

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
April 12, 2024**

MEETING CALLED TO ORDER

President McCormick called to order the April 12, 2024, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:00 a.m. The meeting was at the Southwest Kansas Groundwater Management Board Room.

Directors Present in Person

Chad McCormick, President, Industrial Representative
Randy Hayzlett, Vice-President, Surface Water Representative
Garrett Love, Secretary, Gray County Representative
Mike O'Brate, Treasurer, Finney County Representative
Zachary Gale, Hamilton County Representative
Carl Clawson, Meade County Representative
Jacob Harshberger, Ford County Representative
Clay Scott, Grant County Representative
Reid Shrauner, Morton County Representative
Andy Moser, Stevens County Representative
Kyle Maddux, Kearny County Representative
Fred Jones, Municipal Representative
Kent Dunn, Seward County Representative

Directors Present by Phone or Zoom

Seth Nelson, Stanton County Representative
Bret Rooney, Haskell County Representative

Directors Absent with Notice

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
Trevor Ahring, Engineer

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Keadron Pearson, Kansas Water Office
Dale Stonestreet, Representative for Water Right 11,768
Monty Breneman, Natural Resources Conservation Service
Allison Kite, Reporter with Kansas Reflector
Earl Lewis, Chief Engineer, Division of Water Resources
Sean Miller, Capital Strategies, GMD3 Legislative Liaison
Kevin Hardy, Reporter for Kansas City Star

APPROVE AGENDA

President McCormick asked to consider the agenda for the April 12 Regular Board Meeting.
Mark Rude noted a couple of changes:

- Add Sean Miller with Capital Strategies around 9:15 a.m.
- Correct VI to Water Right 11,768

Randy Hayzlett made a motion to approve the revised agenda. Kent Dunn seconded. The motion passed.

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Approval of Minutes and General Financial Reports

President McCormick drew the attention of the Board to consider the March 13th draft minutes.

Clay Scott moved to approve the March 13th, 2024, minutes as presented. Mike O'Brate seconded. Motion passed.

President McCormick next drew the attention of the Board to review the March 2024 Financial report. **Kyle Maddux moved to approve the March 2024 finances and submit them to the annual audit. Randy Haylett seconded. Motion passed.**

Correspondence / Recognition / Formal Comment to the Board of Directors

Sean Miller, Capital Strategy

Sean provided an update on the current happenings in the Kansas Legislature. Currently, the Kansas legislature is on a short 2 1/2-week break, which marks the end of the session that concluded last Friday. During the session, they passed a budget and other plans and returned some items for further consideration. However, they have yet to deal with 12 budgets, and one is funding for public schools for the next year. Next Friday, there will be a consensus revenue estimating group meeting, where economists from universities and legislative staff will meet to look at receipts from the last six months. They will reevaluate revenue projections over the next 18 months and issue a new fiscal update. On Thursday, April 25th, the Budget Committees will return to Topeka to receive the revenue estimate report. They will begin making tweaks and changes to the state budget and consider other items they put off, such as healthcare. This year, several healthcare items were delayed until Omnibus, which is the very end of the session, because the State is in the process of rebidding its managed Medicaid system. This system is responsible for providing services to those on Medicaid in the state of Kansas. The contracts for these organizations are due to be awarded today, but they may be delayed. The full legislature will return on Friday, April 26th, to deal with the budget, K12 education funding for the upcoming year, and potentially taxes. They passed the tax plan on the way out the door, but according to the Governor, the plan does not meet her terms for signing. Over the next week and a half, we will see if she figures out a way to get it signed. The final day, also known as signing out, is on April 30th. All our Water and Natural Resources issues are put to bed for the year. The Water Committee didn't take a lot of reports this year, as they were required based on bills passed last year, as well as mechanism reports to build 2302 that put an extra \$35 million a year into water funding. This year, a bill passed relatively quickly, House Bill 2634, that allowed for water rights within a LEMA or a WCA to have five-year allocations of water that can exceed the water rights of the annual quantity in any given year. Theoretically, it's possible now, but previously, it was a messy process. As we advance, the Chief Engineer can add these types of flexibility to the management plan of an existing LEMA or WCA when appropriate.

This year, 65 House and Senate members are up for election. This means there will be many turnovers in both Chambers, with a whole new leadership team expected to be elected. The elections will set the tone for what people want to accomplish or avoid in 2025.

Management Program: Reports and Recommendations

DWR Report: Mike Meyer, Water Commissioner

Business as usual, picking up on day-to-day activities and customer assistance. Mike gave the floor to Kevin Salter to talk about ARKWIN, which is coming up next week.

Kevin reminded everyone to register for the third Kansas / Colorado Water Quality Summit, ARKWIN, that will take place on April 18-19 in Deerfield, Ks. Thursday will be about Colorado water issues, and then Kansas will discuss its issues on Friday. Also, on Friday, Kevin will present Water Rights 101.

Board Review: Well Spacing. City of Garden City

Jason Norquest presented the board review for well spacing, the City of Garden City, for FI01, 519, 1230, and 4665 and a decision memo was provided.

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The need for this change is due to aging infrastructure. The city needs to redrill the current well, and land is limited. and a move less than 300 feet was not possible. The city acquired access to land 400 feet from the current location.

Nearby wells and water rights are mostly operated by the City, within 2300 feet.

The well analysis showed that none of the neighboring wells would be critical, based on full pumping authority.

Policy and Legal reviewed and provided four alternatives:

1. By action of the governing body, recommend a waiver of K.A.R. 5-23-3 and approval of the application.
2. By consensus, indicate the need to develop mitigation further and bring it back to the table.
3. Indicate by consensus vote to recommend upholding the rule in this case.
4. Take no action.

Staff recommends alternative #1.

Garret Love moved to recommend a waiver of K.A.R. 5-23-3 and approval of the application. Carl Clawson seconded. Motion passed with Fred Jones abstaining.

Board Review: Well Spacing Water Right 11,768

Jason Norquest also presented a board review for Water Right 11,768 and a decision memo. Dale Stonestreet was present for the review, which is a change in the point of diversion. The current well is partially collapsed and has been unusable for several years. The owners do not want to spend money on a new well if the proposed move could be allowed. This will allow the proposed well to run further into the season if needed instead of shutting down early due to hitting the limit allocated. They do not plan to increase the current pumping rate on the well. The proposed move of authority to the existing well will not meet the minimum space to the well under 18,370. The applicant also operates this well and it shares overlapping place of use. There were no responses from other neighbors. The applicant does not see them wanting to move the authority again and plan to operate the proposed well just as they have done for the last several years.

Discussion occurred on the best consideration of rules and alternatives for the applicant and the aquifer. **Clay Scott made a motion to recommend approval of the move with the reduction in water rights to meet well spacing requirements. Andy Moser seconded. Motion passed with Zachary Gale opposed.**

Clay Scott added in a scenario. A voluntary reduction of acre-feet should count towards their voluntary conservation due consideration for future formal conservation programs. As we go into considering added pumping limits in the higher percentage of Q-stable concerns, there is a chance he couldn't pump this water anyway. Clay urged the producer to take the credit for conservation.

Committee Reports

Executive Committee.

President McCormick reviewed the Executive Committee Agenda discussed at the meeting on April 4th, 2024. Mark Rude noted that Tom Adrian is not retiring. Tom will be stepping down from his current firm and moving his practice to his own office. Our records will move with Mr. Adrian. President McCormick announced that on April 18th, a meeting will occur to discuss Issue in Hamilton County. The Executive Committee (minus Garret Love) will meet with Chief Engineer Earl Lewis, Senator John Doll, Zachary Gale, and Frank Mercurio.

Trevor added that the 17th is the Upper Ark Watershed Group's first annual meeting at the Clarion, starting at 6:00 p.m. with Hannas Zacharias as the guest speaker.

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President McCormick reported Vijay Ramasamy contacted Chad and asked if he wanted to have a regular conversation with him. Chad indicated quarterly would be sufficient.

Policy and Legal

Clay Scott stated that the Policy and Legal Committee met on April 4 at 9:00 a.m. via Zoom. The committee discussed the two water rights that had reviews today (City of GC and WR 11,768). The committee worked on the KSA 82a-1044 Priority area boundary development and came down to a district-wide priority area. The management could be like ICARE regions. Doing a district-wide priority, the committee would not have to draw hard management strategy lines by July, allowing them to take them to review in more detail and draw the program lines later. The quality area that is already on the radar could be defined. This is no small project, but it will allow public communication. Concern was expressed about the optics of the entire district as an area. President McCormick wants everyone to understand the board will have to make tough decisions; we represent the district as a whole. Fred Jones thanked the committee for working on this and requested a draft plan to provide a touchstone from which to work. The committee also discussed the farm bill and noted there is no anticipation that the Farm Bill will be worked on this year. Interest was expressed in being a little more aggressive on the grant monies we have heard are available for conservation.

Research and Development

Research and Development met on April 8th at 2:00 p.m. Fred Jones stated they met with Brownie Wilson about the model. An interactive map is also posted on the GMD3 webpage that allows people to zoom in on their area data as the areas are big, and there are sub-areas; this allows them to see what is going on with the water in their area. The Master Irrigator was also reviewed, and a Resolution will be reviewed later in the meeting. This is a multiple GMD grant. A formal agreement will be reviewed for the RCPP Kansas and a TBD GMD3 RCPP soon. KU has a grant to a KU team from NSF to develop a Kansas Water Dashboard and look into water quality issues along the river in GMD3. The City of Garden City will meet with them on the 17th to learn more about the grant. The Deerfield Public Drinking Water Grant effort was a success. Trevor added it was a grant for technical assistance, going to find a well location with cleaner water and water quality at different depths.

Old Business

Authorize salaries increase-existing budget – Decision Memo

Mark described approving this decision memo would authorize a 3% salary increase for each of the other members of the GMD3 staff positions and an additional 10% adjustment for the Professional Engineer position. Additional salary adjustments and staffing will be further proposed in July. Fred Jones moved to approve the proposed decision memo expenditure. Clay Scott seconded. Motion passed.

Approve the template for community meetings on HB2279 to meet July 1, 2024 requirement. Decision Memo

Discussion was held on the template for community meetings on HB 2279. Approving this would permit the District to present the District wide priority area and basis for member feedback at meetings with water users. After discussion, Kent Dunn moved to approve the decision memo as presented. Fred Jones seconded the motion passed with Zachary opposing.

Utilization of the Annual Meeting Committee as a Public Meetings Committee

President McCormick talked about the utilization of the Annual Meeting Committee. He would like to change the name to allow a more all-encompassing meeting group, not just a committee focusing on the annual meeting. Consensus agreed to change the name of the Annual Meeting Committee to Meetings and Outreach Committee.

New Business

Resolution 2024-2 Supporting South Side Ditch WaterSMART Grant Submittal

Resolution 2024-2 would give support to the South Side Ditch WaterSMART Grant to convert three irrigation laterals to PVC Pipe and the GMD to provide \$500,000 from the Build Kansas Fund in matching funds to the project titled Conversion of Irrigation Canal to Pipe on the South Side Ditch.

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This grant was submitted to the Bureau of Reclamation WaterSMART Water and Energy Efficiency Grants Program. Fred Jones moved to approve Resolution 2024-2-Supporting South Side Ditch WaterSMART Grant. Kent Dunn seconded. Motion passed with Zachary Gale, Randy Hayzlett, Jacob Harshberger, and Andy Moser abstained.

Kent Dunn asked why the South Side Ditch didn't file for the grant themselves. Mark Rude responded at this point GMD3 has the government eligibility and registration numbers to apply. Assistance will be provided to South Side and others for their own capacity to submit grant proposals independent of GMD3.

Mike O'Brate asked if there is any staff compensation for the time that is put into these grants. Some directors felt it would be worth considering if we continued making many of these grant assistance efforts.

Resolution 2024-3 Supporting a Master Irrigator NRCS Grant Submittal

Master Irrigator would cover the entire State of Kansas. As an agency, we are not putting up any cash; it is in kind. Fred Jones moved to approve Resolution 2024-3-Supporting a Master Irrigator NRCS Grant. Carl Clawson seconded. Motion passed.

President McCormick mentioned that this is something that needs to be blasted in the newspapers.

Executive Director Report-Mark Rude

GMD3 Washington DC Meetings

The meetings were of high quality, and the overall trip went well. There was an exceptionally good discussion on the Hill, and the group who attended felt progress is being made on adding voluntary compensated conservation tools.

Community Meeting Dates-HB2279

The group's consensus was to have the Meetings and Outreach Committee get meetings set up with the help of Mark Rude.

Summer Flowmeter Program Update

Summer Flowmeter Program is gearing up to begin; however, an expense needs to be noted. We need to purchase tags and seals, which is over the approved spending amount for staff. The amount could be up to nearly \$4,000.00, but a purchase of this amount would last 2 to 3 years, depending on the working area. Kent Dunn moved to approve the expense on tags and seals. Mike O'Brate seconded the motion. Motion passed.

Other

- ✓ Ogallala Summit occurred down in Liberal; it was well attended.
- ✓ Infrastructure of Kansas is April 24th in Salina, KS
- ✓ Upper Arkansas Watershed Group, 1st Annual Meeting will be held on 17th of April, at the Clarion, 6:00 p.m.

Western Water Conservation Projects Fund Business

March Financial Report

No active projects at this time. Randy Hayzlett moved to approve the March 2024 finances of the Western Water Conservation Projects Fund and submit them to the annual audit. Fred Jones seconded. Motion passed.

Board Member Report

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Zachary Gale asked if the board is appropriately covered from lawsuits that could happen with the district. The consensus was to provide a review of the District's insurance at the next meeting.

Additional Agency Reports

KWO

Keadron Pearson

- ARKWIN is April 18th and 19th in Deerfield; some spots are still available to register.
- WISE Tour May 29th in the GMD1 Footprint. Bellwillow Barn is the venue.
- Upper ARK RAC and Cimarron RAC met last month.

NRCS

Monty Breneman with NRCS was present at the meeting. He thanked the board for allowing him to visit and sit in on the meeting today, which allowed him to learn more about the GMD.

Board Roundtable Discussion

Fred Jones suggested moving agency talks/visits up with the Management Program, Reports, and Recommendations. This would allow them not to have to sit through the whole meeting if they want to report and leave.

The meeting recessed for lunch. Quorum was lost.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary