

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
September 10th, 2014**

MEETING CALLED TO ORDER

The September 10th, 2014 Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by Vice President Heger at 9:07 a.m. The meeting was held in the Board Room of Southwest Kansas Groundwater Management District NO. 3.

Directors Present

Kirk Heger, Vice President, Stevens County Representative

Mike O'Brate, Treasurer, Gray County Representative

Mike McNiece, Board Secretary, Industrial Representative

Hal Scheuerman, Kearny County Representative

Randy Hayzlett, Surface Water Representative

Ross Geubelle, Hamilton County Representative

Douglass Fox, Meade County Representative

Alan Schweitzer, Municipal Representative

Jeff Reinert, Ford County Representative

Bret Rooney, Haskell County Representative

Directors Absent with Notice

Kent Dunn, President, Seward County Representative

Clay Scott, Grant County Representative

Steve Stone, Finney County 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

Jon Aquilar, KSU

Dr. B.J. Grey

Representative John Doll

Greg Graff

APPROVE AGENDA

Vice President Heger asked for consideration of the meeting Agenda. After some discussion, Hal Scheuerman made a motion to approve the agenda as presented. Alan Schweitzer seconded. The motion was approved with all in favor.

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APPROVAL OF MINUTES & MONTHLY FINANCIAL REPORT

Vice President Heger drew the attention of the Board to consider the August 13th, 2014 draft minutes. Mike McNiece made a motion to approve the August 13th, 2014 Board Meeting minutes. Mike O'Brate seconded the motion. The motion was approved with all in favor.

Vice President Heger next drew the attention of the Board to review the August, 2014 financial report documents. Alan Schweitzer made a motion as follows: Approve the financial reports and payments for the month of August as presented at this meeting, and to submit them for the annual audit. Hal Scheurman seconded the motion. The motion was approved with all in favor. A suggestion was made by board consensus to list the monthly check detail by budget area.

Vice President Heger signed and submitted the financial documents.

President's Report, Vice President Heger

Water Commissioner's Report, Commissioner Mike Meyer

Water Commissioner, Mike Meyer reported signup for the Multi Year Flex Account program for 2014 is currently in process until October 1st, 2014. After October 1, the signup will be for a Multi-Year Flex Account program to start in year 2015.

Executive Director Report, Mark Rude

White Cloud Aqueduct Stakeholder Meeting Report

Mark Rude reported on the White Cloud Aqueduct Stakeholder Meeting. Randy Hayzlett, Clay Scott, Jason Norquest, Representative Doll and Mark Rude attended, along with other committee members and many attendees from the White Cloud area. The meeting reviewed engineering updates and identified issues involved with Indian Rights were highly discussed. The next Kansas Aqueduct Study Advisory committee meeting will be in late October with a tour in the morning and an afternoon meeting held.

Olathe KWA Report

Mark stated the Visioning process seems to continue to encourage all Kansans to engage in the water visioning for the state. Randy Hayzlett added the Kansas Water Authority meeting was good and the breakout sessions into two groups worked well for developing water conservation and Management input from the Authority as the two topics of discussion in Randy's group.

GMD Boards Roundtable

Mike McNiece reported on the GMD Boards Roundtable that was held in Dodge City, a very good attendance from all districts. Each district brought to the table topics for discussion. A good topic update was the GMD1 LEMA process. The LEMA vote didn't fail in the district; as a matter of fact it passed in some counties. GMD1 will take the outcome of voting along with the noted suggestions and proceed in the future with a new set of LEMA considerations. Mike also stated that GMD5 provided good information on use of technology and coordination of efforts working with the State for better information and a paperless future process (GMD1 interest).

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Mark handed out a summary of topics and roundtable discussion notes for board review, that included GMD2 concerns associated with the water visioning process, GMD5 concerns for over pump enforcement and denial of temporary irrigation permits in areas where state also approves temporary permits to other new uses in the same local source of supply, and water transfer interests, GMD4 recognized need for state wide water education and GMD3 differing applications of “impairment” and need for trans-state water transportation.

K-State Field Day

Jason Norquest and Chris Law hosted a booth at the K-State Field Day. Good conversations were had on flowmeters, aqueduct and other topics.

SW Irrigators Board Vision Meeting/GMD3 Board Meeting w/ State Water Vision Team

Southwest Irrigators Vision team along with GMD3 Board and State Water Vision team met in Ulysses, Kansas on September 4th. Mark reported there was good coverage in the Garden City Telegram describing the meeting and topics.

Committee Reports

Policy & Legal Committee

Policy and Legal held a committee meeting on September 9th in Sublette, KS. Topics included 1) Cimarron National Grassland in Elkhart, Ks being assessed as a member. Consensus of the committee was to proceed with future assessments for consistency with state law. A letter to the US Forest Service should be mailed conveying the State and Local Policy and future assessments should be certified to the county. After the Board heard the committees’ discussion, Randy Hayzlett moved to support the Committees’ decision and proceed with a letter to Kansas National Grassland advising future assessments will be charged. Doug Fox seconded. Motion passed with all in favor.

2) An application establishing a Community Foundation fund was also discussed at the Policy and Legal meeting. The creation of an Aqueduct Coalition Fund under the Kansas Rural Communities Foundation would allow any persons across the state to contribute monies to help fund the statewide study work on the Aqueduct necessary to support Kansas policy makers. The model for the activity is similar to the advisory committee to the GMD3 board management of the Western Water Conservation Projects Fund. Quarterly fund reports are issued by the Community Foundation and the Fund is controlled by requests from an Aqueduct Coalition advisory board. Mike O’Brate moved to set up foundation fund with Kansas Rural Communities Foundation and develop a purpose statement by next GMD3 board meeting in October. Mike McNiece seconded. Motion passed with all in favor.

3) Discussion on possible addition to K.S.A 82a-708a: Applications for permits to appropriate water, fee. The interest in this statute is an application fee to appropriate available Missouri River high flows for the Kansas Aqueduct of 4 million acre feet would be over \$800,000 application filing fee under current law language. Legislative action options for this statute issue regarding the Aqueduct Project concept would be:

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- A. Kansas should act to reserve 6 million acre feet, which is the new water availability finding of the Aqueduct Project advisory committee, of high flow waters from Missouri River out from the Water Appropriation Act while Kansas considers the project waters.
- B. Consideration of a special filing fee for a Kansas Aqueduct Project appropriation added into K.S.A. 82a-708a, providing a starter fee and a pay as you go fee to DWR by the applicant.

Recommendation of the Policy and Legal Committee was to move forward as proposed. Hal Scheuerman moved to proceed with both options as stated. Doug Fox seconded. Motion passed with all in favor.

4) Discussion regarding 82a-726 occurred, Policy and Legal suggested a revision to 82a-726 eliminating the private investment prohibitive language and replacing with more encouraging interstate transfer language. Board consensus was to move forward for specific language to consider. Mark will work to develop reviser of statute language for board consideration.

5) 82a-725 as currently stated does not require Kansas courts to look at Rules and Regulations in an impairment case. A revision should be suggested to have court review of impairment controversies include review of administrative rules and regulation to avoid counterproductive and confusing rulings for groundwater areas of the state. The consensus of the directors was to proceed with the revision drafting.

6) An Ark River Gage Fund was created by the legislature to fund river gages necessary to manage water supplies under the Arkansas River Compact. Currently there are two Stateline groundwater gages established by GMD3 that should be state funded and included with those other gage sites into the State Ark River Gage Fund. This would also cover the annual O & M. Randy Hayzlett moved to support adding the Stateline groundwater gages to the gages funded by the state Ark River Gage Fund. Doug Fox seconded. Motion passed with all in favor.

Old Business

Flowmeter Test Stand

No report on the Flowmeter Test Stand.

New Business

There was no new business to bring to the table.

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

Board Member Report

No Board Member reports were announced.

Public Forum

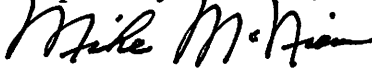
No public forum was brought to the table.

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ADJOURNMENT

Bret Rooney made a motion to adjourn the meeting. Jeff Reinert seconded. The meeting was adjourned at 11:56 a.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary