

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
January 10th, 2024**

MEETING CALLED TO ORDER

President McCormick called to order the January 10, 2024, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:06 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
Jacob Harshberger, Ford County Representative
Carl Clawson, Meade County Representative

Directors Present by Phone or Zoom

Seth Nelson, Stanton County Representative
Zachary Gale, Hamilton County Representative
Kyle Maddux, Kearny County Representative

Directors Absent with Notice

Harrison Krey, Morton County Representative
Matt Johnson, Stevens County Representative

District Staff Present

Mark Rude, Executive Director
Jason Norquest, Assistant Manager via Zoom
Patty Stapleton, Office Administrator
Chris Law, Director, Field Services
Brandi Sneath, Office Assistant

Others in Attendance in person or by Zoom

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Keadron Pearson, Kansas Water Office
Earl Lewis, Chief Engineer, Kansas Department of Agriculture
Chris Beightel, Program Manager, Kansas Department of Agriculture
Kevin Salter, Division of Water Resources, Garden City, KS
Johnathan Aguilar, Kansas State University
Stephanie Kramer, Chief Counsel, Division of Water Resources,
Kenneth Kopp, Division of Water Resources
Allison Kite, Reporter with Kansas Reflector
Susan Metzger, Director of KCARE and Kansas Water Resources Institute
Kevin Hardy, Reporter
Tom Adrian, Attorney
Steve Frost, Division of Conservation

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President McCormick announced the election of the Ford County Representative needs to be redone due to a secret ballot not being KOMA approved.

Bret Rooney moved to proceed with the Ford County Representative voting by roll call vote. Clay Scott seconded. Motion passed.

Randy Hayzlett	abstains
Carl Clawson	Jacob Harshberger
Fred Jones	Corey Keller
Clay Scott	Jacob Harshberger
Mike O'Brate	Jacob Harshberger
Seth Nelson	abstains
Kent Dunn	Jacob Harshberger
Zachary Gale	abstains
Kyle Maddux	Jacob Harshberger
Garret Love	Jacob Harshberger
Bret Rooney	Jacob Harshberger
Chad McCormick	Jacob Harshberger
Harrison Krey	Jacob Harshberger

Final Count:

3 abstains
9 Jacob Harshberger
1 Corey Keller

Jacob Harshberger is the new Ford County Representative.

APPROVE AGENDA

President McCormick asked to consider the January 10, 2024, meeting agenda. **Randy made a motion to approve the agenda as presented. Kent Dunn seconded. The motion passed.**

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APPROVAL OF MINUTES AND GENERAL MONTHLY FINANCIAL REPORT

President McCormick drew the attention of the Board to consider the draft minutes from December 18, 2023. **Kent Dunn moved to approve the December 18, 2023, minutes, as presented. Fred Jones had a question about David Walker in attendance. President McCormick responded that David Walker did not sit in on the meeting; he stopped by to drop off a letter. Randy Hayzlett seconded the motion. Motion passed.**

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

Carl Clawson motioned to approve the financial reports and payments for December 2023 as presented at this meeting and submit them for the annual audit. Kent Dunn seconded the motion. Motion passed.

President McCormick signed and submitted the financial documents.

Correspondence / Recognitions / Public Comments

There were no correspondences, recognitions, or public comments.

Management Program: Reports and Recommendations

Water Commissioners Report, Mike Meyer, DWR

Mike Meyer reported via Zoom. Annual Well Measurements were completed before the storm hit. At a glance, it looks like the aquifer reset itself with normal declines. The Kansas Geological Survey will analyze and provide the annual report soon. Water Use Reports have been mailed out to everyone with a water right. It is important to keep the PIN that comes with the letter, as it is necessary for filing online.

Mike Meyer also mentioned that KDA wants to be notified of GMD3 committee meetings, preferably sooner rather than later. Scheduling meetings more in advance will allow everyone to be more prepared, resulting in more productive meetings. Zachary Gale and Mike Meyer would like to be added to the list of all committee meetings. The working meeting this afternoon will continue this morning's meetings.

Redrafted Proposed Rules-Explained-DWR Team

Mike Meyer and Stephanie Kramer are available

The DWR team spoke to those present regarding the redrafted proposed rules. Discussion started with K.A.R. 5-5-17, change a point of Diversion. The concept was changed and presented to the GMDs at the meeting in Topeka last year. Removing the impairment test was difficult to formulate in a Statewide context because it was not a one-size-fits-all concept. We removed it from what we presented last year, and we believe that regulations of this nature should belong in Article Four of our regulations, along with impairment rates. The primary goal of the new PD change rate is to codify the half-mile move distance or limit for what we consider to be the local source of supply for changes and point of diversion. The half-mile limit has always been more of a guideline, and we want to define it in regulation finally. Our second goal is to end the practice of hopscotching ½ mile at a time. This practice harms the existing water rate holders in the same area. We want to stop this process and move forward with more sustainable water management practices.

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The third goal of the proposal is to prevent impairment and protect other water right holders from potential water level declines. The change regs will be subjected to a two-mile circle concept to achieve this. For those unfamiliar, the two-mile circle is a process used across the state for new water applications. It involves examining the proposed well's two-mile radius to determine whether there is more water to be appropriated in that area. The proposal does not mean that change applications are subject to the same deal. It is only meant to ensure you do not move to an area with a more heavily appropriated water source or closer to senior water rights. The current proposal is less strict than the original proposal made over a year ago and allows some movement beyond 300 feet, as long as you are not moving closer to another group of wells. These are the concepts included in the proposal.

Comments to Lane Letourneau are due by February 9, 2024. There is at least a two-month period for public comments.

Clay Scott asked, most GMD3 does not meet safe yield, so how can a person move further than 300'?
It would be on a case-by-case basis and might be limited to a quarter mile.

Zachary Gale asked, what if you own all the wells?
It would still apply.

Randy Hayzlett asked about moving a well into an IGUCA compared to a move within an IGUCA.
This application applies to just a PD move; we would look at the IGUCA intent if that applied.

The discussion then turned to proposed WCA regulations, K.A.R. 5-18-1. Explain the Historical Period: these are normal processes we follow now. We are putting them into regulations. The years do not roll forward due to preventing people from pumping more than they need to keep their average up to get into the WCA.

GMD3, 2023 Legislative Annual Report

Mark discussed the 2023 legislative Annual Report, stating that two addendums will be included in the final report: the 2023 Check Register and a copy of the 2022 Audit. The Board of Directors suggested a couple of edits. Mark will send a revised copy when it is completed.

State RCPP, Steve Frost, Executive Director of State Conservation Commission /DOC

Steve Frost, Executive Director of the KDA Division of Conservation, attended the meeting via Zoom. He spoke about the CREP project. The State of Kansas office is working with the FSA (Farm Service Agency) to develop a dryland practice under the CREP project. This has been asked about for many years, with a desire for voluntary retirement of water rights and continued dryland farming. But for various reasons, the FSA has been reluctant to proceed. The State of Colorado has broken through and got approved for its dryland practice, and is now available to landowners in the Upper Republican Basin. So, Kansas jumped on it and worked with the state office, and it is now being pushed to the National Level.

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Clay Scott commended Steve for being an advocate for Playa Lakes. He talked to a producer in Stanton County, Playa Lakes restoration put into CRP. He is glad to see the broad-scale participation versus just target areas. Steve added that Playa's are the most overlooked natural features Kansas has.

Playas are a big part of the RCPP projects, along with the Irrigation system, technology information, and education. So, one of the focuses of the RCPP is to integrate an irrigation specialist team in all of the five Kansas GMDs. This team would include an engineer and an agronomist-type person. Together, they can provide an emerging technology to conserve more water. Next week, a meeting with each GMD manager will be held to get thoughts and feedback about the program. The program's ultimate goal is to reduce water use by around 10%.

Committee Reports

Executive Committee

President McCormick reviewed the Executive Committee meeting that occurred on January 3, 2024. The KGS Groundwater Model contract was extended until April for no extra cost. The Committee reviewed the recommendation from the Finance Committee on the Computer and Cyber Security Contract with Nex-Tech. The Committee agreed that Nex-Tech is the company to continue with due to the service and being locked in for the five-year cost. The Committee also reviewed and provided some edits for the Draft GMD3 Annual Report for HB2279 and Western Water Conservation Projects Fund.

Master Irrigator Lite Event – February 22, Ulysses

Mark Rude talked about the one-time Master Irrigator Lite Event to be on February 22 in Ulysses, KS, and asked the Board of Directors to consider attending and spreading the word to other producers in their area. There is a \$100.00 incentive to participate, along with a great lunch. The max attendance is only 50 people due to the budget. Fred Jones asked if an email blast could spread the word and hit the hotspots of the meeting. The Board talked about sponsoring the attendance of over 50 people. **Clay Scott moved to support additional monies for added people in attendance. Bret Rooney seconded. Motion passed.**

Political Coordinating:

There will be monthly calls with Vijay Ramasamy and quarterly meetings with the Kansas GMD Managers. Mark Rude was asked to speak on a panel at the Colorado Water Congress on February 2 in Aurora, Colorado.

OTHER:

Discussion was held regarding the suggested by-law that David Walker gave to President McCormick in December. The by-law proposal read as follows:

- F. **Elections and Voting; Terms of Office.** A director shall serve for a term of three (3) years. A director may be re-elected but shall not serve for more than four (4) consecutive terms. The total period of service of a director shall not exceed fifteen (15) years. Current directors who have exceeded this limit are allowed to finish out their term. An election of directors whose terms have expired shall be conducted at every annual meeting as required by the GMD Act. Voting shall be as provided by the GMD Act, including the prohibition of proxy voting. No person may vote at the annual meeting, unless such person has registered as an eligible voter by filing a registration form provided by the district in the district office no later than 5 p.m. of the fifth day prior to the annual meeting. The terms of five (5) directors will expire each year as follows:

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The Board discussed whether this would be retroactive or moving forward at the time the By-Law might be approved. The proposed by-law must be placed in the papers with the Annual Meeting announcement. During the public forum at the annual meeting, members will have the opportunity to discuss, amend, and approve. Seth Nelson will speak with David Walker and advise him the GMD3 Board will have the By-law suggestion on the annual meeting agenda.

Policy and Legal Committee

Clay Scott discussed the Policy and Legal Committee discussion. The Policy and Legal Committee feels that HB2279 will be consuming and potentially take a lot of staff time. The Committee discussed the legal requirements for HB2279 and what this committee/board needs to accomplish to move forward. The Committee wants the Board to provide them with parameters to work under. Discussion was extensive on the draft changes in Rules and Regs and the 300-foot move.

Finance Committee

Mike O'Brate noted the discussion of the Finance Committee covering the budget and review of the three computer estimates. The Finance Committee will have to meet again to develop the 2025 budget, but that will happen after the 2023 audit is complete.

Old Business

Computer and Cyber Security Contract

Mike O'Brate moved to approve the computer and Cyber Security Contract with Nex Tech, Randy Hayzlett seconded the motion; the motion passed unanimously.

New Business

Ford County Position-KOMA

The Board fulfilled the Ford County Position earlier in the meeting.

Executive Director Report, Mark Rude

Aurora Colorado, travel request

Bret Rooney moved to approve travel for Mark Rude to attend the Colorado Water Congress panel discussion. Mike O'Brate seconded. Motion passed.

Western Water Conservation Projects Fund Business

Financial Report

President McCormick drew the Board's attention to the December 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 December Financial Reports and payments as presented and submit them for annual audit. Randy Hayzlett seconded. Motion passed.

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Board Member Reports

There were no board member reports.

Agency Reports

KWO

Keadron Pearson has announced that there will be a Cimarron RAC meeting on Tuesday next week in Hugoton, Kansas. Also, the Kansas Water Authority meeting is scheduled for January 24 in Topeka. Save the Dates will be sent out soon for the Arkansas River Water Quality Interstate Network event. The Upper Ark RAC meeting was held last month and was well attended. There were eight presentations were given for grant support submissions.

Public Forum

There were no public forums.

Bret Rooney moved to recess for lunch. Randy Hayzlett seconded. The meeting will reconvene after everyone has their food.

UPDATING HIGH PRIORITY AREAS.

The Board needs to update the high-priority areas and establish their boundaries as per the requirements of HB2279. Creating the boundaries from the ICARE maps would be a good idea. The first step is to draw boundaries of the high-priority areas by July 1. The two essential steps that need to be completed are drawing the boundaries and identifying whether they are high priority.

The group discussed updating the model with better information to show the usable life and not starting with the 50s drought. The Board also discussed whether they still want 200 gallons per minute as a minimum threshold and whether they should focus on IRR or other uses. The consensus was that they should focus on IRR. The Board also discussed the possibility of wells moving into IGUCAs, which could be an issue. Finally, there was a debate about whether they should allow wells to pump more than they have, as it seems to go against cutting others.

ADJOURNMENT

Carl Clawson made a motion to adjourn the meeting. Jacob Harshberger seconded. The meeting adjourned at 3:46 p.m.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary