

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
December 17th, 2013**

MEETING CALLED TO ORDER

The December Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Dunn at 9:00 a.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
Douglass Fox, Meade County Representative
Mike McNiece, Industrial Representative
Clay Scott, Grant County Representative
Steve Stone, Finney County Representative
Alan Schweitzer, Municipal Representative
Wayne Breeding, Morton County Representative
Ross Geubelle, Hamilton County Representative
Kent Dunn, President, Seward County Representative
Seth Nelson, Stanton County Representative
Jeff Reinert, Ford County Representative

Directors Absent with Notice

Kirk Heger, Stevens County Representative
Hal Scheuerman, Kearny County Representative
Randy Hayzlett, Secretary, Surface Water Representative

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

Thom Makens, Assistant Water Commissioner, Division of Water Resources, Garden City, KS
Jonathan Aquilar, KSU Irrigation Extension Engineer
Greg Hands, Producer
Roy Brown, Producer
Rex Brown, Producer

APPROVE AGENDA

President Dunn asked for consideration of the meeting Agenda. After some discussion, Alan Schweitzer made a motion to approve the agenda as corrected, correcting letter F under Executive Director Report to read 2014 not 2013. Seth Nelson seconded. The motion was approved with all in favor.

APPROVAL OF MINUTES & MONTHLY FINANCIAL REPORT

President Dunn drew the attention of the Board to consider the November 13th, 2013 draft minutes. Nathan Kells made a motion to approve the November 13th, 2013 Board Meeting minutes. Mike McNiece seconded the motion. The motion was approved with all in favor.

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President Dunn next drew the attention of the Board to review the November 2013 financial report documents. Nathan Kells made a motion as follows: Approve the financial reports and payments for the month of November, as presented at this meeting, and to submit them for the annual audit. Mike O'Brate seconded the motion. The motion was approved with all in favor.

President Dunn signed and submitted the financial documents.

President's Report, President Kent Dunn

Water Commissioner's Report, Assistant Commissioner Thom Makens

Thom Makens was in attendance to report for Water Commissioner Mike Meyer, whom was in attendance of another meeting. Thom reported that Topeka has released a beta test for a new on-line computer platform for water use reporting. Public water users can get trained on this program by contacting Rich Eubanks at the Topeka office of the Division of Water Resources. This new program will be up and useable for everyone January 1, 2014. A suggestion was made to link it from our GMD3 website for easier access.

Mr. Makens reported that water flowmeters outside the GMD areas are now required to have meters installed. The deadline for this is the end of 2014 year.

New Business

There was no new business to report.

Committee Reports

Policy and Legal Committee

Policy and Legal held a committee meeting this past week. There were many topics of discussion and an agenda can be found in the December board book for review. Comments from chairman Nathan Kells and other committee members were provided. Mark brought to the board table several MOU and new Resolutions for the directors to review based on the committee work.

The first resolution up for discussion is Resolution 2013-4: To consider policy to close all open townships, High Plains Aquifer of the Southwest Kansas Groundwater Management District No. 3. The GMD3 Board of Directors will submit to the GMD3 membership at the 2014 Annual Meeting of GMD3 the question of closing the remaining 20 open townships to new appropriations of water from the High Plains Aquifer, with official closure to occur January 1, 2015. After discussion, Clay Scott moved to approve Resolution 2013-4. Nathan Kells seconded. Motion passed with all in favor.

The second resolution up for discussion is Resolution 2013-5: To request a moratorium on new appropriations of water from the palio-river channel aquifer in Hamilton County. Southwest Kansas Groundwater Management District No. 3 Board of Directors requests that the chief engineer act to establish a moratorium on any new appropriation of water from the Paleo-River channel aquifer in Hamilton County, beginning with and including the priority of the GMD3 new appropriation application, to provide GMD3 and its study partners an opportunity to conduct additional data collection, evaluation and community meetings informing public water suppliers and other stakeholders of the results of our work and recommendations for water management to protect and properly manage the available water options in the Upper Arkansas River Valley in Kansas. After significant discussion relating to board actions that effect people outside GMD3 and yet concern for water development and use actions occurring outside GMD3 that effect the District, Nathan Kells moved to accept Resolution 2013-5 with noted changes: delete the word "moratorium" and replace with "Letter of Concern" and add seek support from cities in affected areas. Steve Stone seconded. Motion passed with all in favor.

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Third and final Resolution 2013-6: Board Recommendation of Kansas Administrative Rule Waivers. Board of Directors of GMD3 adopt the following process and criteria to be followed and addressed by each applicant seeking a recommendation from the GMD3 board of directors to waive an administrative rule or regulation:

- 1) Provide a waiver review fee
- 2) Provide a list of wells and their owners for all wells within one mile of the proposed well.
- 3) Respond to the following Questions:
 - a. Can the aquifer yield a similar water supply at both the present well location and at the proposed well location(s)?
 - b. How might added infrastructure, such as pipelines or purchase of neighboring water rights, meet the need without a rule waiver?
 - c. How do the specifics of the proposal conserve energy and / or water over other alternatives?

GMD3 staff will conduct a local Resource Review of: groundwater supply, rate of use and rate of water level declines and provide notice letter of waiver request, resource review information and review questions to the applicant and area well owners with a request for comments. Some discussion was held, with Mike McNiece moving to approve Resolution 2013-6. Steve Stone seconded. Motion passed with all in favor.

At this point in the meeting, having board review applicants in attendance, President Dunn directed the attention of the board to several applications requesting recommendations to waive rule standards.

Board Review: 7,254

Jason Norquest spoke to the directors regarding board review for water right 7,254, Greg Hands. Water Right 7,254 is currently authorized 452. 8AF will be converted to stock and stacked on 26,671.01 which will give it a total authority of 50.1AF. Water Right 7,254 will keep 438.78 AF for irrigation. The two wells involved have never met spacing; however, spacing is met to neighboring wells.

After board discussion, Alan Schweitzer made a motion to recommend approval of waiver, due to giving up 12 AF to get 8 AF moved and also commending producer for being pro-active before overpumping might occur. Wayne Breeding seconded. Motion passed with all in favor.

Board Review 34,554

Jason Norquest brought to the board's attention Board Review for water right 34,554. The applicant has reported that the existing well for Water Right File No. 34,554 has failed. The applicant desires to change the point of diversion to a pre-existing well owned by the applicant and located on its property that is currently the authorized diversion point for water right file number 34,236. Letters were received from neighboring wells stating they have no issue with the change proposal.

Mike McNiece moved to recommend approval of waiver, based on a net zero effect on aquifer and letters from the neighbors. Nathan Kells seconded. Motion passed with all in favor.

Old Business

Board Review 17,159

Board Review for file number 17,159 was brought off the table for discussion. Jason re-capped the proposal to directors stating, on June 2, 2010 applicant was approved to move the well to currently authorized location. However a field investigation conducted on May 7th, 2013 showed that the well was not re-drilled and the original well was being used. Jason reported the tabling of the request from last month was to allow time to resolve a neighboring objection response to the DWR form courtesy notice and the misunderstanding had been resolved with general aquifer concern but no concern for the application at hand. Significant discussion occurred as to when exactly a P/D is legally moved vs just authorized to be moved. After discussion Clay Scott moved to recommend approval of waiver, due to no net change in water right effect on the aquifer. Mike O'Brate seconded. Motion

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passed with all in favor.

(continued) Committee Reports
Policy and Legal Committee

Mark brought the board's attention back to the Committee Report of the Policy and Legal Committee. Mark proposed a **Memorandum of Agreement No. R13MA60071 for Arkansas River Basin Study Plan of Study**. The memorandum of agreement is between the United States Department of Interior, Bureau of Reclamation and Southwest Kansas Groundwater Management District No. 3. The purpose of the MOA is for parties to develop a Plan of Study for an Arkansas River Basin Study focusing on the river water quality concerns. Mark stressed there is no cash cost to proceed with this plan of study as contributions are primarily only staff facilitated activity.

Mike McNiece moved to proceed with the Memorandum of Agreement and also to present to the ARCA annual meeting. Wayne Breeding seconded. Motion passed. Steve Stone opposed.

Mark reviewed the proposed **Memorandum of Understand for Joint Cost Share Participation for Army Corps of Engineer Public Assistance to States Study By and Between Southwest Kansas Groundwater Management District No. 3**. The MOU details cash and in-kind contributions and scope of work. Mark noted some corrections &/or additions to wording that have been agreed to with the Kansas Water Office. Nathan Kells moved to proceed with the updated MOU with the Kansas Water Office in support of the PAS work on the Kansas Aqueduct Project. Clay Scott seconded. Motion passed with all in favor.

Executive Director Report, Mark Rude

Regional Economic Area Partnership 2013 Legislative Policy Summit

Mark stated he attended the 2013 Legislative Policy Summit of REAP in Andover. Discussion between county and municipal groups of south central Kansas and the Wichita area occurred in the morning and water supply was mentioned as a significant concern.

Kansas 50 Year Visioning Presentation and KWA Annual Report

Mark informed the board that the state message for the Kansas water visioning process is posted on the Water Office website and that it is appropriate to distinguish it from a planning process. He also reported that the Kansas Aqueduct Project activity was included in the 2014 Annual Report of the Kansas Water Authority to the Governor and legislature.

GMD3 Legislative Issues

Mark confirmed with directors to pursue legislative issue to have legislative action reserving water for the Kansas Aqueduct conversation rather than the current policy that requires a "person" to file for an appropriation and is believed would fracture the state wide support of the Kansas initiative. The alternative is that if a reservation action of the legislature cannot be completed, a request for a more reasonable application filing fee for the Kansas Aqueduct water from the Missouri River. This would allow the application to be filed and fees paid as it progresses (pay-go approach). The message is that legislative action should occur either way in the best interest of the district and the state.

Next GMD3 Board Meeting.

Mark announced that the next GMD3 Board meeting will be held on January 7th, 2014 at the GMD3 board room. This meeting will provide the opportunity to visit with Chief Engineer David Barfield on a number of key topics.

SW KS Irrigation Association Annual Meeting

The annual meeting for Southwest Kansas Irrigation Association will be held on January 8th, 2014 in Ulysses.

Save the Date for February Legislative Reception

February 5th and 6th of February will be the Legislative Reception in Topeka, KS.

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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, Steve Stone moved to accept the November financial report and payments as presented and submit them for annual audit. Alan Schweitzer seconded. Motion passed with all in favor.

Amazon Flume Replacement Project

A request for project approval of the Amazon Flume Replacement has been brought to the table for discussion. The flume is a \$1.6 million project, which consists of tearing down the current flume and then rebuilding it to known specifications and durability. Due to the current structure of the flume, engineers have recommended that the preferred alternative is a complete rebuild is needed. It was noted that both board members involved in the committee were attending the ARCA Annual meeting and were unable to attend this discussion. The Arkansas River Litigation Fund Advisory Committee has recommended proceeding with the Amazon Flume Project with the farmers ditch objecting. After some discussion Mike O'Brate moved to approve the recommendation of proceeding with the Amazon Flume Replacement and submit it to the Water Office and Chief Engineer for that approval. Steve Stone seconded. Motion passed with all in favor.

Board Member Report

There were no board member reports.

Public Forum

Johnathan Aquilar, with KSU Irrigation Extension announced they are working on holding some public meetings held in January to discuss water issues and invited GMD3 to coordinate with KSU on perhaps some joint meetings.

ADJOURNMENT

Mike O'Brate made a motion to adjourn the meeting. Wayne Breeding seconded. The meeting was adjourned at 12:04p.m.

Respectfully Submitted,


Randy Hayzlett