

Minutes: Northwest Kansas Groundwater Management District 4 September 7, 2017 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The September 7th board meeting was opened at the GMD 4 office in Colby, Kansas by President, Brent Rogers.

Board members present for some or all of the meeting were:

Jeff Deeds, Lynn Goossen, Roger Zwegardt, Mitchell Baalman, Brent Rogers, Scott Maurath, Karen Flanagan, Monty Biggs, and Shane Mann

Board members absent:

Doug David & Nate Emig

Others present for some or all of the meeting were: Ray Luhman, Shannon Kenyon, Rita Wade and Dan Simmering – GMD 4 staff; Adam Dees – attorney; Kelly Stewart and Steven Walters- DWR; Aaron Popelka – KLA; Jason Timmerman; Jon Friesen; Bert Stramel; Darvin Strutt – Strutt Insurance

2. CONSENT AGENDA

Brent Rogers asked if there were any concerns over the consent agenda, consisting of the August 3, 2017 Minutes and Expenditures for the month of August. A receipt of the August financial report was previously distributed showing monthly expenditures totaling \$45,747.34 in August were approved.

Mitchell Baalman moved the minutes and expenditures for the month of August be accepted. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no “nay” votes).

3. OPEN FORUM

Brent Rogers asked if there was anything to be presented in Open Forum. No responses were given.

4. MANAGER’S REPORT

Shannon Kenyon attended the Water Technology Farm Field Day at NW Tech. She reported on the progress of Precision Agriculture program and the technology currently in the field.

Shannon Kenyon also attended the RRCA annual meeting in Burlington. Utilizing Bonnie Reservoir was mentioned at the meeting but no action was taken or discussed.

The Kansas Health Foundation was in Hoxie on August 30th. Shannon Kenyon and Mitchell Baalman met with them to provide education on water issues in western Kansas. With the majority of attendees being from eastern Kansas, it was productive for educating on western Kansas water issues.

The Prairie Museum in Colby is having luncheon talks next week for those who wish to attend and take a look at the Smithsonian exhibit.

5. UNFINISHED BUSINESS:

a. District LEMA

Ray Luhman provided the board with a supplemental testimony for the initial District-Wide LEMA hearing. The supplemental testimony provides additional information in regards to the testimonies heard at the hearing on August 23rd, 2017.

Jeff Deeds moved to submit the supplemental testimony as GMD 4 Board of Directors testimony. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no “nay” votes).

Aaron Popelka with KLA had provided a letter to the board that outlines their issues and suggestions with the District-Wide LEMA. After reviewing the document Ray Luhman provided two potential new ways to address stockwater. After discussion it was decided to only encourage stockwater water users to maintain 90% of the specified regulatory amount and to modify the process when converting from irrigation to non-irrigation use. The following language was created for part 2). Allocations – Non-irrigation in the proposed District Wide LEMA:

“a) Livestock and poultry use will be encouraged to maintain their use at 90% of the said amount provided by K.A.R. 5-3-22 based on the maximum amount supportable by the number of animals authorized by a current facility permit. At no time will a stockwater right be authorized to pump more than its authorized quantity.

d) When converting from irrigation to non-irrigation use, the base water right will be converted under the procedures in K.A.R. 5-5-9, 5-5-10, or Groundwater Management District #4 regulations, and the appropriate non-irrigation Local Enhanced Management Area allocation will apply as found in Section 2 for the remainder of the Local Enhanced Management Area period. “

Parts b), c), and e) will remain as proposed. As the changes in the stockwater language are different than the proposed District Wide LEMA, these changes will have to be presented at the second hearing.

Shane Mann moved to adopt the new language for stockwater. The motion was seconded by Roger Zweygardt and passed unanimously by voice vote (no “nay” votes).

Additional discussion was had on irrigation water right restrictions. Those decisions would be handled on a case-by-case basis through the proposed appeals process.

Jeff Deeds moved to go into executive session at 10:10 am for 20 minutes for board, staff, and attorney relations. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no “nay” votes).

Shane Mann moved to go into executive session at 10:30 am for 15 minutes for board, staff, and attorney relations. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no “nay” votes).

b. GIS Workshops

An addendum to the contract with GIS Workshops was authorized. It contained additional deliveries by GIS Workshops at no charge to the GMD's. Progress is slow but coming.

c. Building Projects

With the new carpet it was decided that the drafting table is not used anymore and should be sold. Discussion was had on furniture and educational displays to go in the lobby area.

Scott Maurath moved to list the drafting table as surplus. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no “nay” votes).

6. NEW BUSINESS

a. Newsletter

The fall newsletter will be completed soon. Potential articles of interest suggested NW Tech, updates on SD 6 LEMA and proposed District Wide LEMA, soil moisture probes, WCA's, and the new late water use penalties.

b. Governor's Conference

The Governor's Conference is November 8 & 9. Anybody who wants to go needs to let staff know by the October 5th board meeting.

c. Insurance

Every year Darvin Strutt provides the board a line item list of the insurance the district has for everything. Discussion was had on a few items having less worth than the listed amount. Staff will review the policy.

d. GMD 3 Letter

A draft letter from GMD 3 concerning their issues with communication and coordination with the Chief Engineer.

Shane Mann moved to provide no comment on the document. The motion was seconded by Scott Maurath and passed unanimously by voice vote (no "nay" votes).

e. Graham County Position

Doug David is currently the elected member for Graham County. Brent Rogers agreed to call him to ask him to provide regular attendance at the monthly board meetings or to resign.

7. Agency Reports

Kelly Stewart noted that change in regulations 5-5-9, 5-5-10, and 5-5-16 (formerly consumptive use) would be effective September 22nd. The late water use report penalties will also change on September 22nd. Late reports filed prior to June 1st will receive a fine of \$250 per water right and \$1000 with a possible suspension after June 1st.

8. OPEN SESSION-Public Questions/Comments:

Question was had about the NWKS Groundwater Conservation Foundation. Adam Dees reported on the progress.

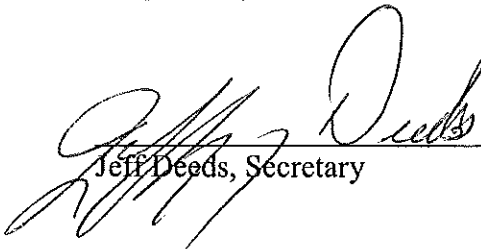
9. Scheduling Future Meetings:

A board meeting was scheduled for October 5th, 2017. Consumptive use regulations within GMD 4 should be on the agenda and a NW KS Groundwater Conservation Foundation meeting should be held.

10. ADJOURNMENT

With no other business and no objections, Lynn Goossen moved to adjourn the meeting. The motion was seconded by Monty Biggs and passed unanimously by voice vote (no "nay" votes).

Respectfully submitted:



Jeff Deeds, Secretary