

**Southwest Kansas Groundwater Management District No. 3
Minutes of the Regular Meeting of the Board of Directors
August 14, 2024**

MEETING CALLED TO ORDER

President McCormick called to order the August 14, 2024, Board of Directors meeting of the Southwest Kansas Groundwater Management District at 9:01 a.m. The meeting was at the Southwest Kansas Groundwater Management Board Room.

Directors Present in Person

Chad McCormick, President, Industrial Representative

Mike O'Brate, Treasurer, Finney County Representative

Randy Hayzlett, Vice-President, Surface Water Representative

Zachary Gale, Hamilton County Representative

Jacob Harshberger, Ford County Representative

Clay Scott, Grant County Representative

Reid Shrauner, Morton County Representative

Seth Nelson, Stanton County Representative

Fred Jones, Municipal Representative

Bret Rooney, Haskell County Representative

Andy Moser, Stevens County Representative

Directors Present by Phone or Zoom

Kent Dunn, Seward County Representative

Kyle Maddux, Kearny County Representative

Carl Clawson, Meade County Representative

Directors Absent with Notice

Garrett Love, Secretary, Gray County Representative

District Staff Present

Mark Rude, Executive Director

Jason Norquest, Assistant Manager

Patty Stapleton, Office Administrator

Chris Law, Director, Field Services

Brandi Sneath, Office Assistant

Trevor Ahring, Engineer

Others in Attendance in person or Via Zoom

Mike Meyer, Water Commissioner, Division of Water Resources, Garden City, KS

Keadron Pearson, Kansas Water Office

Earl Lewis, Chief Engineer

Lane Letourneau, Projects Manager and Kansas Department of Agriculture

Keegan Nairn, Producer

Ward Nairn, Producer

Kevin Salter, DWR

Chris Beightel, Assistant Chief Engineer

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APPROVE AGENDA

President McCormick asked to consider the agenda for the August 14 Regular Board Meeting. President McCormick was asked to add a Potential Visit with Idaho Water User Association under New Business. **Mike O'Brate made a motion to approve the revised agenda. Bret Rooney seconded. The motion passed with all in favor.**

Approval of Minutes and General Financial Reports

President McCormick drew the attention of the Board to consider the July 10, 2024, draft minutes. **Kent Dunn moved to approve the July 10, 2024, minutes as presented. Randy Hayzlett seconded the motion. Motion passed.**

President McCormick next drew the attention of the Board to review the July 2024 Financial report. **Fred Jones moved to approve the July 2024 finances and submit them to the annual audit. Zachary Gale seconded. The motion passed.**

Correspondence / Recognition / Formal Comment to the Board of Directors

No correspondence, recognition, or formal comments were submitted.

Management Program: Reports and Recommendations

DWR Report: Mike Meyer, Water Commissioner / Chief Engineer Earl Lewis

Mike Meyer, there's not much to report; business is busy. New staff starting next week.

Lane Letourneau added that DWR has a backlog of applications. However, they hired two people at headquarters, and they are coming on strong. They also pulled certificate staff to work on change applications.

Earl Lewis noted they had spent a lot of time on strategic planning. The webinar had about 200 people on it. Next week, there will be another round of consultations in Dodge City.

Spacing Waiver: flipping Authority between a well under 3351, 4814, 8240

Keegan Nairn and Ward Nairn were present for the review.

The proposed change is between existing wells; both wells are in legal 6-29-39. Current well ID04 is under water rights 3351, 4814, 8240, and 17,102, while the well under ID05 is covered by water rights 22,167. The proposal is to flip the authority between the wells to offer the applicant access to the newer well in the system with the senior rights. The applicant has stated he plans to pump the well at its current capacity, which has been dropping recently, to maintain the pressures needed for the irrigation system.

The proposed move of authority between existing wells will not meet the minimum spacing to the well under 4,107. The applicant also operates this well and shares overlapping place of use. Minimum spacing is currently not met between these wells. There were no responses from neighboring notices on wells not owned by the applicant.

Keegan added that ID4 has casing issues and does not want to re-drill, along with commodity prices and a possible LEMA. Mike Meyer added the north well was redrilled several years ago and moved closer, while well ID 4 moved away from that well. It could have met spacing back then.

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Zachary Gale moved to recommend approval of the waiver since there were no critical wells, and it is only short 100-foot from another of the applicant's wells. That is why we implemented the critical well evaluation. Seth Nelson seconded. Motion passed with two opposed: Clay Scott and Andy Moser.

DWR Draft Proposed Rule Changes-Impairment Investigations

Mark Rude turned the board's attention to the new DWR Draft Proposed Rule Changes Supplement to the Proposed Impairment Regulations sheet that was handed out, noting that the one in the board book is incorrect. Lane Letourneau added that comments by the end of the month would be appreciated, but an extension could be granted.

Clay Scott remarked that he believed the clarifications in the new revision were accurate. The revision provides clearer guidance and reduces the risk of future misinterpretations by different officials. Without clarity, future chief engineers might apply the rules differently, leading to potential problems that haven't been addressed in the past.

Other Agency Reports

Keadron Pearson with the Kansas Water Office announced some important dates:

- Water Authority meeting in Wichita, August 21st, 2024
- Bottom-Line Conference, Kearny County Fairgrounds, Lakin, KS, August 22 & 23, 2024
- Soil Health Tour in NW Kansas, August 19-20, 2024
- Aim Point Conference, August 20th

Kevin Salter, DWR

Kevin Salter added that the Kansas release from John Martin occurred from July 11 through August 4, and we are currently in a rundown period. Amazon and Southside are taking advantage of this rundown.

Committee Reports

Policy and Legal Committee

The Policy and Legal Committee met in person at the GMD3 Board Room or via Zoom on August 7th, 2024, at 10:00 a.m. The agenda was in the board book. Discussion was held on being consistent with waivers and more thorough for HB2279. There is a concern about moving more authority to better wells that could increase consumption. The committee will research more options within the rules that would not require a waiver. For Policy Development, the committee is waiting on options from KLA and other groups of what would be a good MYFA recommendation that might assist stock well users. Discussion was held on moving wells into the IGUCA, and a possible moratorium was proposed to eliminate the option to prevent those moves. HB 2279 Compliance, Smart Plan, will continue at every policy meeting. The consensus was to continue the September meeting to discuss further details of options and plans with the program. A facilitator could be a viable participant for this part of the meeting.

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The Executive Committee

The Executive Committee met on August 9th, 2024, at 9:00 a.m. VIA Zoom or in person in the GMD3 Board Room. Most of the discussion was on the agenda for this meeting and personnel issues.

Old Business

Executive Session- nonelected personnel

Randy Hayzlett moved to go into an executive session for ten minutes to discuss matters of nonelected personnel. Bret Rooney seconded the motion.

Fred Jones moved to approve the remainder of the pay raises discussed earlier in the year and make them retroactive to July. Clay Scott seconded. Motion passed.

New Business

Office Building, Gutter Repair-review bids

Mark Rude brought to the board's attention two quotes for gutter repair. **Bret Rooney moved to approve the All-Pro Bid for \$1,664.00. Andy Moser seconded. The motion passed.**

NWRA membership-2nd half of 2024

Clay Scott noted that the second half of the membership payment is due. NWRA is discussing different due structures, which will lower our due amount starting next year. This change will allow us to pay directly from the GMD3 account without going through the Kansas Water Congress. Clay added that the second half due can be paid directly from GMD3 and doesn't have to go through the KWC. **Mike O'Brate moved to pay NWRA membership for the second half of 2024. Randy Hayzlett seconded. The motion passed, with Zachary Gale and Fred Jones opposing.**

IDAHO Water Users Association

Clay Scott spoke with representatives from Idaho at the NWRA Conference. They expressed interest in visiting Kansas (GMD3 District) and learning about our programs and the work we are doing in the area. The visit would include meetings and tours of various systems such as farms, feedlots, and possibly municipalities. This area of Idaho has recently been in the news due to significant shutdowns. They are facing a situation similar to our HB2279. Some irrigation districts in that area expressed disagreement with the new arrangement and adhered to the old form. This led to a delay of about a year and a half. The chief engineer set a deadline for districts to meet specific criteria or face cutbacks. Almost all districts agreed except for a couple. However, the person in the role of our Chief Engineer insisted that all districts must meet the criteria for it to count. One district far away from the source of water argued that their contribution was impractical to implement. Consequently, the water shut-off lasted only three days as most districts did not comply with the order due to the "Chief Engineer's" inability to accept partial cutbacks. Would GMD3 be interested in hosting? They suggested November 19-21 or December 17-19.

Randy Hayzlett moved to entertain the Idaho delegation. Mike O'Brate seconded. Motion passed.

Clay Scott will visit with them, work out dates, and bring the information back to the September meeting.

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Executive Session-nonelected personnel

Fred Jones moved to go into Executive Session for 20 minutes to discuss matters of nonelected personnel with the board only. Bret Rooney seconded the motion. Motion carried.

President McCormick noted Mark's 19.5 years of employment with Southwest Kansas Groundwater Management District No. 3 and stated that Mark had submitted a retirement/resignation letter effective after today's board meeting. Mark said he doesn't want to leave the district in a bad place, and he doesn't feel like he is. He feels like the board's operation is good. He isn't trying to dodge the task of HB2279 but just stepping aside. President McCormick asked for a motion.

Mike O'Brate moved to accept the letter of resignation from Mark Rude. Clay Scott seconded. Motion passed.

President McCormick presented a plaque to Mark Rude for his years of service and dedication to the district.

Executive Session

Randy Hayzlett moved to go into executive session for ten minutes to visit with non-elected staff and asked Jason Norquest to remain in the room. Bret Rooney seconded. Motion passed.

No action was taken after the executive session.

Executive Director Report-Mark Rude

I-CARE Reports Update

Mark Rude announced that the ICARE reports are completed and have all been mailed out.

WaterSMART/Infrastructure HUB Grant Award, South Side Ditch

GMD3 was successful in getting the Infrastructure HUB Grant Award for South Side Ditch. We are waiting for the Bureau of Reclamation to give us a contract, which takes a few months. The grant is \$500,000 from the Bureau of Reclamation and \$500,000 from the Kansas Infrastructure Hub, to convert three different laterals off the SS Ditch to PVC pipe. Mark will mail out the summary.

GMDA Summer Conference, Omaha

Jason Norquest reported the GMDA conference in Omaha was well attended. The upcoming winter meeting will be held February 25-27, 2025.

NWRA Workshop, Kennewick, WA Update

Clay Scott, Jason Norquest, and Mark Rude all attended the NWRA Workshop in Kennewick, WA. NWRA is collaborating with other groundwater folks on what is happening with the White House and looking at groundwater issues. The groundwater caucus was scheduled to last 15 minutes, but because of good and detailed discussion, it lasted over two hours.

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Western Water Conservation Projects Fund Business

Financials

Randy Hayzlett moved to approve the July 2024 finances of the Western Water Conservation Projects Fund and submit them to the annual audit. Bret Rooney seconded. Motion passed.

Board Member Report

Fred Jones reported that all environmental work has been done, and they have released the funding; designing is the next step, on schedule to be up and going by 2027.

Randy Hayzlett reminded everyone that the Kansas Water Authority meets in Wichita next week, August 21st.

Mark Rude reminded the board of the unfinished item in our management program, which needs a hearing.

ADJOURNMENT

Fred Jones moved to adjourn the meeting. Bret Rooney seconded.

The meeting was adjourned at 11:50 a.m.

Respectfully Submitted,



Garrett Love
GMD3 Board Secretary