

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT 4
November 2, 2022

1. OPEN MEETING, ATTENDANCE AND AGENDA

The November 2, 2022 board meeting was opened at the GMD 4 office in Colby, Kansas by President, Brett Oelke and via teleconference.

Board members present for some or all the meeting were:

Nate Emig, Karen Flanagin, Lynn Goossen, Dylan Loyd, Shane Mann, Brett Oelke, and Brent Rogers.

Board members absent: Jerry Binning, Jeff Deeds, Ted Nighswonger, and Marsha Shilling.

Others present for some or all of the meeting were: Shannon Kenyon, Jody McCain and Colter Stoll – GMD 4 staff; Adam Dees – GMD 4 attorney; Kelly Stewart and Rebecca Hageman – DWR; Keadron Pearson – KWO; & Chance Cranston.

Dylan Loyd moved to appoint Brent Rogers as acting secretary in Jeff Deeds absence. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

A Change to the agenda was noted:

Add 7. e. Alan Townsend.

2. CONSENT AGENDA

Brent Rogers moved that the consent agenda be accepted as amended. The motion was seconded by Dylan Loyd and passed unanimously by voice vote (no “nay” votes.)

Shane Mann noted that Nate Emig's last name was misspelled in the draft minutes of the September 7, 2022 board meeting.

Dylan Loyd moved the corrected minutes of the September 7, 2022 board meeting be accepted as presented. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

Shannon distributed a copy of the updated financials.

Brent Rogers moved that the updated financial reports and expenditures for the month of September and October be accepted as presented. The motion was seconded by Dylan Loyd and passed unanimously by voice vote (no “nay” votes).

3. OPEN FORUM

Shannon noted even though foot traffic and phone calls have slowed down, term permits, field paperwork, possible MYFAs, the Post Legislative Audit, LEMA balance correspondence and other GMDs issues are keeping staff members bogged down.

4. AGENCY REPORTS

Kelly Stewart reported that the field office has been trying to recover from this summer's overload as well. He noted Rebecca Hageman and Colter have been working on the 10 year list of wells/meters that need checked. Kelly brought up a couple of scenarios regarding overpumping situations, and the penalties that would be imposed according to regulations. It was the board's consensus that Kelly would have the board's support to enforce penalty orders of those that over pump their water right or LEMA allocations.

Rebecca reported that she has also been working with Shannon and Colter on the "20% or less" list. She has one more to check today after the meeting.

Keadron Pearson reported that the Upper Republican RAC will meet in Colby at GMD 4 on November 3rd at 9 a.m. She also noted that the Governor's Conference is scheduled for November 16-17, 2022 in Manhattan, and the next Kansas Water Authority Meeting is scheduled for December 14, 2022.

5. MANAGER'S REPORT

Shannon had sent an email to the board on September 30th, regarding several topics since an October meeting did not look to materialize with harvest.

The Legislative Post Audit has been cumbersome to say the least. Jody had to go through all of the 2021 financials and re-categorize some items to align with the descriptions/classifications of the LPA. As a result, we are going to re-categorize the 2022 financials as well to match, so that it will align with the LPA in the future so there is no confusion.

GMD 4 has been popular with the publications lately. There was an article in the Kansas Reflector that was distributed around in response to GMD 3's POC project. Shannon has been contacted by other journalist within Kansas, as well as outside of the state.

We held a training event for NRCS folks, in conjunction with KWO and NWKTC, which was a huge success! Shannon included in the board packets the great feedback received through a QR code survey designed by Tallee with NWKTC. We are hoping to take this out to producers.

The first GMD 1 LEMA hearing went very well. There was no verbal opposition and Shannon was asked to discuss the successes of our LEMAs. She even had a few people come thank her after the hearing for paving the way. Shannon noted that GMD 1 would like for her and GMD 4 board members to provide testimony at the second hearing. Shannon will let the board know of the date when it is set.

October 27th GMD 1, the KWO, and Shannon, met with the City of Hays to learn how they accomplished the lowest per capita water use in the state. We want to take what we can and adapt it to municipalities in our districts.

There was a conference call discussing the 2022 well measurements. It was noted that KGS would like to have another index well in SW Cheyenne County.

Shannon discussed a conversation she had with GMD 1 staff and board on frustrations around the GMD 3 POC project. Other issues have risen with the DWR proposed rule and regulations as well as legislative that has prompted some dialogue in how to handle the issues.

Cost share money from the Foundation and DOC is still available until the money runs out.

There will be a tour of students from KU this summer studying environmental sociology that Shannon has been asked to be a part of.

6. FIELD REPORT

Colter reported he worked 236 hours, with 91.5 of them being in the field checking 210 wells and 3 rate tests. Per Shannon's request he has been working on term permits and sent out all 5-5-11 paperwork. Colter noted that he did find 13 meters in SD-6 that did not have the GMD 4 seal, all of which were at the pivot. He also attended the NRCS training, and felt that Shannon's "Water Rights 101" session was the most beneficial information wise. Colter also investigated a tail water complaint. It was a day the wind was blowing, so the producer was given a written warning and encouraged to look into the bubbler nozzles.

7. UNFINISHED BUSINESS

a. GMD 4 LEMA

We are still waiting on an order from the Chief Engineer. Shannon did make an inquiry to Earl after the GMD 1 hearing. He did acknowledge that it is coming.

b. SD-6

We received notice that the Order was mailed on October 17, 2022. It was the board's consensus to mail out postcards to producers with the pertinent information that they will need to know be included, and sent out after January 1, 2023.

c. PUBLIC OUTREACH

The board felt this was not a priority right now.

d. ATTORNEY

Kenny Titus has taken a corporate position, so is no longer a candidate to take Adam's place. Adam is still trying to find a replacement. His last day will be the December board meeting.

e. ALAN TOWNSEND

In doing field checks, DWR found a meter in backwards on one of Alan's wells. As per regulations, DWR has sent a penalty order. Alan's attorney has filed an appeal to the Secretary of Agriculture.

Lynn Goossen moved that Shannon draft a letter of response to Secretary Beam, Lane Letourneau, and Kelly Stewart, stating the board fully supports the 5 year suspension penalty order and that the Secretary of Agriculture should deny the appeal. The motion was seconded by Nate Emig and passed unanimously by voice vote (no "nay" votes).

8.

9. NEW BUSINESS

a. gWORKS

As of December 31st, we will no longer have gWorks. They are cancelling on us. Shannon went through the contract to see what that leaves us with. Colter and Shannon both use the program every day. There may be a solution through ArcGIS but Shannon hasn't had the time to utilize the free trial to see its capabilities, which will take a concentrated amount of time. Prior to looking at the contract Shannon did reach out to Janelle with questions, which Shannon included in the board packet mailing. Discussion ensued, and the board asked Shannon to follow up with Janelle in regards to the cost of the source code, and the options to continue using it short term.

b. DWR PROPOSED RULES & REGULATIONS

There have been a couple of conference calls on some proposed regulation changes mostly in regards to meters and moving a well more than 300'. Most of these regulation changes are in response to issues in SW Kansas.

c. GMD 4 RULES & REGULATIONS

Shannon has discussed with a few board members and Adam about creating our own rule and regulation to ban any term or temporary permit for artificial recharge. If an actual viable artificial recharge project comes our way then we can provide a waiver but banning these would keep POC projects out of our district. Adam drafted three language options for the board. Discussion ensued.

Karen Flanagin moved to adopt Option #2, which states:

5-24-1 Definitions.

(c) "Water transfer into or out of the District" means the diversion and transportation of water for beneficial use from a point of diversion outside of the District to a place of use inside of the District or the diversion and transportation of water for beneficial use from a point of diversion inside of the District to a place of use outside of the District.

5-24-12. Allowable Water Transfers into or out of the District.

The District is closed to any and all new water transfer^s into or out of the District and no person can, may, or shall be allowed to, make a water transfer into or out of the District.

The motion was seconded by Nate Emig and passed unanimously by voice vote (no "nay" votes).

d. POTENTIAL SHERMAN COUNTY LEMA

Nathan Emig has been talking with some local producers within the Sherman 1 High Priority Area. Many are concerned about the severe declines, and know that reductions may be their only option.

e. OTHER ACTION IF NEEDED

Municipalities in other areas of the state are hitting hard after the House Water Committee sessions. Shannon, Kate (GMD 1), with members of KWO attended a meeting in Hays to discuss how they were able to provide their residents with the

action to become "water savvy." Hays has the lowest per capita water use per day in the state.

Brett Oelke and Brent Rogers will set up a meeting with the Hoxie municipal water leaders to get discussions started. They will then set up some talking points for the other board members to take back to their areas.

f. EXECUTIVE SESSION – CHANCE CRANSTON

Shane Mann moved to go into executive session at 10:15 a.m. for 20 minutes with the board of directors, Chance Cranston, Adam Dees, DWR staff, and GMD 4 staff as requested to protect trade secrets. The motion was seconded by Dylan Loyd and passed unanimously by voice vote (no "nay" votes).

Dylan Loyd moved to approve waivers as discussed in executive session so that Mr. Cranston can move irrigation water he purchased to his feedlot. The motion was seconded by Brent Rogers and passed unanimously by voice vote (no "nay" votes).

10. OPEN SESSION – Public Questions/Comments:

Nothing

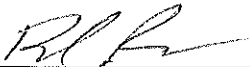
11. SCHEDULING FUTURE MEETINGS:

The next board meeting was not scheduled, but will revolve around the KWA meeting to be held here in Colby on the 14th or 15th of December. Shannon will keep the board informed, and a date will be posted on the website.

ADJOURNMENT

With no other business and no objections the meeting adjourned.

Respectfully submitted:



Brent Rogers, Acting Secretary

