

Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
June 12th, 2013

MEETING CALLED TO ORDER

The June Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by Vice President Kells at 9:00a.m. The meeting was held in the GMD3 Board Room, 2009 E. Spruce St. Garden City, KS.

Directors Present

Nathan Kells, Vice President, Haskell County Representative
Mike O'Brate, Treasurer, Gray County Representative
Kirk Heger, Stevens County Representative
Douglass Fox, Meade County Representative
Clay Scott, Grant County Representative
Hal Scheuerman, Kearny County Representative
Steve Stone, Finney County Representative
Randy Hayzlett, Secretary, Surface Water Representative
Wayne Breeding, Morton County Representative
Meghan Houtsma, Hamilton County Representative

Directors Absent with Notice

Kent Dunn, President, Seward County Representative
Seth Nelson, Stanton County Representative
Alan Schweitzer, Municipal Representative
Mike McNiece, Industrial Representative
Ford County Representative, Vacant

District Staff Present

Mark Rude, Executive Director
Jason Norquest, Assistant Manager
Patty Stapleton, Office Administrator
Chris Law, Director, Field Services
Trevor Ahring, EIT/GIS
Brand Sneath, Office Assistant

Others in Attendance

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS
Jonathan Aquilar, Irrigation Engineer, KSU
Jeff Hamilton, Producer
Wayne Miller, Producer
Larry Miller, Producer
Neil Hayes, Producer

APPROVE AGENDA

Vice President Kells asked for consideration of the meeting Agenda. After some discussion, Steve Stone made a motion to approve the agenda as presented. Kirk Heger seconded. The motion was approved with all in favor.

APPROVAL OF MINUTES & MONTHLY FINANCIAL REPORT

Vice President Kells drew the attention of the Board to consider the May 8th, 2013 draft minutes. Hal Scheuerman made a motion to approve the May 8th, 2013 Board Meeting minutes as corrected: deleting Nathan Kells as attending to absent with notice. Kirk Heger seconded the motion. The motion was approved with all in favor.

Vice President Kells next drew the attention of the Board to review the May 2013 financial report documents. Kirk Heger made a motion as follows: Approve the financial reports and payments for the month of May, as presented at this meeting, and to submit them for the annual audit. Randy Hayzlett seconded the motion. The motion was approved with all in favor.

Vice President Kells signed and submitted the financial documents.

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President's Report, President Kent Dunn

Board Review, Change App, Jeff Hamilton, WR 27373, well spacing

Jason Norquest spoke to the directors regarding the change application for water right 27373, Jeff Hamilton. Jason pointed out that spacing was met to all wells except the second well listed under the same water right. A minimum of 1600 feet from the well in the SW 1/4 is needed. The proposed location would be approximately 1300 feet.

There was one domestic well that neighbors the location. The neighbor did submit a letter of concern regarding the proposed move. However, according to GMD3 staff calculations, the move would be further away from the current location. K.A.R. 5-23-3 was reviewed with the board on spacing requirements.

Discussion occurred amongst those in attendance. Wayne Breeding moved to table the review. This would allow the producer time to review additional options discussed that did not involve waiving the rules. Hal Scheuerman seconded. Motion passed with all in favor.

Board Review, Change App, Wayne Miller, WR2228 Well Spacing

Wayne Miller and Larry Miller were in attendance to be available for possible questions from the board regarding well spacing for WR 2228. Water Right 2228 has not been used for 7 years. Mr. Miller would like to stack WR2228 onto the well authorized under WR2445 rather than replacing the well with a new well. This move would give the applicant 304 ac feet total on the proposed existing well. The spacing needed for this move according to K.A.R. 5-23-3 is 1900 feet. He is short by 550 feet to meet the spacing rule. The applicant owns both wells.

After some discussion Kirk Heger moved to recommend waiver, with the conditional restriction that no un-stacking allowed in the future outside of meeting the additional well rule. This would be treated as one well historically rather than two and the additional well rule would apply. Mike O'Brate seconded. Motion passed with all in favor.

Board Review, Change App, Neil Hayes, WR 22113, High Chloride area

Mark Rude provide a summary of the board review issues for WR22113. This water right is located in GMD3 high chloride concern area. Water sample test taken at the bottom of the test hole showed that a completed well would be drawing water from a zone containing chloride levels above the set criteria, not to exceed 250 mg/L. The original well lost productions and the replacement well that was first drilled recently did not produce adequately. The current application is a second attempt at a satisfactory location.

Mark provided a PowerPoint review of the rules and regulations governing safe yield, as the chloride area restriction is a part of those rules.

After much discussion amongst the directors the consensus was to recommend meeting the rules of chloride amount by additional testing down to a lesser depth and pulling samples to stay out of the high chloride portion of the aquifer.

Mike Meyer, SW KS Water Commissioner

Mr. Meyer reported the agency is currently working on issuing and responding to question regarding penalties. Approximately 126 have been completed; with 9 being suspensions of water use for the current calendar year due to tampering with flowmeters or intentionally miss-reporting water use. Mike Meyer added that conference calls for settlement discussion have been implemented in the appeals process that has been beneficial for water users and the agency. An estimated 99% are resolved with only a few proceeding to full hearing.

Mr. Meyer spoke about the step-down test process utilized in aquifer testing. A step down test is a single well pumping test designed to investigate the performance of a pumping well under controlled variable discharge conditions. In the test the discharge starts at a low constant rate and increased in steps to higher constant rates of discharge. Results indicate aquifer characteristics near the well.

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Courts governing water right impairment, comments on Kansas Law, Mike Ramsey

Mike Ramsey was present to provide a PowerPoint presentation to review and comment on Kansas Law and court proceedings governing water right impairment complaints. He first off announced that discussion cannot occur today of any pending impairment cases that are currently before any court.

Mr. Ramsey started with discussing and explaining definitions often used in conjunction with water rights. Demonstrating a postcard that was taken near Meade Kansas back in 1915 showing artesian water shooting out of a pipe and into a stock tank was beneficial use. Water rights with documented beneficial use including domestic use before June 28, 1945 are defined as "vested rights". After June 28th, 1945 a person who has perfected in conformity of an appropriated right, with the Kansas Statutes Annotated is known as "appropriator". Mr. Ramsey described express conditions of appropriations shall relate to a specific quantity of water allowing for reasonable lowering of the static water level and reasonable increase or decrease of the streamflow at the well owners point of diversion. Impairment complaints can be filed through the Chief Engineer or a representative of the Chief Engineer such as Water Commissioner as an administrative action. However, complaints can be filed through the local court system and go to hearing as a court action. If complaint is through court system a fact finder may consider a report completed by an outside source be it DWR or jury.

Much discussion continued along with many questions and scenarios.

Thanks were given to Mike Ramsey for his time and information.

Kansas Aqueduct Project, State Letter

Mark Rude briefed the directors on a draft letter to respond to the state regarding the Kansas Aqueduct Project importance. Consensus of the board was to proceed.

Executive Director Report, Mark Rude

Flowmeter Inspection & Flowmeter Summit Report

Mark announced that summer employees are out and about completing flowmeter inspections. To date one summer employee was asked to leave the premises. A written notice will be provided to the owner of the well for the purpose and authority to access the well.

GMD3 hosted a flowmeter summit in May to enhance communication between GMD's and DWR on meter program issues. The summit was well attended, and generated some interest for seeking laborsaving and information sharing technology improvements.

GMDA Conference Report

Mark Rude and Jason Norquest along with several board members attended the GMDA conference in Denver, Colorado. GMD3 was a presenter on the Kansas Aqueduct Project concept. The conference was well attended.

Reclamation "Plan of Study" Grant Letter

Mark stated GMD3 received the letter awarding GMD3 and its planning partners the "Plan of Study" Reclamation grant. The agreement to begin the Ark River planning is still being developed between Reclamation offices in Texas and Colorado.

Voluntary Conservation EQIP Recommended Changes

Mark turned the boards' attention to the board book that provided a lay out of the recommended changes for voluntary conservation EQIP provided by the Water Office for GMD3 concurrence. Mark indicated the revised target area map had been previously recommended by the board last year and would be implemented at this time. No objections were heard from the board.

Committee Reports

There were no committee reports to announce.

Old Business

There was no old business to take off the table.

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New Business

No new business was presented for discussion.

Western Water Conservation Projects Fund Business

Monthly Western Water Conservation Projects Fund Business

Mark Rude drew the attention of the board to the financial documents of the Western Water Conservation Projects Fund and activity of the advisory committee. After some discussion of the Board, Hal Scheuerman moved to accept the May financial report and payments as presented and submit them for annual audit. Kirk Heger seconded. Motion passed with all in favor.

Board Member Reports

There were no board member announcements.

Public Forum

There were no announcements from the public.

Executive Session

Executive session was not called and therefore not held.

ADJOURNMENT

Doug Fox made a motion to adjourn the meeting. Mike O'Brate seconded. The meeting was adjourned at 12:44p.m.

Respectfully Submitted,



Randy Hayzlett
Board Secretary