

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
December 9th, 2015**

MEETING CALLED TO ORDER

The December 9th, 2015 Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by Vice President Heger at 9:04a.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

Douglass Fox, Meade County Representative

Steve Stone, Finney County Representative

Alan Schweitzer, Municipal Representative

Seth Nelson, Stanton County Representative

Bret Rooney, Haskell County Representative

Fred Claassen, Morton County Representative

Directors Absent with Notice

Kent Dunn, President, Seward County Representative

Zachary Gale, Hamilton County Representative

Jeff Reinert, Ford County Representative

Clay Scott, Grant 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 Research

Susan Metzger, Assistant Secretary, Kansas Department of Agriculture

Chris Beightel, Kansas Department of Agriculture, Division of Water Resources

David Barfield, Chief Engineer, Kansas Department of Agriculture, Division of Water Resources

Lane Letourneau, Program Manager, Kansas Department of Agriculture

Jackie McClaskey, Secretary of Agriculture, Kansas Department of Agriculture

Greg Graff, Water Authority Representative

Tracy Streeter, Kansas Water Office

Senator Larry Powell

David Brenn, Kansas Water Congress

Burke Griggs

Fred Jones, Garden City, KS

APPROVE AGENDA

Vice President Heger asked for consideration of the meeting Agenda. Executive Director, Mark Rude mentioned adding WCA for Westside Dairy to the agenda as a discussion topic. Inserting it under President's Report, C, iii #2. After some discussion, Hal Scheuerman made a motion to approve the agenda as revised. Randy Hayzlett 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 November 12th, 2015 draft minutes. Mike McNiece noted the 209% reduction at top of page 4 as a possible typo or error. Mike moved to approve the minutes with the amendment of the wording “209% reduction to a “substantial or real decrease” for WCA’s over historic use and conservation. Brett Rooney seconded the motion. The motion was approved with all in favor.

Vice President Heger next drew the attention of the Board to review the November 2015 financial report documents. Mark Rude brought information regarding a possible single audit with Lewis Hooper and Dick, due to Southwest Ks Groundwater Management District No. 3 being listed as Recipient Organization on the federal RCPP Grant. Randy Hayzlett 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. Alan Schweitzer seconded the motion. The motion was approved with all in favor.

Vice President Heger signed and submitted the financial documents.

Introductions of meeting attendees were completed throughout the room.

President’s Report, President Kent Dunn

Water Commissioner’s Report, Commissioner Mike Meyer

Water Commissioner Meyer stated that the Garden City office has visited all multi-year flex account wells. It is the fourth year into the program, next year will be the last year for the initial accounts. Reports will be sent out to participants. The office is currently gearing up for groundwater static water level measuring starting in January, with KGS. DWR will measure Grant, Finney, Gray, and Haskell, totaling 260 wells. KGS will measure the remaining wells.

The first WCA application has been submitted. DWR has talked to many folks about conserving the water supply through a WCA.

He also noted his support of the “topics for possible discussion” captured on page four of the November minutes and the ongoing need to address those topics.

Discussion with State Officials

Chief Engineer, David Barfield:

Chief Engineer, David Barfield deferred to the board on what to visit about. He added DWR is busy implementing the water vision plan. A webinar will be held this Friday to collaborate with the week’s discussion on the water vision plan. Mark Rude added that an updated Power Point is available to discuss from if so desired.

Mr. Barfield announced that a Public Meeting will be held tomorrow, December 10th, 2015 at 4pm to discuss and finalize the impairment at Quivira National Wildlife Refuge on Rattlesnake Creek.

Susan Metzger graciously agreed to present the newest version of the Power Point: *Implementing the Water Vision*.

The Four main proposed rule changes are: Limiting the movement of a point of diversion, civil penalties for exceeding authorized quantity of water, Civil fines for lack of water use report, authority to seal meters. Outreach opportunities will include, Regional Advisory Committee meetings, each Groundwater Management District, interim hearing of the joint Agriculture and Natural Resources Legislative committee, and industry leaders.

Susan pointed out the civil penalties for exceeding authorized quantity of water along with the civil fines for lack of water use report. There is general support for regulatory authority for DWR and GMDs to seal meters. K.A.R. 5-3-6a was revised to allow the Chief Engineer and or representatives to place a seal on flowmeters. A seal is any apparatus that can prevent removal of flowmeter and access to internal working parts.

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Considerations were reviewed for limiting the movement of a point of diversion in declining aquifers. A map of the High Plains Aquifer was referenced with special note the ultimate map that would be used would be cleaned up and revised. Possible demonstrations, restrictions and exceptions were reviewed that could be restrictions before moves greater than 300 feet would be possible, including a demonstration of no long term decrease in aquifer supply of other rights beyond 20% in 50 year. Also, the present and proposed points of diversion must have a minimum of 40 feet of saturated aquifer thickness, and in no case can the present point of diversion be located further than 1320 feet from the location at the time of the adoption of this proposed new regulation.

A comparison of current and proposed Civil Penalties for exceeding authorized quantity of water was demonstrated. Two categories of Civil Fines for Modifying Water Rights (not overpumping) were reviewed, with notes that penalties may be increased or decreased for aggravating or extenuating circumstances, in addition to a civil penalty, offenses can result in a minimum of one year suspension of water right (including falsifying water use report) and lastly, penalties shall be enforced against the owner and shall attach and transfer with the water right.

The civil fines for lack of water use report could include \$250.00 fine established in statute and confirmed in regulations and automatically assess the \$250.00 on March 1st and proceed to suspension following June 1st.

A webinar will be held this Friday and there are slots available for any person to attend.

Susan stressed that this is a draft and will probably change until presented to Department of Administration in February, 2016.

Secretary of Ag, Jackie McClaskey

Vice President Heger invited Secretary McClaskey to the table for her comments. She stated she didn't have anything specific, however came with the intention to address any topics the Board of Directors may have. WCA's questions have been emailed to her from Mark Rude, therefore those can be addressed now or later since the topic is on the agenda. Several questions on procedure for a GMD review of a proposed plan were discussed with comments from the Secretary that WCA plans submitted to the GMD from KDA occur with KDA pre-review and support for adoption.

Tracy Streeter, Kansas Water Office

Tracy Streeter with the Kansas Water Office stated the first round of meetings of the new Regional Advisory Committees have been completed. Two if not three of the High Plains Regions have championed the idea of promoting technology for improved water conservation. Especially in the Cimarron area, their option is to reduce decline with the option of technology. A meeting on a demonstration WCA farm will be held next week in your board room.

Mark and Staff participated in a meeting regarding the GMD groundwater models that exist. A five year plan is being developed and implemented, with board support, for all five models to be updated systematically with assistance of the KGS, instead of an individual effort and individual models.

Economic Importance of Water

Mark presented a poster which provided a summary of the economic importance of water to SW Kansas and the state. Tracy commented that this type of work is being considered as having planning value state wide.

Email list of Committee Thoughts

Mark turned the attention to an Impairment Discussions Email to Secretary McClaskey and Chief Engineer Barfield which was included in the board book. The email was an informal communication source to review agency responses to the June 2015 meeting on impairment of water rights. A copy of the email will be included in the minutes. The overall question was "how do we move forward from a water management perspective if the court can come in and override administrative rules and regulations?" Secretary McClaskey stated that agency draft language to replace several concept needs attempted in HB2245 will be forwarded to GMD3 before the Christmas Holiday. Secretary McClaskey stated that building the agency trust and guidelines so that going to court is not advisable or feasible is the State of Kansas goal.

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Water Conservation Area Plans vs. Mandatory Conservation Plans.

K.S.A. 82a-733 and K.S.A. 82a-745 both address water conservation plans. The first is plans required by chief engineer and the second is voluntary plans submitted and adopted by the chief engineer.

The discussion concluded that voluntary and mandatory conservation plans are two different tools. Construction of each are not inter-related.

Water Conservation Area

Vice President Heger asked what we can anticipate the questions to be. Mr. Letourneau stated that Robert is crafting the consent agreement for the WCA in GMD4. Secretary McClaskey added once the paperwork is out to the GMD's that provides a 45 day review period and the State time to get the consent agreement completed. Jackie stressed that they have already worked with the applicants on developing the WCA and are comfortable once the consent agreement is sent to the GMD's, the KDA mark for approval is on it. If there happens to be a WCA in the future that the State has not helped craft it will be noted appropriately.

Jackie asked to discuss the notification to neighbors. Notification to neighbors of a proposed WCA and any permits needed to implement it is agreeable, however what does the distance of neighbor notification need to be? ½ mile; 1 mile or 2 miles? Jackie would like to take this back to the agency for further discussion.

State recommendation for a GMD3 management program document update.

Mark stated that an updated GMD3 management program document and the revised rules needed to implement it is still a need under the provisions of the GMD Act. GMD3 would like to take a draft plan to the annual meeting which is held in March, 2016 and would like invite the comments and suggestions of DWR in that drafting process.

Committee Reports

Policy and Legal, Kirk Heger

Policy and Legal had no report beyond what had been discussed.

Research and Development

Steve Stone, Mike O'Brate and Allen Schweitzer were in attendance for the committee meeting. Discussion was held on the state template for WCA's, discussed Dakota Wells, Conservation Plans, and the role of the 40/25 rule in a raised management program document.

How should the 40/25 rule be used into the future is still in deliberation. Input from the Chief Engineer would be beneficial for the committee to learn his thoughts and ideas of the historical standard.

Old Business

There was no old business brought to the table.

New Business

There was no new business brought to the table.

Executive Director Report, Mark Rude

ARCA Annual Meeting

Chief Engineer, David Barfield stated that the ARCA Annual Meeting should be good in presentations and attendance. Continuing to look for a permanent source of water for the JM Reservoir permanent pool and addressing water quality, among many other issues.

Legislative Report, Federal and State

GMD3 is keeping engaged with federal water issues by being involved with National Water Resources Association and its groundwater Caucus, the Groundwater Management District Association.

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Water Transfer Application

Executive Director, Mark Rude stated that there is still interest in completing the application for the Aqueduct water transfer appropriation and the reasonable filing fee provision legislation this session as drafted in concept in the board book for this meeting for comments and state agency feedback.

Out of State Travel: Las Vegas afternoon Meeting, Northern Pipe P3 Roundtable

Mark Rude requested out of State travel approval to attend the Northern Pipe P3 (Public Private Partnership) Roundtable that will be held December 16th in Las Vegas. Mark stated the issue relates to Aqueduct project interest and the pending HB2407 in the Kansas legislature. Tracy stated it is a function the water office has attended but were unable to attend this meeting. Hal Scheuerman moved to approve out of state travel for Mark Rude to attend the Northern Pipe P3 Roundtable held in Las Vegas, December 16th and 17th, 2015. Doug Fox seconded. Motion passed with all in favor.

Calendar of Events and Conferences

- Compact meeting held in Garden City, KS December 9th & 10th at the Clarion Inn.
- Water Authority meeting to be held December 17th, 2015 in Ellsworth, KS.

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 November financial report and payments as presented and submit them for annual audit. Alan Schweitzer seconded. Motion passed with all in favor.

Board Member Report

There were no board member reports announced.

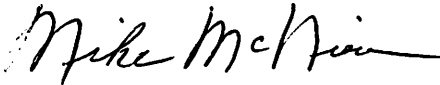
Public Forum

There were no public announcements.

ADJOURNMENT

Fred Claassen made a motion to adjourn the meeting. Seth Nelson seconded. The meeting was adjourned at 11:44 a.m.

Respectfully Submitted,



Mike McNiece
GMD3 Board Secretary