Geological Survey
Kevin Salter, Division of Water Resources
Austin McCollach, Kansas Department of Agriculture
Chris Beightel, Water Management Services Program Manager, Kansas Department of Agriculture
Jonathan Aguilar, KSU
Karl Clawson, Producer
Jim Butler, Kansas Department of Health and Environment
Katie Durham, Manager of GMD1

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APPROVE AGENDA

President McCormick asked for consideration of the September 13 meeting agenda. Zachary Gale proposed to add MYFA discussion under New Business C. **Bret Rooney made a motion to approve the agenda as revised. Mike O'Brate seconded. The motion passed.**

Resignations.

Mark Rude advised that Ford County Representative Dave Casterline and Meade County Representative Ben Amerin submitted resignations from the GMD3 Board. **Kent Dunn moved to accept Dave Casterline's and Ben Amerin's resignations. Clay Scott seconded. Motion passed.**

APPROVAL OF MINUTES AND GENERAL MONTHLY FINANCIAL REPORT

President McCormick drew the attention of the Board to consider the July 14, 2023, draft minutes. **Kent Dunn moved to approve the July 14, 2023, minutes, as presented. Randy Hayzlett seconded the motion. Motion passed.**

President McCormick next drew the attention of the Board to review the July and August financial report documents.

Clay Scott motioned to approve the financial reports and payments for July and August 2023 as presented at this meeting and submit them for the annual audit. Bret Rooney seconded the motion. Motion passed.

Zachary Gale commented that we have now spent more on Attorney Fees [on request from Hamilton County] than Hamilton County Assessments.

President McCormick signed and submitted the financial documents.

Correspondence / Recognitions / Public Comments

Stone Letter-pumping pressure concern

Rhonda Stone submitted a letter on four wells she owns that have dropped pressure at the motor over the last four months. Pressure has dropped since the drilling of new wells west of her water rights. The Board considered an area map and a discussion was had. More information is needed to pursue further discussion.

Management Program: Reports and Recommendations

Water Commissioners Report, Mike Meyer, DWR

Water Commissioner Mike Meyer stated that customer service calls have picked up some. Mark Rude asked if he would talk about over-pumping fines and questioned if the fines total was around \$300,000. Mr. Meyer responded there was one fine about that amount; he wished the Kansas total was around \$300,000; however, it is more like a million dollars for the whole state. In the GMD3 area, there were about 140 penalties issued. All penalties [cash and water] are for the 2024 crop season, allowing the producer ample time to prepare.

Mark asked what happens when they find reversed meters. Mike Meyer stated they would contact the producer to stop diversion immediately, and DWR will start gathering all the facts and records needed to determine what amount of water had been pumped. In this particular case, Western Valley Irrigation took the blame for installing the reversed meter. Again, Mike Meyer stressed the importance of producers looking at their meters regularly.

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Spacing Waiver-New App 50,948 in Gray County, Charles Koehn, 15af

Jason Norquest reviewed the spacing waiver request for a new Water Right 50,948 in Gray County for Charles Koehn. He stated the Board reviewed Water Right 18,317 in April 2023. At that time, the applicant wanted to move authority off the SE, ID03 well, to the middle well, ID04 (under the same water right). Which would not meet the spacing to the well in the SW ID02 (same water right) or this proposed well. The new appropriation is needed to authorize a new industrial use for pasture chicken egg production on a large scale. Policy and Legal Committee reviewed this application and recommended the Board approve waiving KAR 5-23-3 and KAR 5-23-4 well spacing. **Clay Scott moved to recommend approval of KAR 5-23-3 and KAR 5-23-4 waiver of well spacing and application approval. Garret Love seconded. Motion passed with all in favor.**

Spacing Waiver-New App 50,962 in Grant County, Kendall Koehn, 10af

Jason Norquest stated there is a need for a spacing waiver for new application 50,962 in Grant County for Kendall Koehn. Water is for another pasture chicken /egg operation, which requires an industrial permit from DWR. Mr. Koehn estimates 1,200 gallons/day plus another 200 gallons for washing the house. The neighboring well in question is owned and operated by the applicant of this new appropriation. Policy and Legal recommended approving a well spacing waiver under KAR 5-23-3 and KAR 5-23-4 and application approval. **Randy Hayzlett moved to recommend approval of KAR 5-23-3 and KAR 5-23-4 waiver for well spacing and application approval. Clay Scott seconded. Motion passed with all in favor.**

GMD3 Groundwater Model Update- KS Geological Survey Team.

Brownie Wilson and Gaisheng Liu attended in person to present updated information on the GMD3 Groundwater Flow Model. The project timeline has been adjusted with the final reports and presentations to be completed in the Winter of 2023. The model has undergone manual calibration and a series of independent analyses using the Parameter Estimation and Uncertainty Analysis Program, which will be completed soon. The addition and processing of the delayed recharge function takes at least 1.5 months to complete. This will slightly change the ending model statistics but not the final results. The Model extent covers GMD3 and the High Plains aquifer, including the unconfined portion of the Dakota aquifer and the Hamilton County river corridor. The plan is to incorporate the bedrock elevations for the Dakota's unconfined portions, keep the model as one layer, and use lithology to control the model characteristics. However, keeping the model as one layer proved less than ideal and defendable. Decided on a 2 layer-model (one layer representing the HPA and the other layer the Dakota). Uncertainty with the Dakota Layer as there are not as many driller logs, and it is too shallow for most existing Gamma Logs (oil/gas). Through the PowerPoint slides, Brownie illustrated the pumping file HPA vs. Dakota. He discussed the KGS Bulletin 260, 2014 Water Resources of the Dakota Aquifer. Since the prior model, an additional 1,166 wells have been redrilled or assigned a "Dakota" aquifer code. Brownie also reviewed the surface recharge components, the Transient results, and hydrographs of actual vs. model predicted change for each county having GMD3 area.

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The Board and Brownie discussed what scenarios the Board would like to run. A few scenarios characteristics

- ✓ Run from 2021 to 2096 with a repeat of 1945 to 2020 climatic conditions (1950s drought)
- ✓ 2021 and 2022 use actual water use and precipitation
- ✓ In other years, groundwater pumping would be based on the regression equation.
- ✓ Head boundaries are based on average precipitation vs. water-level change over the last 20 years.
- ✓ Model shuts off pump in future years if the water level gets too close to aquifer bottom.

Action: Brownie would like scenario suggestions to him by the end of October. This would allow him time to run them and still meet the deadline of December for completion.

Committee Reports

Policy and Legal

Committee chairman Clay Scott reviewed notes from their meetings on August 3 and September 6, 2023. They reviewed the GMD3 Budget outline in August and suggested a few revisions. The Committee discussed a few changes to the Management Program to comply with HB2279. There was one suggestion to the Management Program, and he will discuss that later during the September meeting review. Clay discussed the Groundwater Conservation Easement Program.

At the September committee meeting, they reviewed the WR 50948 and 50962 industrial applications. The one change submitted for the Management Program was removing the goal to reevaluate adding the Hamilton County River corridor to GMD3. The Committee felt that was worthy of revision at this time. Mark advised that he is working on a revamping meeting for the Kansas Water Congress in mid-November. The Committee reviewed HB2279 compliance and the timelines. Under Federal issues, they discussed WOTUS, Department of Interim letters for expanding funding to Kansas, and the Farm Bill development for Title II water conservation. Randy Hayzlett and Mark Rude attended a Farm Bureau listening session that discussed water policy and the Farm Bill.

Research & Development

Committee Chairman Fred Jones reviewed his notes from the Research and Development meeting held Monday, September 11, at 1:00 p.m. in the GMD3 Board Room or by Zoom. The meeting started discussing the Hydrological Model, timeline, and status. Mark discussed a possible Productivity Model development with KSU resources at the Center for Sorghum Improvement to inform conservation action planning. WaterTAP opportunities: areas need to be defined in the GMD3 area to proceed. The Committee discussed the Draft DOC SFY 24 Irrigation Technology program. Comments regarding any revisions are due by September 18 to DOC. Should VanWater Service be added? GMD3 did not get the grant for the Kansas Master Irrigator program. However, there are other possibilities.

Old Business

There was no old business to take off the table.

At this time, President McCormick turned the gavel over to Vice President Hayzlett

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New Business

Mark Rude turned the Board's attention to the revised proposed budget in the board book. Garret Love thanked him for breaking it out to help with reporting but believes the budget could be broken out more. More work is needed.

Mark Rude brought to the table two Resolutions. Resolution 2023-3 is the adoption of the 2024 Budget. Resolution 2023-4 deals with the Cash Basis Budgeting of the District.

Resolution 2023-3 GMD3 2024 Budget

Bret Rooney moved to approve Resolution 2023-3. Garret Love seconded. Motion passed

Resolution 2023-4. Cash Base Budget

Clay Scott moved to approve Resolution 2023-4. Fred Jones seconded. Motion passed.

MYFA

Zachary Gale asked that the Board look into a Special MYFA rule for stock and industrial. After reading the MYFA options, he suggested sending it to Policy and Legal for work.

Zachary Gale moved to send consideration for a Special MYFA for stock and industrial to Policy and Legal. Garret Love seconded. Motion passed.

Executive Director Report, Mark Rude

Conference Reports

Colorado Water Congress:

Mark attended the Colorado Water Congress, where he participated on an interstate panel of Colorado neighbors and collaborated well with Colorado water teams.

NWRA Conference in North Dakota.

Toured their SW regional pipeline project and discussed ideas and policy issues for water transfers and groundwater management policy.

Governors Water Conference.

The Governor's Water Conference will be held November 15 and 16 in Manhattan, KS. Need to get registered as soon as possible, so let Mark, Jason, or Patty know if you plan to attend.

Clay Scott moved to approve travel/attendance for the Board and staff to the Governor's Water Conference. Bret Rooney seconded. Motion passed with all in favor.

Staff and Equipment

Mark Rude would like to meet with the Executive Committee to discuss employee raises, considering the cost-of-living increases over the last few years.

NWRA meeting travel for Clay

Clay Scott asked for travel consideration to attend the NWRA meeting. Mark Rude noted that Clay Scott is a Vice President nominee for next year, which, if voted in, would make him NRWA President for 2025. **Mike O'Brate moved to approve travel for the Board and staff to attend the NWRA meeting, November 8 through 10, in San Antonio, Texas. Kent Dunn seconded. Motion passed.**

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Western Water Conservation Projects Fund Business

Financial Report

Mark Rude drew the Board's attention to the March Financial documents of the Western Water Conservation Projects Fund and the activity of the advisory Committee.

After discussing with the Board, Bret Rooney moved to accept the July and August Financial Reports and payments as presented and submit them for annual audit. Kyle Maddux seconded. Motion passed.

Agency Reports

KWO, Keadron Pearson

- Water authority October 18 in Lawrence
- Governors Water Conference. November 15 and 16, people need to register as soon as possible.
- Kansas Water Summit is making plans to hold the next meeting in Kansas.

K-State, Johnathan Aguilar

Thanked those who attended the field day. He announced that there is a discussion happening on a possible Kansas water institute. More information will be announced in the future.

Board Member Reports

Clay Scott brought to the Board's attention that Brant Peterson was not voted back on the RAC. He is very active and a very good proponent of the water of Kansas. Clay stressed his disappointment in losing a valuable proponent and would like to know why.

Public Forum

David Barfield was present and provided his take on HB 2279. He handed out a revisor summary of required activities along with a map. He noted the first task is to identify high-priority areas.

ADJOURNMENT

Bret Rooney made a motion to adjourn the meeting. Mike O'Brate seconded. The meeting adjourned at 12:43 p.m.

Respectfully Submitted,


Garrett Love
GMD3 Board Secretary