

Minutes: Northwest Kansas Groundwater Management District 4 May 3, 2018 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The May 3rd 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:

Brent Rogers, Jeff Deeds, Lynn Goossen, Mitchell Baalman, Karen Flanagan, Nate Emig, Roger Zwegardt, Shane Mann, and Ted Nighswonger

Board members absent: Scott Maurath & Monty Biggs

Others present for some or all of the meeting were: Ray Luhman, Shannon Kenyon, Jody McCain and Dan Simmering – GMD 4 staff; Adam Dees – GMD 4 attorney; Kelly Stewart and Steven Walters – DWR; Jon Friesen, Doyle Sadler, Wayne Carpenter, Scott Ross, and Mr. & Mrs. Forrest Brozda

Several adjustments to the agenda were presented. Under New Business “Amend March Financials” needs to be added and “c. Committees” to be added.

2. CONSENT AGENDA

Brent Rogers asked if there were any concerns over the consent agenda, consisting of the April 5th, 2018 Minutes and Expenditures for the month of April. On page 3 of the minutes it should read “...an Order of Designation is **not** issued yet”. An updated receipt of the April financial report was distributed showing monthly expenditures totaling \$35,572.71 in April were approved.

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

3. OPEN FORUM

No comments from the public were received.

4. MANAGER’S REPORT

Ray Luhman attended the Ogallala Water Summit. He informed the board that it was very well attended with over 200 present representing all eight states. He was involved in a panel presentation and the overall idea of the summit was to find common ground.

5. UNFINISHED BUSINESS:

a. District LEMA

An Order of Designation was issued on April 13th, 2018. On April 29th a Petition for Administrative Review of the Order of Designation was received. Chris Beightel of DWR stated that the Secretary of Agriculture has 20 days to respond if she will review it or not.

The appeals process was also discussed. GMD 4 staff have handled about 75 acre appeals. There have been some designated as 0 acres being in CRP, WRCP, etc. Those are being addressed with their most recent reported acres.

The GMD 4 LEMA Advisory Committee was also discussed and a list of potential interested persons was distributed to the board. They were encouraged to talk to folks still needed in their represented areas.

b. Model Discussion

Ray, Shannon, and Dan had a webinar with Olson on the modeling pre-processor. Ray inquired with KGS and DWR if the current RRC model was sufficient for use with the pre-processor. Jim Butler of KGS sent an email that was distributed to the board encouraging GMD 4 to update the old model. Chris Beightel also agreed that the model should be updated by KGS. If we have the model updated then we will put Olson on hold until we see what kind of outputs the updated model provides. Updating the model will cost \$140,000 with \$70,000 coming from KWO. Shannon will look into a grant to help fund the GMD 4 share.

Jeff Deeds moved to have KGS update the GMD 4 model. The motion was seconded by Nate Emig and passed unanimously by voice vote (no “nay” votes).

c. Observation Wells

Shannon Kenyon distributed maps of areas within GMD 4 that shows areas of wells that are more than two miles from an observation well. She is looking for any capped wells or oil field wells telemetry could be placed within those areas for monitoring. The board was encouraged to talk to people in those areas and let Shannon know if they knew of any potential sites.

6. NEW BUSINESS

a. Appeals

Lynn Goossen moved to go into executive session for 15 minutes with the board of directors, staff, attorney, and Mr. & Mrs. Brozda to protect his trade secrets. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

Lynn Goossen moved to go into executive session for 10 minutes with the board of directors, staff, attorney, and Mr. & Mrs. Brozda to protect his trade secrets. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

Lynn Goossen moved to go into executive session for 15 minutes with the board of directors, staff, attorney, Scott Ross, and Wayne Carpenter to protect his trade secrets. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no “nay” votes).

Ted Nighswonger moved to go into executive session for 10 minutes with the board of directors, staff, attorney, Scott Ross, and Wayne Carpenter to protect his trade secrets. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no “nay” votes).

Doyle Sadler was offered to hear his appeal in executive sessions but wanted it open. He previously submitted his appeal in writing to Ray Luhman. Ray Luhman had corrected some of the acres that he added, but Doyle wanted the board of directors to provide more acre-feet to him based on past conservation. He went through both water rights with the board of directors to discuss his appeal. Ray distributed a spreadsheet with his water rights, what he has historically pumped, the crop, inches per acre, and the gross irrigation requirements for corn. The data shows that very few years conservation was implemented based on the gross irrigation requirements for corn. After several questions from the board and attorney, Doyle agreed that based on his past pumping history that he is not harmed by the LEMA because he will continue to farm as he always has.

Lynn Goossen moved to take all appeals under advisement, with a decision by the next board meeting. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no “nay” votes).

b. Amend March Financials

In April the board of directors approved the March financials as presented in the packet. Jody McCain noted an omission of the 1st Quarter Wage and Unemployment tax payment that needs to be included.

Jeff Deeds moved to amend the March financials and minutes. The motion was seconded by Karen Flanagin and passed unanimously by voice vote (no “nay” votes).

c. Committee Update

With changing board members it was suggested that committees should be updated. After further discussion it was decided to do away with committees and create them on an as needed basis.

Mitchell Baalman moved to do away with committees. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no “nay” votes).

7. Agency Reports

Kelly Stewart informed the board that the GMD 4 LEMA letters were mailed. There was some confusion because letters were sent those in the SD-6. He also discussed how they were handling MYFA's that don't line up with the five year period of the LEMA. He also informed the board that the order was reduced to 18 pages and was going to cost about \$250/county.

8. OPEN SESSION-Public Questions/Comments:

Shane Mann moved to go into executive session for 20 minutes at 11:47 am with the board of directors, staff, and attorney for attorney/client privilege. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no "nay" votes).

At 11:58 Kelly Stewart and Steven Walters left executive session.

Lynn Goossen moved to go into executive session for 20 minutes with the board of directors, staff, and attorney to protect trade secrets. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no "nay" votes).

At 11:27 executive session expired and open session resumed.

Lynn Goossen moved to issue Mr. Brozda 50 LEMA acres on #23392 and 60 LEMA acres on #20614. The motion was seconded by Shane Mann and passed unanimously by voice vote (no "nay" votes).

Shane Mann moved to deny Wayne Carpenter's appeal. The motion was seconded by Mitchell Baalman and passed unanimously by voice vote (no "nay" votes). Lynn Goossen chose to abstain from the vote.

Discussion was had on Doyle Saddler's appeal. It was pointed out that only acres and allocations can be appealed. His appeal included an issue with decline and conservation. As the board took this into consideration, decline is not appealable and conservation does not equal your authorized quantity less what was pumped. Ray Luhman provided the board of directors with a spreadsheet showing what Doyle had pumped in previous years and the gross irrigation requirements for corn. The data showed that little conservation had occurred.

Mitchell Baalman moved to deny Doyle Saddlers appeal. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no "nay" votes).

Adam Dees wanted to clarify the April 5th, 2018 minutes. In Section 8, Open Session, the wording of the second sentence should read: "Adam Dees explained that the Order of

Decision is what put everyone on notice and that the Order of Designation makes it official.”

Lynn Goossen moved accept the change in the April 5th minutes. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no “nay” votes).

9. Scheduling Future Meetings:

A board meeting was scheduled for June 7th.

10. ADJOURNMENT

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

Respectfully submitted:



Jeff Deeds, Secretary

