

## **Minutes: Northwest Kansas Groundwater Management District 4 November 2nd, 2017 Board Meeting**

### **1. OPEN MEETING, ATTENDANCE AND AGENDA**

The November 2<sup>nd</sup> 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, Karen Flanagan, Monty Biggs, Nate Emig, and Shane Mann

Board members absent:

Doug David & Scott Maurath

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; Richard Rockel and Alex Davis – KWO; Jon Friesen; Bert Stramel; Mike McKenna; & Doyle Sadler. *Jody McCain - GMD 4 Staff.*

Ray Luhman requested that under New Business “e. Management Program Review

### **2. CONSENT AGENDA**

Brent Rogers asked if there were any concerns over the consent agenda, consisting of the October 5<sup>th</sup>, Minutes and Expenditures for the month of October. A receipt of the October financial report was previously distributed showing monthly expenditures totaling \$36,066.59 in October were approved.

Shannon Kenyon noted that on page 4 of the board packet the motion at the top needs to read “Shane Mann moved to go into executive session at 10:20 am for 30 minutes with the Board of Directors, staff, and attorney to discuss the administrative position.”

**Shane Mann moved the minutes and expenditures for the month of October be accepted with the change as presented. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no “nay” votes).**

### **3. OPEN FORUM**

Nothing was brought before the Board of Directors

### **4. MANAGER’S REPORT**

Ray Luhman reported that he and Shannon went to a meeting in Hays with the other GMD's and DWR on a more detailed version of calculating Theis. He learned of more resources available on DWR website and had a good increase in the GMD assessment cap discussion with the other GMD's.

Shannon Kenyon reported there were a few issues with the Northwest Kansas Groundwater Conservation Foundation but they were being positively addressed. Application has been made to the Hansen Foundation for matching funds. Should hear word within the month.

## **5. UNFINISHED BUSINESS:**

### **a. District LEMA**

Ray Luhman and Adam Dees have developed testimony for the LEMA hearing on November 14<sup>th</sup>. A review of the proposed testimony is needed with a motion to present prior to the hearing. A brief summary of the pre-hearing conference call was discussed. The main points of that conference call involved several motions from David Traester representing Intervenors. The Intervenors request to post-pone the hearing for a later date for discovery purposes. They also wish for the Chief Engineer to consider cross-examination of witnesses. Both David Traester and Adam Dees made arguments for the Chief Engineer to hear. We have submitted a written reply to that conference call and the Chief Engineer is to announce a decision on Friday.

**Roger Zweygardt moved to go into executive session for 20 minutes with the Board of Directors, attorney, and staff to discuss the proposed written testimony for the November 14<sup>th</sup> hearing. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no "nay" votes).**

**Shane Mann moved to approve submission of the GMD 4 testimony after grammar check. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no "nay" votes).**

### **b. GIS Workshops**

Update will be available today. Dan has been using the tablet in the field more frequently.

### **c. Administrative Assistant Position**

Jody McCain has been hired as the new administrative assistant. Her first official day was November 1<sup>st</sup>. There were many good applicants. Karen Flanagan mailed letters to everyone that applied. Mitchell Baalman noted the great job and effort Karen took in spear-heading the process of hiring a new administrative assistant.

### **e. Graham County Board of Directors Position**

Brent Rogers notified the Board of Directors that Doug David had contacted him via text message. He intends to send a letter of resignation. Once that letter is received, GMD 4 staff will advertise for the position in the Hill City Times and a new member will have to be appointed.

## 6. NEW BUSINESS

### a. Education Panels

Shannon Kenyon had four educational panels made for the lobby area. She asked the Board of Directors to take a look and make suggestions on any more if wanted for taking to the annual meeting and other educational functions.

### b. Christmas Party

The board was asked what they wished to do for a Christmas party this year. It was decided that it would be at City Limits like last year but to be in the room east of the salad bar with heat since last year it was crowded and cold.

### c. Annual Meeting

Discussion was had about past annual meeting programs. The 2018 Annual Meeting will be held on February 7<sup>th</sup> at 1:30 depending on availability at the City Limits Convention Center. It was suggested we ask Weston McCary from the Northwest Technical College Precision Agriculture Program to be the speaker.

### d. Auditor Contract

Two options for contract with Adams, Brown, Beran, & Ball for an audit. One option was a one year contract and the second was a three year contract. Both options included filing of the 990-N for the Northwest Kansas Groundwater Conservation Foundation.

**Jeff Deeds moved to sign the one year contract with Adams, Brown, Beran, & Ball for the audit. The motion was seconded by Monty Biggs and passed unanimously by voice vote (no "nay" votes).**

### e. Management Plan

**As no changes in the management plan are projected at the current time, Mitchell Baalman moved to adopt the following resolution for the management plan:**

*WHEREAS the current management plan was approved on September 19, 2016; and*

*WHEREAS the board reviewed the current management plan; and*

*WHEREAS no revisions to the current management plan are needed as of the date of this resolution;*

*BE IT THEREFORE RESOLVED THAT the management plan approved on September 19, 2016 is readopted.*

The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no “nay” votes).

#### **f. Authorized Financial Signatures**

Due to Rita Wade’s retirement, Jody McCain, the hired administrative assistant will need authorized to sign financial documents for the district.

**Lynn Goossen moved to adopt the following resolution for authorization of financial signatures.**

*WHEREAS Rita Wade is retiring from the Northwest Kansas Groundwater Management District #4 on December 1, 2017; and*

*WHEREAS Jody McCain was hired as the Administrative Assistant beginning November 1, 2017;*

*BE IT THEREFORE RESOLVED THAT Rita Wade be removed from financial documents for the Northwest Kansas Groundwater Management District #4 and Jody McCain added to the financial documents as authorized representative for financial transactions.*

#### **7. Agency Reports**

DWR – Kelly Stewart reported that next week they will have a staff meeting in Manhattan about the WCA process. DWR intends to make it easier and create some draft regulations. Currently the WCA’s in GMD 4 have stalled. There is a WCA being sought in the Kearny/Finney region with 50-70 water rights to be involved. He also reported on the Pat Haffner application that was initially denied. DWR has received additional information from Mr. Haffner’s hired consultant and still stands as denied.

KWO – Richard Rockel reported on the interim committee meeting with the Special Committee of Natural Resources on Tuesday, October 31. KWO is still seeking \$8 million from the State General Fund. They are currently committing \$500,000 for technology and expanding the Water Technology Farm concept. They continue to seek additional grants. He also reported the irrigation use fee is still floating around for consideration from some committee members.

#### **8. OPEN SESSION-Public Questions/Comments:**

Jon Friesen stated that as a member of the GMD, the Board of Directors represents its members. The intent of the Intervenor is not to destroy the GMD. He suggested for a dialogue with the Board of Directors.

Doyle Sadler gave a document (see attachment) to Adam Dees and stated he was not going to give up 200 acre-feet of water without a fight.

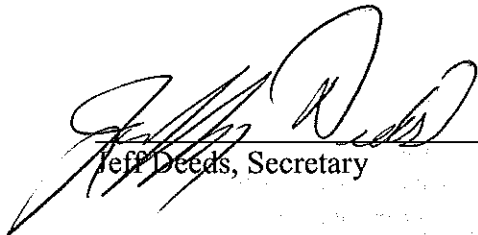
**9. Scheduling Future Meetings:**

A board meeting was scheduled for December 7<sup>th</sup> at 1:30 pm.

**10. ADJOURNMENT**

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

Respectfully submitted:



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Jeff Deeds, Secretary

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As a farmer and irrigator in GMD #4 in Thomas County, these are my comments and concerns on the proposed LEMA.

1. No board members gave testimony in support of LEMA at the August 21 hearing. If this is the best plan; at the very least, the board president should have given the information. This presentation was given by an employee of the district. The manager's comments about the annual meeting were not valid and should be withdrawn.
2. If this is a local control district, why was a representative of the state of Kansas giving comments? The only comments that have value come from those who own the water rights. The state should stay neutral.
3. Kansas Geological Survey comments on the observation wells are misleading. The only information that an observation well provides is only relevant to that well. The nearest observation well to my wells is  $\frac{3}{4}$  of a mile. That well is not drilled to shale but mine are. The top of the shale is not a level surface. There are old erosion channels in the shale so saturation thickness will vary greatly.
4. Boundaries of the LEMA: A reading of the Kansas Statutes states that a LEMA must be within the boundaries of the GMD. This LEMA plan creates 4 LEMAs. Each are within the boundaries of the GMD. The statutes say nothing about the boundaries of the GMD being the boundaries of a LEMA. By using the boundaries of GMD #4 for the LEMA, a complete new GMD is being established. This proposed area wide LEMA will be a new GMD with new rules and regulations. When GMD #4 was established, landowners and water right holders voted to establish the GMD. A vote should be held to establish this new GMD. An examination of the proposed boundaries show that water restrictions are being applied to older water rights and little restrictions given to younger water rights. This does not follow Kansas Basic Water Law taken from the Kansas Dept of Agriculture web site. Basic water law quotes "first in time first in right". I believe these boundaries are political and not based on science. The wells on the proposed boundaries should be measured.
5. Drought provisions in this plan are nonexistent. My area of Thomas county has been the driest for the last 5 years. Under this plan, I would have used all of my allotment within three years. No one can predict if the growing season is going to be wet or dry. This issue needs to be addressed.
6. Those board members who do not have wells in the most restricted areas must

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refrain from voting on this proposal. This is a major conflict of interest.

7. Conservation of the Ogallala aquifer is important. Basic water law must be remembered. If acre feet are to be reduced, it must apply equally to all water rights.

8. Economics: Irrigation and farming in GMD #4 is a multi-billion dollar investment. This LEMA plan will effect this investment in ways that can not be predicted. I do not believe a small board should make this decision. The precedent for voting on LEMA's has been established in Southwest Kansas.

I have read the testimony given by Scott E. Ross and concur with his conclusions.

Respectfully,



Doyle E. Saddler

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