

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

MEETING CALLED TO ORDER

Vice President Hayzlett called to order the November 3, 2023, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:14 am when a quorum was established. The meeting was in the GMD3 Board Room.

Directors Present in Person

Randy Hayzlett, Vice-President, Surface Water 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

Zachary Gale, Hamilton County Representative

Directors Present by Phone or Zoom

Chad McCormick, President, Industrial Representative

Mike O'Brate, Treasurer, Finney County Representative

Directors Absent with Notice

Seth Nelson, Stanton County Representative

Harrison Krey, Morton County Representative

Kyle Maddux, Kearny County Representative

Matt Johnson, Stevens County Representative

Ford County Representative

Meade 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

Others in Attendance

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

Keadron Pearson, Kansas Water Office

Tom Adrian, Attorney

Earl Lewis, Chief Engineer, KDA

Chris Beightel, Program Manager, KDA

APPROVE AGENDA

Vice President Hayzlett asked to consider the agenda for the November 3rd meeting. Kent Dunn made a motion to approve the agenda as presented. Garret Love seconded. The motion passed.

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APPROVAL OF MINUTES AND GENERAL MONTHLY FINANCIAL REPORT

Vice President Hayzlett drew the attention of the Board to consider the draft minutes from October 11, 2023. **Garret Love moved to approve the October 11, 2023, minutes, as presented. Clay Scott seconded the motion. Motion passed.**

Vice President Hayzlett next drew the attention of the Board to review financial report documents.

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

Vice President Hayzlett signed and submitted the financial documents.

Correspondence / Recognitions / Public Comments

Zachary Gale wanted to state that, to his knowledge, the members of Hamilton County have never met with an attorney on the issue of suing GMD3. Some words may have been taken out of context. A conversation with Mark at the end of the last annual meeting when Zach stated if the process is going to be drug out for six years like Hodgeman County, then he would have to go back to the members and inform them that is Mark's tactic and would have to look at other legal options. That is all to his knowledge, and there have been no formal threats from the petitioners of Hamilton County.

Executive Session

Mark Rude advised there is a resolution to go into an executive session to talk about the Hamilton County situation in light of the AG's opinion. Tom Adrian is on the line, and he recommended considering attorney-client privilege. **At 9:22 am, Clay Scott motioned to go into executive session for 30 minutes and exclude any board members who have signed the petition to bring litigation against the Board. Garret Love seconded. Motion passed.**

The meeting was called back to order at 9:52 am.

Bret Rooney moved to have legal counsel present the petitioners, on behalf of the Board, questions relevant to the addition or withdrawal of lands from the district. Fred Iones seconded. Motion passed.

Management Program: Reports and Recommendations

Water Commissioners Report. Mike Meyer, DWR

Mike Meyer stated the office is business as usual. To date, three positions are being advertised. WCA regs will be coming out for review. The goal is to have a 45-day review turnaround and then be ready for final review. The ARCA (Arkansas River Compact Administration) meeting is coming up the first week of December in La Junta, Colorado.

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Hamilton County Petition Request

Mark stated the most relevant thing is the AG opinion in the board book. It concluded that the Board was not in violation of KOMA.

Draft revised Management Program Document

Mark announced he has the Management Program document printed out for those who want a copy. Page 16 of the board packet contains the regions for next year's ICARE mailing. Mark noted a correction on the SSS area in Stevens County, which reads 7,400; it should be 74,000. Garret stressed that using newer and better data would show a more forward look. Clay Scott added that based on the run scenario, and the 30% variation in tweaking the model. As we move forward, KGS should be able to add a number to the well, pumping per minute and % less. Mark reminded everyone that the numbers on the map are not from the model but from the QStable graphing. Clay asked what the numbers mean on the map on page 18 of the board book. Mark stated that is the number of cattle heads in feedlots and dairies.

Committee Reports

Policy and Legal

Chairman Clay Scott reviewed the discussions held at the Policy and Legal Committee meeting on October 31, 2023.

APPLICATIONS: there were no applications to review.

2023 LEGISLATIVE POST-AUDIT RECOMMENDATION: Bring two resolutions to the Board for review and vote later today.

EDUCATION, OUTREACH, AND ADVOCACY:

KWC: The Kansas Water Congress reorganization meeting will be on November 14 at the Flint Hills Discovery Center in Manhattan, KS, at 2:00 pm.

STATE WATER POLICY DEVELOPMENT

GMD2 VS Chief Engineer, Oral Arguments, Harvey County: were all briefly discussed.

HB 2279 COMPLIANCE: This will probably be on the agenda from here on out for a while. Action on the WaterSMART grants will be brought to the Board.

KWO OGALLALA COMMITTEE, NOVEMBER 28-29 and VIJAY RAMASAMY VISIT, GOVERNORS WATER ADVISOR NOVEMBER 29: Announced

FEDERAL WATER POLICY DEVELOPMENT.

GMDA, GMD3 TO HOST JANUARY CONFERENCE: Jason Norquest is President-Elect; the Conference is January 23rd – 25th in Nashville, Tennessee.

2023/4 FARM BILL UPDATE: to date, there is no update to report as Hill conditions are in flux.

HOUSE APPROPRIATION-PASSED HR4393 REPORT LANGUAGE

Mark added there have been a lot of conversations on authorizing high plains study. One of the Five Elements was major water transfers. The committee put it in the report authorizing the US Army Corps of Engineers to use existing funding to collaborate with non-federal entities to implement those projects further. Mark announced he, Jason, Clay, and Randy would have a fifteen-minute meeting with the USACE regional director at the NWRA meeting.

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WRDA REQUESTS: High-plains study. We are looking at a feasibility study and updating the past work of the WRDA bill.

GMD3 HAS RECLAMATION AND ARMY CORPS MEETING IN NOVEMBER: we should also be able to meet with the Bureau of Reclamation to discuss extended drought and declining aquifer mitigation funding.

IMPORT DEVELOPMENT SUPPORT

MARK MET WITH THE UPPER MISSOURI RIVER WATER ASSOCIATION BOARD:

WIFA OF ARIZONA RFI: There was a Request For Information to the public regarding Water Transfer into that state.

NWRA ANNUAL MEETING, CLAY SCOTT NOMINATION FOR VP.

CRWUA ANNUAL MEETING: It will be in December in Las Vegas, and there will be nearly 2,000 people in attendance.

RULES AND REGS

STOCKWATER FLEX ACCOUNTING OPTIONS: Mark is discussing the format/proper submission with DWR. Mike Meyer added DWR is not working on anything.

PREVENTABLE WASTE OF WATER-SPRINKLER IRRIGATION IN HIGH WIND CONDITIONS

Mar stated that one thing that makes some people livid is water waste from sprinklers in high wind conditions. Clay asked Mark, when the office gets those calls, do we forward the information to DWR? Mark added that we do when it is a specific location; otherwise, if it's just a general concern, we don't. Mike Meyer stated he refers the calls to GMD due to verbal agreements that GMD3 wants to handle the waste of water issues. Chris Law noted that out of ten calls, there may be one with a specific location. In that instance, GMD3 will try to round someone up to correct the issue. If more muscle is needed, then GMD will be calling DWR.

Ogallala Committee

Randy Hayzlett announced that the Ogallala Committee will meet on November 28th and 29th. The committee may want to have Troy Dumler give a presentation. Also, Vijay Ramasamy would like to visit with some board members on November 29.

Clay Scott added he can see GMD3 working on HB 2279 and the stock water flex / other options at every Policy and Legal meetings for some time.

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Old Business

Resolution 2023-5 to adopt a GMD3 MP review and revision policy

The Legislative post-audit recommended a Resolution for MP review and revision policy.

Clay Scott moved to approve Resolution 2023-5. Kent Dunn seconded.

Motion passed.

Resolution 2023-6 to revise the Management Program

Revisions are minor, with more editing issues.

Clay Scott Moved to approve Resolution 2023-6, and Fred Jones seconded. Motion passed.

New Business

Resolution 2023-7 to support the GMD3 WaterSMART Grant Submittal

Bret Rooney moved to pass resolution 2023-7. Garrett Love seconded. Motion passed.

Executive Director Report, Mark Rude

HB2279

Mark turned the Board's attention to the HB2279 memo on page 45 of the board book.

Expiring gWORKS contract

gWorks contract runs out in December; however, Chris reached out to gWORKS, and they will extend it for one year. **Fred Jones moved to approve the expense with gWORKS for one year. Clay Scott seconded. Motion carried.**

Nex-Tech

The current contract is up at the end of this year. The Board will need to discuss this at the December meeting.

Board Vacancies.

Mark spoke about the board vacancies for Ford County and Meade County. Newspaper advertising stated that formal letters of interest for these positions must be received in the office by the end of November. GMD act confirms that the Board is obligated to fill the positions immediately.

Other

NWRA panel at the annual meeting on groundwater for drought resiliency

GMDA

GMD3 is hosting the GMDA Winter Conference from January 23 to 25, 2024. We need to approve travel for the Board and staff. **Kent Dunn moved to approve travel for the Board and staff. Clay Scott 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 October Financial Reports and payments as presented and submit them for annual audit. Clay Scott seconded. Motion passed.

Topeka Legislative Retreat.

Mark announced to mark your calendar for February 6th and 7th for the Legislative Retreat in Topeka—the same schedule as usual. Depending on the outcome of the Kansas Water Congress, we will hold the winter meeting on Tuesday morning. The GMD's roundtable is in the afternoon and the

Legislative Reception is in the early evening. Wednesday, GMD3 will hold a quick meeting, and following that will be the Agency / GMD's roundtable.

Agency Reports

KWO

Keadron Pearson

Keadron announced that KDA (Kansas Department of Agriculture) was awarded nearly \$25 million from the U.S. Department of Agriculture to support water conservation and groundwater management in the High Plains Aquifer. Mark added that it included 12 positions to help producers with technology assistance. The concept was to put two staff in each GMD office.

Keadron also announced that the two Technical Assistance and Water Projects Grant grants are open. Smaller municipalities would benefit from this and encourage those in small communities to check into it.

KWPPI (Kansas Water Plan Partnership Initiative), which includes excess funds from the Water Plan, is currently around 2 million dollars. More information is on the website; the deadline is January 29, 2024.

There are also two positions available to work with these grants. Based out of Topeka.

Keadron reminded everyone of the Governor's Water Conference next week. Kansas Water Authority is meeting in Concordia, KS, on December 13, 2023.

Lastly, Dawn has made her selections on each of the RACs for Chairs and Vice-Chairs, and each has accepted: Cimarron Chair is Adam Gerrond, and the Vice-Chair is Lucas Crouse. For the Upper Ark RAC, Abe Lollar is Chair, and Bill Simshauser is Vice-Chair.

Mark added the December meeting needs to change due to a meeting conflict. After discussion, the consensus was to move the meeting to December 18. Mark reminded everyone that the board-spouse luncheon would be after the meeting.

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Board Member Reports

There were no board member reports.

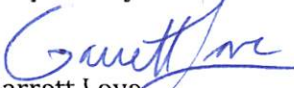
Public Forum

There were no public forum discussions.

ADJOURNMENT

**Bret Rooney made a motion to adjourn the meeting. Garret Love seconded.
The meeting adjourned at 11:40 am.**

Respectfully Submitted,


Garrett Love
GMD3 Board Secretary