

**Southwest Kansas Groundwater Management District No. 3**  
**Minutes of the Regular Meeting of the Board of Directors**  
**May 14<sup>th</sup>, 2014**

**MEETING CALLED TO ORDER**

The May 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 Board Room of Southwest Kansas Groundwater Management District NO. 3.

**Directors Present**

Kent Dunn, President, Seward County Representative  
Kirk Heger, Vice President, Stevens County Representative  
Mike O'Brate, Treasurer, Gray County Representative  
Mike McNiece, Board Secretary, Industrial Representative  
Clay Scott, Grant County Representative  
Hal Scheuerman, Kearny County Representative  
Randy Hayzlett, Surface Water Representative  
Ross Geubelle, Hamilton County Representative  
Douglass Fox, Meade County Representative  
Steve Stone, Finney County Representative  
Jeff Reinert, Ford County Representative  
Bret Rooney, Haskell County Representative

**Directors Absent with Notice**

Alan Schweitzer, Municipal Representative  
Wayne Breeding, Morton County Representative  
Seth Nelson, Stanton County Representative

**District Staff Present**

Mark Rude, Executive Director  
Jason Norquest, Assistant Manager  
Patty Stapleton, Office Administrator  
Chris Law, Director, Field Services  
Trevor Ahring, Engineer  
Brandi Sneath, Office Assistant

**Others in Attendance**

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS  
Dr. Jonathan Aquilar, Water Resource Engineer, K-State Extension Specialist  
Gary Baker, Water Rights Consultant  
L.H. Brown, Producer  
Travis Winger, Producer  
Frank Mercurio, KLA Environmental Services  
Jeff Sternberger, Manager, Midwest Feeders  
Bud Ludwig, by Phone for National Beef  
Mike Geissling, Manager, Bartlett Cattle  
Dave Brenn, Kansas Water Congress  
Mandy Fox, LEMA Consultant

**APPROVE AGENDA**

President Dunn asked for consideration of the meeting Agenda. After some discussion, Clay Scott made a motion to approve the agenda as revised, moving National Beef review to 9:30a.m. Doug Fox 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 April 9<sup>th</sup>, 2014 draft minutes. Bret Rooney made a motion to approve the April 9<sup>th</sup>, 2014 Board Meeting minutes. The motion was seconded by Ross Geubelle. The motion was approved with all in favor.

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President Dunn next drew the attention of the Board to review the April, 2014 financial report documents. Kirk Heger made a motion as follows: Approve the financial reports and payments for the month of April, 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.

President Dunn signed and submitted the financial documents.

**President's Report, President Kent Dunn**

**Water Commissioner's Report, Commissioner Mike Meyer**

Mike Meyer stated the move from Topeka to Manhattan for Division of Water Resource continues to be on schedule. The goal is to move the first part of June on a Friday and be open for business on Monday. They are busy scanning files / papers so the move will be as paperless as possible.

Open Township non-use letters have already been processed and mailed about a month ago.

Mike noted that GMD1 is utilizing DWR records for voter eligibility in the LEMA vote. Voting is to be based by water right rather than by parcel.

**National Beef, File NO. 15,426-D1 & D2**

Jason Norquest reviewed the change applications of file numbers 15,426 D1 and D2. The change would be for point of diversion, place of use and use made of water. The proposed move would stack the water rights on a well currently authorized by Water Right 14,818, 38,390 and 38,967 which currently do not meet minimum spacing to the neighboring wells and all of which are owned by the applicant. The reason for the move is to provide a more balanced water supply in line with present equipment, pressure system maintenance needs and nutrient management program needs to meet additional demand for water at applicant's beef facility.

After some discussion regarding the review, Clay Scott moved to recommend waiving the spacing rule and distance move limits of the rule and approval of the permanent change for Water Right 15,426 D1 and 15,426 D2. Mike O'Brate seconded. Motion passed with all in favor.

Clay Scott made a second motion to recommend a waiver of spacing and approve the term permit for years 2012 and 2013. Mike O'Brate seconded. Motion passed with all in favor.

Generally speaking, the director's noted that they prefer to review the one year term permits within the same year as the authority sought is applicable and not multiple years later.

**File 27,283, Sturgeon Spacing Waiver**

Jason brought to the director's attention a spacing waiver review for Water Right 27,283. The proposal is to create an additional well to stack some of water right 27,283 from its authorized well location onto the well authorized under water right 22,954, giving that point of diversion a total authority of 322AF. File #27,283 will be reduced from 519AF to 385AF. Spacing issue is between own wells. Neighbor called and advised ok with move as long as it balances out the wells. Current spacing is 1602 feet between them and do not meet spacing as water currently exists. The proposed move would need 1900 feet in spacing.

An email from Larry Sturgeon explains the request. He stated in that document that "because the 2 wells are connected by a common underground pipeline. One well had permitted acre feet of 519. The other well was permitted 222 acre feet." He said "Two years ago I (Larry) had well problems with the well that had permitted 519 acre feet and over used the other well by 85 acre feet. The result was to go on a one year flex account which was completed last year." The move of acre feet, as proposed, will allow more flexibility in how the wells are used. Both wells are similar in GPM and depth. The acre feet should not adversely affect any neighborhood wells.

After discussion occurred Hal Scheuerman moved to table the request until further information can be obtained and producer could be in attendance. Randy Hayzlett seconded. Motion passed with all in motion.

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**Midwest Feeder, File 22,122**

Jason Norquest acknowledged the attendance of Frank Mercurio with Kansas Livestock Association and Jeff Sternberger representing Midwest Feeders. The first proposed move would be to overlap the well covered by 10,639 and 4887. Moving 25 acre feet over for Stock Water, this would be moving roughly 3103 feet. The second proposed move would overlap the well covered by 10,639 in section 25, moving 52 acre feet over to irrigation, with remaining acre feet as stock water. These changes would facilitate the watering system and even out the pumping of the wells.

After some discussion, Steve Stone stated it seemed to be a good efficient move. He moved to recommend approval of the change application. Ross Geubelle seconded. Motion passed with all in favor.

Clay Scott made a second motion to retroactively approve the term permit [also pending with the project proposal]. Mike O'Brate seconded. Motion passed with all in favor.

**Bartlett Cattle, File NO. 4,099**

Mike Geissling was in attendance for the Bartlett Cattle change review for File number 4,099. Jason Norquest stated the change is due to K-DOT road work that is occurring in the area that requires the well to be moved. A letter was received from Haskell County Cemetery District stating the point of diversion move is approximately 2100 feet away from a well that is owned by Haskell County Cemetery District, and does not meet the 2300 feet spacing required by the well spacing rules. The five members Board of Directors of the Haskell County Cemetery District have no objection to Bartlett's proposed well location.

Mike O'Brate moved to recommend approval of the point of diversion change as proposed for file number 4099. Ross Geubelle seconded. Motion passed with all in favor.

**Winger, File 26,979**

Travis Winger was present for a change review on water right 26,979. The south point of diversion under 26,979 would be reduced by 233 acre feet and moved to the north point of diversion. The north point of diversion would be increased by 315 acre feet, make the total acre feet 635AF. The south well is currently only an active domestic well. After some discussion of the increased acre feet not meeting spacing rules, Mike O'Brate moved to recommend approval of the change of point diversion from south well to the north. Increasing the north well acre feet up to 500 and granting the waiver subject to a letter to be provided from Melvin Winger documenting his agreement to the proposed move. Jeff Reinert seconded. Motion passed with all in favor.

**Request to Chief Engineer to close remaining townships**

Mark Rude reviewed the map and letter that is to be sent to Chief Engineer, David Barfield. The map demonstrated the open areas in the district. The consensus of the directors was to proceed with letter to Chief Engineer, Barfield.

**Old Business**

There was no Old Business to bring to the table.

**New Business**

No New Business brought up for discussion.

**Committee Reports**

**Policy and Legal:** Policy and Legal Committee: Kirk Heger (committee chairman), Clay Scott, Mike McNiece and Wayne Breeding (by phone) along with Mark Rude and Jason Norquest were all in attendance for a committee meeting May 14<sup>th</sup>, 2014 in Sublette, Ks. Discussion was held on the Garetson Brothers v American Warrior court details. Injunction appeals will be heard later this month.

A report was provided that the committee recommended additions to the well spacing rule to set the spacing for flex term permits based on the base water right annual amount and with a requirement that notice be required to the neighbors whose wells are within one mile. Mark committed to work with the chief engineer on specific language and bring it back to the board for final action to amend the rule.

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**Finance:** Finance Committee: Mike O'Brate (committee chairman), Steve Stone, Kirk Heger and Doug Fox were in attendance for a Finance meeting that was also held in Sublette, KS on May 14<sup>th</sup>. Mike O'Brate reviewed with the directors the 2015 assessment for water recommended to be increased to .12, which would add two cents onto the water user fee that will increase the total assessments for 2015 by \$74,558.80. It was noted the purpose of the added user fee was to support LEMA and sustainable water supply development.

Mike O'Brate noted the proposed 2015 budget also was tweaked to move money between sub-categories in the budget as needed to meet anticipated changes to cash expenditures that includes the projected additional \$74,558.80 from increased water user fees.

After some discussion Mike McNiece moved to increase assessments by .02 for a total water user fee of \$0.12 and keeping the land assessment at \$0.05 effective in the 2015 program. Steve Stone seconded. Motion passed with all in favor. Mark noted the new proposed budget will go to a public hearing of the proposed 2015 budget and assessments in July.

**Executive Director Report, Mark Rude**

**Kansas Water Authority, May 21<sup>st</sup> & 22<sup>nd</sup>, Garden City, KS**

**CAP Economic Benefits exceed \$1Trillion in 25 years**

Mark Rude stated the Kansas Water Authority will be held in Garden City on May 21<sup>st</sup> and 22<sup>nd</sup> at the Clarion Hotel. GMD3 will plan set up a computer screen in the hallway and information on the CAP benefits to Arizona as an illustration of potential future benefits of a Kansas Aqueduct Project for Kansas.

**Stateline Groundwater Gage Wells**

Stateline Groundwater Gage Wells were noted with real time web access of information noted in the board book for all to review.

**LEMA Activity**

Mandy Fox, Environmental Technologist, was introduced to all those in attendance. She is a state contract resource, provided by the Water Office and KDA, for any person or group seeking information or addressing issues associated with the development of LEMAs. Mark welcomed her to the team.

**K-State Engineering students evaluate water transfer systems**

Mark reported that he was invited to attend a K-State Engineering hydraulics lab set of presentations by students of Dr. David Steward who were assigned to design and evaluate 15 different configurations of conduits with energy estimates to move Missouri River water across Kansas in a fashion similar to the water transfer element of the 1982 High Plains Study. Mark stated there were many ideas presented and discussed and many questions raised by the student. The engagement of Dr. Steward and the K-State engineering department was viewed as an area of the water transfer conversations to be encouraged and beneficial to the needs of the state for sustainable water supplies and well worth the investment of GMD3 time and expense.

**GMDA Conferences and Travel....action needed**

Mark Rude reminded the Directors that GMD3 will host the 2015 National GMDA Winter Conference in Scottsdale, Arizona. Authorization for 2 or 3 staffers to travel for pre-conference review and development of the conference would be beneficial. Kirk Heger moved to approve out of state travel along with two night stay for up to three staffers. Randy Hayzlett seconded. Motion passed with all in favor. In light of the Kansas Aqueduct interests, the board was encouraged to make plans to attend the Winter GMDA Conference we are hosting in Scottsdale.

2014 Summer GMDA Conference will be held in Atlantic City, New Jersey, June 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. Kirk Heger moved to approve out of state travel and stay for board members and two staffers. Ross Geubelle seconded. Motion passed with all in favor.

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**Washington DC Trip, EPA Rule implications to Kansas Groundwater**

Mark stated that he will spend some time in Washington with the National Water Resource staff, the Kansas congressional delegation and others to discuss EPA Rule implications and other items in the interest of GMD3 members and Kansas water interests.

**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, Randy Hayzlett moved to accept the April financial report and payments as presented and submit them for annual audit. Clay Scott seconded. Motion passed with all in favor.

**Board Member Report**

No Board Member Reports were announced.

**Public Forum**

Gary Baker, Secretary McClaskey is working hard on the Consumptive Use Rule. Mark added that an email was sent to the board to remind them of a meeting held at the Kansas Research Extension Office where GMD3 was not invited. Many were in attendance from other state agencies.

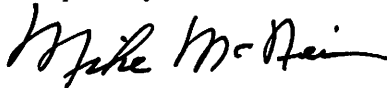
Dave Brenn announced that Kansas Water Congress will be held July 31<sup>st</sup> to August 1<sup>st</sup>.at K-State. Mr. Brenn suggested that a number of hot topics of state wide and interstate water issue significance will on the agenda.

L.H. Brown addressed the board and stressed his concern on the 5 year flex computation. A revision of the calculation could bring in more producers to take advantage of the 5 year flex program as pumping conditions this year are shaping up to result in water allocation shortages. He stated there were many producers talking about going into the program but when pencil was put to paper it was not beneficial or allocation cuts were too much at this point.

**ADJOURNMENT**

Kirk Heger made a motion to adjourn the meeting. Ross Geubelle seconded. The meeting was adjourned at 12:44p.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary