

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT 4
February 23, 2023

1. OPEN MEETING, ATTENDANCE AND AGENDA

The February 22, 2023 board meeting was opened at the Sugar Hills Golf Club in Goodland, Kansas by President, Brett Oelke.

Board members present for some or all the meeting were:

Jeff Deeds, Nate Emig, Karen Flanagin, Lynn Goossen, Shane Mann, Brett Oelke, Ted Nighswonger, Brent Rogers, and Marsha Shilling.

Board members absent: Jerry Binning and Dylan Loyd.

Others present for some or all of the meeting were: Shannon Kenyon, Jody McCain and Colter Stoll – GMD 4 staff; Jake Kling – GMD 4 attorney; Rebecca Hageman and Kelly Stewart – DWR; Keadron Pearson – KWO; Clay and Dave McCarty – McCarty Family Farms; Thad Hahn, Brian and Blair Linin.

Changes to the agenda were noted:

Add 8. f. Mass Texting

2. CONSENT AGENDA

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

Lynn Goossen moved the minutes of the January 4, 2023 board meeting be accepted as presented. The motion was seconded by Karen Flanagin and passed unanimously by voice vote (no “nay” votes).

Shane Mann moved that the financial reports and expenditures for the month of January be accepted as presented. The motion was seconded by Nate Emig and passed unanimously by voice vote (no “nay” votes).

3. OPEN FORUM

Brian Linin wanted to address conservation and the LEMA. He is very concerned about the water situation not only in GMD 4, but across Kansas and all of the other states that cover the Ogallala Aquifer. After visiting the augmentation project in Colorado he felt that the project was a waste of water. Brian feels that everyone should be on “an even playing field”, and there is a good solution out there to keep producers and the economic community viable. Brian’s son Blair then spoke about his desire to be able to continue farming and have something for his children to take over in the future. He made note that more restrictions may be what it takes to achieve this goal.

Lynn Goossen agreed with statements made, and noted that we need to start having discussions on the Q stable numbers.

Thad Hahn also commented that he thought there would be more restrictions in the next 5 year LEMA. The wells have only been pumping what they can, not what they are certified for.

Clay McCarty stated that McCarty Dairy has made an investment in Kansas and they can't make it without the water. They need to be a part of the solution. Education is needed and to promote feed rations

4. AGENCY REPORTS

Kelly Stewart reported that headquarters has sent out the GMD 4 LEMA letters, and that the LEMA tracking website tool has been updated with the information for the 2023-2027 data. Kelly reminded everyone of the March 1 deadline for water use reporting, and failure to file, or filing an incomplete report, subjects the owner to a civil penalty of \$250 per file number. He also noted that the initial annual well measurements with KGS have wrapped up.

Keadron Pearson noted different events taking place in March:

March 3, 2023 – Kansas Water Authority Meeting – Virtual only format, details on the KWO website

March 21, 2023 - KAWS (Kansas Alliance for Wetlands & Streams) event in Dodge City

March 22, 2023 - Kansas Water Day at the Capitol in Topeka

March 23, 2023 - W.I.S.E. (Water Innovation Systems & Education) event in Dodge City and Montezuma (This event takes the place of the Water Expo)

Keadron also reported that there are three positions open on the Upper Republican Regional Advisory Committee. Also there is an application to be acted upon at the next RAC meeting. And finally, the South Fork Republican River Basin project is in the third year of its cost-share program.

5. MANAGERS REPORT

a. January Updates

It has definitely been busy! Water use report traffic has been steady, but we expect this next week to see the “wait until the last minute” reporters. There are many new members on the House Committee on Water so Chairman Minnix has been filling the committee sessions with presentations from multiple entities to get them up to speed. All of these are recorded and can be viewed on YouTube. Shannon, Colter, Lynn, and Shane were in Topeka January 23rd through 26th. Shannon presented to the Senate Agriculture and Natural Resources Committee Tuesday morning, then they distributed informational packets to all members of this committee as well as the House Committee on Water for the remainder of the day. Those that were available made time to talk one on one with some very good, productive conversations about the positive conservation activities in GMD 4. For lunch they met with a few of the House Committee on Water democrats. Also, a very productive conversation as three of the four were new to the committee and from eastern Kansas. Wednesday they continued visits with legislators and were asked to join Representative Minnix and Vaughn on the House Floor. Both GMD 1 and GMD 4 were presented with an award from both representatives for conservation efforts utilizing LEMAs. There was a standing ovation from all members of the House. That afternoon was spent visiting with Rep. Vaughn on some potential bills she intended to introduce.

HB2279 requires groundwater management districts to submit annual written reports to the legislature and to provide water conservation and stabilization action plans to the chief engineer. HB2302 modifies the distribution of moneys into the state water plan fund, creating the water technical assistance fund and the water projects grant fund for water-related infrastructure projects and distributing a portion of the revenue from the sales and compensating use tax to the state water plan fund. Both bills passed favorably out of the house.

GMD 4 also received the Kansas Bankers Association Award for Water Conservation from the Sheridan County Conservation District at their annual meeting. Shannon gave a presentation and had good conversation with area producers afterwards.

February 2nd Shannon gave oral testimony in support of the LEMA at the GMD 1 second LEMA hearing.

Brett, Shane, Lynn, Shannon and Colter attended the GMD Legislative Retreat February 6th through 8th in Topeka. Shannon provided more testimony in the House Committee on Water. Tim Franklin was also there dispersing data on the Franklin WCA.

b. Future Opportunities

Shannon passed around a copy of the postcard made to distribute to producers for the public outreach meetings taking place in Hoxie, Oakley, Saint Francis, Goodland, and Colby. These will be open discussion about water conservation, and producers are encouraged to bring questions or submit them through the registration link. Approximately 7500 postcards are at the printer. The meetings are scheduled for March 29th, 30th, and 31st.

6. FIELD REPORTS

As stated earlier, Colter accompanied Shannon to Topeka to speak with legislators. He has all but two of the 5-5-11 checks finished. The snow has slowed this process, but it has allowed him to be in the office for water use reporting, and helping producers with other water right related issues.

7. UNFINISHED BUSINESS

a. GMD 4 LEMA

LEMA allocation letters are out.

b. SD-6

Post cards have been mailed. Shannon hopes to have carry over data ready after water use reporting has been completed.

c. Other LEMA Developments

Nate would like to have some SH-1 area meetings, after water level data has been certified by KGS. He would like to see what the Q-stable numbers would look like.

d. Annual Meeting

Shane Mann moved to suspend the meeting, until after the Annual Meeting. The motion was seconded by Nate Emig and passed unanimously by voice vote (no “nay” votes).

e. Proposed Water Transfer Regulations

The item was tabled.

f. Mass Texting

Shannon has looked into mass texting options available, as another way to communicate with producers. Local schools, the FSA office, and others use this for deadline reminders, closing notifications, scheduling changes, etc to reach people quickly. Shannon felt that the Textedly platform would be the best option to start with.

Shane Mann moved to approve the use of the Textedly platform as a quick means of communication with producers. The motion was seconded by Marsha Schilling and passed unanimously by voice vote (no “nay” votes).

The regular monthly meeting resumed at 2:49 p.m. MST.

8. NEW BUSINESS

a. Election of Officers

Brent Rogers moved for a unanimous ballot to keep the officers the same: Brett Oelke – President, Nate Emig – Vice President, Lynn Goossen – Treasurer, and Jeff Deeds – Secretary. The motion was seconded by Marsha Schilling and passed unanimously by voice vote (no “nay” votes).

b. Audit

Shannon presented the 2022 Audit to the board. Copies will be available at the GMD 4 office.

Ted Nighswonger moved to approve the 2022 Audit as presented. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no abstentions or “nay” votes).

c. Newsletter

Shannon asked for ideas for the newsletter. The board would like to see information regarding SB2279 and SB2302, clarification of the KWA statement, renewal of the LEMAs, mass texting information, and TAPPH2O reimbursement.

d. Management Program

As recommended by the House Water Committee Post Legislative Audit, a formal review of the Management Program document needs to be done. Shannon asked the board how often and what changes the board wants to look at. It was the board’s consensus to go over any dates, staff personnel/board updates that need changed yearly. The LEMA and map updates will be done by LEMA period (5 years).

Karen Flanagin moved to readopt the Management Plan once the necessary date changes have been made. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no abstentions or “nay” votes).

e. Executive Session – Term Permit

Jeff Deeds moved to go into executive session for 10 minutes with the board, Shannon, the attorney, DWR staff to protect trade secrets. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

Brent Rogers moved to go into executive session for an additional 5 minutes with the board, Shannon, the attorney, DWR staff to protect trade secrets. The motion was seconded by Karen Flanagin and passed unanimously by voice vote (no “nay” votes).

After the executive session expired, Jeff Deeds moved that Term Permit 20229040 be treated as a change application submitted prior to GMD 4 2023-2027 LEMA. The motion was seconded by Brent Rogers and passed unanimously by voice vote (no “nay” votes.)

9. OPEN SESSION – Public Questions/Comments:

Nothing to report.

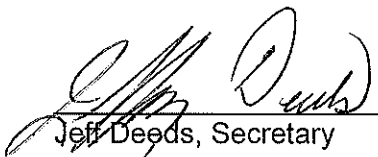
10. FUTURE MEETINGS:

The next regular board meeting is scheduled for April 5, 2023 at 9 a.m. C.D.T. at the GMD 4 office.

ADJOURNMENT

With no other business and no objections the meeting adjourned.

Respectfully submitted:



Jeff Deeds, Secretary

