

**Southwest Kansas Groundwater Management District No. 3**  
**Minutes of the Regular Meeting of the Board of Directors**  
**March 09th, 2016**

**MEETING CALLED TO ORDER**

The March 09th, 2016 Board of Directors meeting of the Southwest Kansas Groundwater Management District was called to order by President Dunn at 1:41 p.m. The meeting was held at the Gray County 4-H Building, Cimarron, KS.

**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  
Randy Hayzlett, Surface Water Representative  
Steve Stone, Finney County Representative  
Douglass Fox, Meade County Representative  
Bret Rooney, Haskell County Representative  
Hal Scheuerman, Kearny County Representative  
Alan Schweitzer, Municipal Representative

**Directors Absent with Notice**

Clay Scott, Grant County Representative  
Seth Nelson, Stanton County Representative  
Jeff Reinert, Ford County Representative

**District Staff Present**

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

**Others in Attendance**

Susan Metzger, Deputy Secretary of AG  
Mike Meyer, Water Commissioner, DWR, Garden City Office  
Lane Letourneau, Kansas Department of Agriculture  
Tracy Streeter, Director of Kansas Water Office  
Greg Graff, GMD1 Board Member  
Chip Redmond, KSU Weather Station Network  
SW KS GMD3 Members

**APPROVE AGENDA**

President Dunn 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.

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
March 09th, 2016**

**APPROVAL OF MINUTES & MONTHLY FINANCIAL REPORT**

President Dunn drew the attention of the Board to consider February 4th, 2016 draft minutes. Kirk Heger made a motion to approve the February 4th, 2016 Board Meeting minutes. Doug Fox seconded the motion. The motion was approved with all in favor.

President Dunn signed and submitted the financial documents.

**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 February financial report and payments as presented and submit them for annual audit. Kirk Heger seconded. Motion passed with all in favor.

Mike McNiece would like a tour of the projects. Mark will get one set up in the near future.

**Election of Board Officers**

Mark Rude opened the floor up for nominations:

**President:** Mike McNiece moved to nominate Kirk Heger for Board President. Randy Hayzlett nominated Kent Dunn for Board President. Brett Rooney moved to cease nominations for Board President. Doug Fox seconded. A vote for board president was taken by a show of hands. By a vote of 10-1 Kirk Heger was voted in as Board President.

**Vice President:** Mike O'Brate moved to nominate Brett Rooney as Vice President. Randy Hayzlett seconded. Doug Fox moved to cease nominations for Board Vice President. Fred Claassen seconded. Motion passed, announcing Brett Rooney as Board Vice President.

**Secretary:** Brett Rooney moved to nominate Mike McNiece as Board Secretary. Hal Scheuerman seconded. Kent Dunn moved to cease nominations for Board Secretary. Mike O'Brate seconded. Motion passed, announcing Mike McNiece as Board Secretary.

**Treasurer:** Steve Stone moved to nominate Mike O'Brate) as Board Treasurer. Hal Scheuerman seconded. Doug Fox moved to cease nominations for Board Treasurer. Hal Scheuerman seconded. Motion passed, announcing Mike O'Brate as Board Treasurer.

President Dunn handed the gavel over to the newly elected board president, Kirk Heger.

**President's Report, President Kirk Heger**

**Approve Resolution 2016-2, Cash Based Budget**

President Heger reviewed the Cash Based Budget resolution 2016-2 with the directors. Alan Schweitzer moved to approve the Cash Based Resolution, 2016-2. Brett Rooney seconded. Motion passed with all in favor.

**Policy Review- "Chasing water laterally" Local sourcing: two PD change applications**

Mark Rude and Jason Norquest brought to the boards attention two reviews for policy discussion. This is an example of the consideration the board has had on concerns over chasing water aka hop scotching across the aquifer using multiple change applications in sequence. Consensus was to discuss the policy implications today and follow up with the boards' consensus of the next step.

Water Commissioner Mike Meyer stated that a review of what a complete well is could be beneficial for advising DWR.

**Southwest Kansas Groundwater Management District No. 3**  
**Minutes of the Regular Meeting of the Board of Directors**  
**March 09th, 2016**

Jason Norquest reviewed 13,145 Greg Love:

- ✓ Sept. 2nd 2015 1st change application was applied for.
- ✓ Sept 17th 2015 1stt change was approved
- ✓ Oct 16 2015 completion acknowledged from State.
- ✓ Dec 21, 2015 2nd change applied to move down 21,455.

Adding a twist to the factual review, well 21,455 was never established at the authorized location, bringing up the question what constitutes an official well. The well was initially applied for and approved for redrill around 1994 and the previous owner never drilled it.

Mike Meyer passed a picture around of what the applicant claimed as a completed well. Once the Permit to Proceed is sent to the applicant, time is provided to get the well completed as authorized. Discussion occurred on the "Notice of Completion" being submitted or not? And, what constitutes a working well that has been "completed as proposed and as authorized?"

Reviewing the current rules, they were determined to be met, and no waiver of a rule was necessary under the water right change activity.

**Water Right 27536 Richard Jantz**

Jason went on to discuss water right 27536 for Richard Jantz. He stated Mr. Jantz applied for a change in P/D on May 21, 2014. June 10<sup>th</sup>, 2014 the application was approved and the following December 16<sup>th</sup> the first completion of the new location was acknowledged on the states database. The first visit to the well found a completed well with a pump. At the next visit the pump was gone. Water Commissioner Meyer stated the applicant had equipped the well to satisfy the initial paperwork on well completion.

Jason went on to explain that a second application was submitted on September 2<sup>nd</sup>, 2015 to move the authority of the P/D on to an existing well and water right as a stacking of water rights on the existing P/D. In order to accomplish that and meet minimum spacing regulation, the applicant submitted a reduction request, from 260AF to 140AF in order to meet spacing to the neighboring well to the northwest. The two applications individually as separate actions meet the rules. However, viewed collectively, the collective action exceeded the half mile limit under the rules.

Reviewing the current rules, they were determined to be met, and no waiver of a rule was necessary under the water right change activity.

Mark Rude added that it is clear that addressing the hop scotching method should be done during the revision of the Aquifer Management Program.

**Executive Director Report, Mark Rude**

**SW Irrigators Membership**

Executive Director, Mark Rude presented a bill for approval from Southwest Kansas Irrigation Association. Southwest Kansas Irrigation Association dues are \$120.00 for Operating and \$500.00 for Sponsoring. Mark clarified the district does not own or operate any wells, however this would be a Friends of Irrigation Sponsorship. After some discussion, Mike O'Brate moved to sponsor with \$500.00. Mike McNiece seconded. Motion passed with all in favor.

**Travel Approval**

Mark Rude spoke about the NWRA Federal Affairs Conference & Western Kansas Coalition Hill Event, which is happening April 11 thru 13<sup>th</sup> and 10th thru 12th respectively in Washington DC. Chris Law will be attending, however will be funded by the City of Garden City. Mark proposed to consider sponsoring next year but just attendance this year. Hal Scheuerman moved to approve board and staff. Mike O'Brate moved to revise the motion to state approval for two staff and Board of Directors to attend the NWRA Federal Affairs Conference & Western Kansas Delegation Capitol Hill Event, April 11 thru 13<sup>th</sup> and 10th thru 12th respectively in Washington DC. Hal Scheuerman seconded. Motion passed with all in favor.

**Southwest Kansas Groundwater Management District No. 3  
Minutes of the Regular Meeting of the Board of Directors  
March 09th, 2016**

**Legislative Update**

Executive Director Mark Rude updated the board and those in attendance on the filing fee bill, SB322. Mike O'Brate, Kent Dunn, Randy Hayzlett, Brant Peterson and himself met in Topeka, KS and spoke with the Senator Powell and Governor Brownback along with others in attendance. Mike O'Brate stated meeting went well but still seems to be hitting a brick wall on some items. The complete removal of deadlines in an application process is the concern of Secretary of Ag, Jackie McClaskey. Even with deadlines, she stated, we could do extensions of times. Some bill support from KDA with added language may be provided.

SB491 was also introduced. That bill has six items that have been discussed the last couple of months as board legislative items.

**Policy Alert: Deep Aquifer Water Wells and Well Construction**

Mark Rude spoke about the deep aquifer water wells being considered in the District and the well construction on test holes. Since the value of water is increasing, more people are considering taking the risk of cost for deep test holes. This process makes 1000 foot irrigation wells more of a potential conduit between aquifers, and further study will be needed.

**Policy Alert: Flowmeter enforcement coordination with KDA**

Members in the GMD3 District may have received some unfortunate correspondence from the KDA regarding fines. These fines may not be considered finable through GMD3. Issues of concern could include needs for communication to the producer for meters to be fixed immediately. Problems arise when no notice and no fine order until 6 months later. Mark Rude stated there is probably more to the story and information could be detailed at a later date.

**Topics with State Agency Officials**

There were no additional topics for discussion from or to the State Agency Officials.

**Draft Management Plan Revision timeline**

Mark and staff have draft language for the Draft Management Plan. Change rules are being proposed by the state that affect the management program revisions. More work needs to be completed in the near future. Once a completed draft is reviewed and approved by the board, it will go to the chief engineer for approval and the board will set a public hearing for members to review and be heard. From there if board adopts the Management Program document, the chief engineer will be notified of the new program document for SW Kansas.

**Change of April Board Meeting.**

Due to the NWRA Federal Affairs Conference & Western Kansas Coalition Hill Event, consensus of the board was to move the April meeting to Thursday, the 14th of April, 2016.

**Public Forum**

Larry Kepley reaffirmed on behalf of the attendees that may not have had a chance to speak up. The consensus of the attendees was very affirming as to issues being addressed. The issues today are more sophisticated than they were in the past. Mr. Kepley feels that it has always been the policy of this board to be frugal and involved. He believes this is the time to educate the directors, make the trips and do the lobbying that is necessary. Tell the story to the people that may want to partner in water transportation for the future of the area.

Several years ago, Mr. Kepley spoke positively and in favor of building resources to start such a water transportation project. Do anything, if it's this project (aqueduct) or something similar that is more feasible & affordable. At the very worst, we could do nothing, and at that point, we will waste the infrastructure, the knowledge, and all the talent that is present. From the discussion he heard on break and casual table talk was [the project] is a no brainer. Let's get some funds in the account, demonstrating a starter account. IE: if we put money on the table for this project, Mr. Kepley predicts they (district and others) would also get on the band wagon.

**Southwest Kansas Groundwater Management District No. 3**  
**Minutes of the Regular Meeting of the Board of Directors**  
**March 09th, 2016**

The US Army Corp of Engineers, came home after WW2 with no work. They didn't know what that water from the big dams would be used for, they hadn't heard of projects to prevent flooding. Can that water be taken and sold as having a value? Fairness and Equity are two important words when talking about increasing assessments. Who is going to get the benefit?

Two co-ops have put in money to start the process. Proceed by presenting and communicating with other agencies. Maybe not for financial support but for the influence. For example, Farm Bureau, Irrigation Association, and COBANK. Utilize agency, corporations and other businesses for their knowledge, support and if possible financial help.

Consider .50cents a good starting increase to future assessments. He thanked the board for this time to comment.

**ADJOURNMENT**

Fred Claassen made a motion to adjourn the meeting. Alan seconded. The meeting was adjourned at 3:21p.m.

Respectfully Submitted,



Mike McNiece  
GMD3 Board Secretary