

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT 4
May 5, 2021

1. OPEN MEETING, ATTENDANCE AND AGENDA

The May 5, 2021 board meeting was opened at the GMD4 office in Colby, Kansas by President Brett Oelke and via teleconference.

Board members present for some or all the meeting were:

Jerry Binning, Nate Emig (virtually), Karen Flanagan, Lynn Goossen, Dylan Loyd, Shane Mann, Ted Nighswonger, Brett Oelke, and Brent Rogers

Board members absent: Jeff Deeds and Marsha Schilling

Others present for some or all of the meeting were: Shannon Kenyon, Jody McCain, and Dan Simmering – GMD 4 staff; Adam Dees – GMD 4 attorney; Kelly Stewart and Rebecca Hageman – DWR (virtually); Keadron Pearson and Amelia Nill – KWO (virtually); Dwayne Kersenbrock; and Alan Townsend

Change to the agenda was noted:

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

Add 8 b. K-State Flyer to New Business

2. CONSENT AGENDA

Ted Nighswonger 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).

Ted Nighswonger moved the minutes of the April 7, 2021 board meeting be accepted as presented. The motion was seconded by Jerry Binning and passed unanimously by voice vote (no “nay” votes).

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

3. OPEN FORUM

Nothing presented.

4. AGENCY REPORTS

Kelly Stewart reported that he and Rebecca have been working on the over pump list, focusing on the producers in the GMD 4 LEMA. Kelly was disappointed with the number of producers on the list, since monitoring wells every 2 weeks is a part of the LEMA. He feels that some of this could be attributed to "thinking I can over pump my water right as long as I don't go over my LEMA quantity"; without taking into consideration their annual authorized quantity. The days of leniency are over. As such, the penalties will be harsher than in the past. However, the reductions will be taken out of the 2022 amounts.

Rebecca Hageman reported that she and Shannon have been working on the GMD 4 over pump list, to contact producers for energy/power records to determine if a rate test is needed, or if there was an actual over pump.

Keadron Pearson reported that the next Kansas Water Authority meeting is scheduled for May 18, 2021 virtually at 9 a.m. In October of 2020, \$500,000 of the original \$2 million of the RRC settlement was transferred to the Cheyenne County Conservation District. A major focus of the board is clean up and tree removal along the river. Keadron will send Shannon a statistics sheet showing the cost-share technology breakdown of the money given out in 2021.

Amelia Nill is the new Kansas Water Office planner. She introduced herself to the board, and is looking forward to learning more about GMD 4.

5. MANAGER'S REPORT

a. APRIL UPDATES

With the warmer weather producers are in the fields and things in the office have slowed down. Shannon has been working on GMD 4 LEMA water level data. Shannon submitted an open records request for the water use data for 2020. A GMD 4 LEMA Advisory Committee meeting is scheduled for May 12th at 10 a.m.

Brett Oelke and Shannon did an interview with High Plains Public Radio because they are doing a story on LEMAs. Shannon should be receiving a copy of the story soon.

There has been quite a stir in the eastern portion of the district on a proposed Kansas Nebraska National Heritage Area partnership. Dwayne Kersenbrock shared his perspective, after attending the WaKeeney informational meeting. Ted Nighswonger also attended the informational meeting in Hill City. Commissioners in Decatur, Sheridan, and Graham counties have signed resolutions against the partnership. The board agreed this is a topic to keep an eye on.

b. MAY OPPORTUNITIES

Shannon will continue to work with Rebecca on getting the energy/power records and documentation needed to get the over pump list completed.

Shannon will start working on the request of information from the counties for assessments.

6. FIELD REPORT

Dan reported that he has completed the rate tests he had on the calendar so far. He is working on cleaning up some of the areas that Taylor had worked on last summer, installing seals. Dan noted that he is still finding several older meters (85'-95') in use out in the field. However, he is also finding new meters that may have some spacing issues and brands not certified for use. He has been in contact with GIS Workshop regarding adding another layer to the program that focuses on just the SD 6 area.

7. UNFINISHED BUSINESS

a. GMD 4 LEMA

Shannon got the water level declines analyzed and called on Ray to take a look. She wanted to make sure the data was consistent with when Ray did it back in 2016. Shannon distributed the LEMA Advisory Committee packets, so the board would have a chance to look at the data.

b. SD-6

As noted at the last meeting, the SD 6 Advisory Committee recommended we move forward with renewing the SD 6 LEMA with the same criteria as the 2018 – 2022 LEMA. It was the board consensus to hold a public meeting in Hoxie at the Elks lodge for SD 6 producers to have the opportunity to ask questions and review the details.

c. EXECUTIVE SESSION – Staffing

Dylan Loyd moved to go into executive session at 11:25 am for 10 minutes with Shannon Kenyon, the board of directors, and Adam Dees for the purpose of staffing needs discussion. The motion was seconded by Jerry Binning and passed unanimously by voice vote (no “nay” votes).

Dylan Loyd moved to go into executive session for an additional 10 minutes at 11:36 a.m. with the board of directors, Shannon Kenyon, and Adam Dees. The motion was seconded by Brent Rogers and passed unanimously by voice vote (no “nay” votes).

8. NEW BUSINESS

a. EXECUTIVE SESSION – ALAN TOWNSEND (10 AM)

Prior to executive session Rebecca Hageman and Kelly Stewart of DWR gave an overview of water right #12,936. It has a 0 LEMA allocation, Alan just purchased it, it was in EQIP, and Alan would like to add it to his WCA.

Brent Rogers moved to go into executive session for 15 minutes with Shannon Kenyon, the board of directors, and Adam Dees to protect trade secrets. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).

The board acknowledged Mr. Townsend's water conservation efforts through his WCA. Discussion ensued, regarding pending litigation as well as setting a precedent.

Brent Rogers moved to deny the appeal. The motion was seconded by Dylan Loyd and passed unanimously by voice vote (no “nay” votes).

b. K-STATE FLYER

Shannon was contacted again this year, regarding a flyer sent out to select producers in the state. Shannon had asked Nathan Hendricks to not send that out to producers in GMD 4. The board requested Shannon contact his supervisor.

9. OPEN SESSION – Public Questions/Comments:

Dwayne Kersenbrock asked if the board was still hearing negative criticism from producers regarding the LEMA. The board’s response was it has been very quiet.

10. SCHEDULING FUTURE MEETINGS:

The next board meeting is scheduled for Wednesday, June 2, 2021 at 9 am CDT at the GMD 4 office in Colby.

ADJOURNMENT

With no other business and no objections the meeting adjourned.

Respectfully submitted:



Brent Rogers, Acting Secretary