

**NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT 4**  
**December 15, 2022**

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

The December 15, 2022 board meeting was opened at City Limits Convention Center in Colby, Kansas by President, Brett Oelke.

Board members present for some or all the meeting were:

Jeff Deeds, Nate Emig, Lynn Goossen, Dylan Loyd, Shane Mann, Brett Oelke, Ted Nighswonger, and Marsha Shilling.

Board members absent: Jerry Binning, Karen Flanagan, and Brent Rogers.

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; Sean Miller, Jake Kling – new attorney; GMD 1 staff and board members, Nathan Zodrow, and Bill Miller.

Changes to the agenda were noted:

Add **3. h. Legislative Stuff** and **3. i. If Needed**.

**2. CONSENT AGENDA**

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

Adam Dees noted that the in the language for “5-24-12. Allowable Water Transfers into or out of the District,” it should read “. . .water transfers” instead of “water transfer.”

**Dylan Loyd moved the corrected minutes of the November 2, 2022 board meeting be accepted as corrected. The motion was seconded by Shane Mann and passed unanimously by voice vote (no “nay” votes).**

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

**3. UNFINISHED BUSINESS**

**a. GMD 4 LEMA**

The order has been issued, so the 2023 – 2027 LEMA will begin on January 1, 2023. Mailings will be sent to producers via DWR. The GMD will reimburse them for postage spent on the mailings.

b. SD-6

Jody has put together a postcard to be sent to the producers and was distributed for input. Shannon asked for any changes that need to be made. The updated postcards will be mailed out after January 1, 2023.

c. PUBLIC OUTREACH

Tallee Davis with NWKTC has been coordinating meeting dates to be held in January and July of 2023 in St. Francis, Goodland, and Colby. The purpose of these meetings are to discuss water in western Kansas. Tallee will create the advertising/mailings for the meetings. She has asked that the GMD help pay for the postage. Shane Mann suggested that a meeting also be held in Oakley, to focus on the Logan/Gove county producers also. It was suggested to contact KLOE to discuss the dates on Curtis Duncan's radio show, as well as sending press releases to the local newspapers.

**Jeff Deeds moved to pay for postage, not to exceed \$5,000. The motion was seconded by Marsha Schilling and passed unanimously by voice vote (no "nay" votes).**

d. ATTORNEY CONTRACT

Shannon asked Adam Dees to come forward to present him with a Thank You gift from the board, as this will be his last meeting as the GMD 4 Attorney.

Adam then introduced Jake Kling of Fairbanks Kling Law, P.A. Jake then gave a brief biography, in which he does not have an extensive water law background, however he has worked with several of the municipalities in our area. Nate and Shannon had met with Jake last month, and felt he would be a great addition to GMD 4. As a contract is not utilized for Jake's practice, a letter of engagement will be signed and provided.

**Dylan Loyd moved to hire Jake Kling as GMD 4 Attorney to replace Adam Dees. The motion was seconded by Shane Mann and passed unanimously by voice vote (no "nay" votes).**

#### 4. NEW BUSINESS

a. ArcGIS PRO

Over the Thanksgiving break Shannon was able to take advantage of the 21 day free-trial of ArcGIS Pro program. She put together a BETA program which Colter was able to access on his phone and the tablet. She has also spoken with Brownie Wilson regarding the possibility of KGS and the state collaborating on a platform that could replace WRIS and be used state wide between agencies.

**Ted Nighswonger moved to purchase one license subscription for one year to be used by GMD staff. The motion was seconded by Dylan Loyd and passed unanimously by voice vote (no "nay" votes).**

b. Auditor Contract

In the past, the board has agreed to a three year contract with Adams Brown for the annual audit process. A copy of the new engagement letter had been included in the board packet. Jody noted that last couple of year's everything was done through the Adams Brown SafeSend program, with no need to be in the office. It is very user friendly, and she can see everything the auditor requests in a checklist format. It also

shows the status as to what has been worked, what is being worked on, what is needed, and has comment sections for clarification if needed.

**Nate Emig moved to approve the three year contract as presented. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no "nay" votes).**

**c. Barfield Contract**

Shannon asked the board if they wanted to renew the contract with David. He did increase his fee \$5/hour, but is not requiring a retainer fee.

**Nate Emig moved to renew the contract. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no "nay" votes).**

**d. ANNUAL MEETING**

Shannon reminded everyone that the annual meeting will be Wednesday, February 15<sup>th</sup> at the Sugar Hills Country Club. The board meeting will begin at 9 am MST, lunch at 11:30 am, annual meeting at 1:30 pm, then conclude with election of officers afterwards. She confirmed that Brett will do the president duties, Jeff the secretary, and Lynn the treasurer. She asked for a volunteer to do the elections. Brent Rogers was volunteered by the board.

**e. EXECUTIVE SESSION – Nathan Zodrow waiver request ; Staff Contracts/Bonus**

**Jeff Deeds moved to go into executive session at 3:05 p.m. for 20 minutes with the board of directors, Nathan Zodrow, legal counsel, 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).**

The board came out of executive session at 3:20 p.m.

**Nate Emig moved to approve the waivers as discussed in executive session so that Mr. Zodrow can move forward with his concrete plant relocation. The motion was seconded by Lynn Goossen and passed unanimously by voice vote (no "nay" votes).**

**Dylan Loyd moved to go into executive session at 5:04 p.m. for 5 minutes with the board of directors, legal counsel, Shannon and Colter as requested to discuss personnel matters.**

**Shane Mann moved to approve a bonus for Colter Stoll, as discussed in executive session. The motion was seconded by Jeff Deeds and passed unanimously by voice vote (no "nay" votes).**

**f. STAFF CONTRACTS**

A motion to approve the 2023 contracts is needed.

**Shane Mann moved to approve the staff contracts as discussed in the June 2022 executive session. The motion was seconded by Marsha Schilling and passed unanimously by voice vote (no "nay" votes).**

**g. GMD 1**

A guided round-table discussion between GMD 1 and GMD 4 board members took place during lunch. Shannon and Katie Durham guided the discussion with questions submitted by board members ahead of time.

**h. LEGISLATIVE STUFF**

Shannon brought it to the board's attention, that the Kansas Water Office holds a "Water Week" event in Topeka each January. She thought this may be a better time to talk to Legislators, rather than during the GMD Legislative retreat that takes place in February. With water being pushed to the forefront, the board felt it necessary for Shannon to be in attendance at both. Jeff Deeds noted that board members should also be present to talk to Legislators, so that they put faces and names to the producers they are affecting.

**i. IF NEEDED**

Kelly Stewart with DWR reported that the annual water use reports will be mailed out the first part of January, with Rebecca Hageman noting that it will be in letter format again instead of the former thick postcard format of the past. The on-line reporting website should open up for use after the letters have been sent.

Kelly did note that the Townsend penalty appeal to the Secretary of Agriculture has been denied by Secretary Mike Beam.

Rebecca Hageman noted that the wording in the allocation letters to be sent to producers in the GMD 4 LEMA will drive home the point that they CANNOT overpump the certified annual quantity approved by the state at any time, unless they are enrolled in the MYFA program.

**5. OPEN SESSION – Public Questions/Comments:**

Bill Miller was in attendance, and asked that the board/DWR make it public as to who received term permits this year, and the amount of the term permits. He also asked who instigated the term permits.

Kelly Stewart responded that with it being the 5<sup>th</sup> year of the LEMA period, DWR would not approve any MYFAs for just a 1 year period, (DWR wants to run them concurrent with the LEMA periods) so the term permits were the only option as the state recognized this extremely dry/drought period across the western part of the state. Kelly emphasized that the term permits are a "one time deal", and his office would not allow them again. Instead those producers will be given the option to enroll in a MYFA, or face the consequences of any future overpumping penalties.

**6. SCHEDULING FUTURE MEETINGS:**

The next board meeting is scheduled for January 4, 2023 at 9 a.m. CDT at the GMD 4 office in Colby, with the 2023 Revised Budget Hearing scheduled to begin at 10:30 a.m., with an alternate date of January 11, 2023 if a quorum is not possible.

**ADJOURNMENT**

**With no other business and no objections the meeting adjourned.**

Respectfully submitted:

  
\_\_\_\_\_  
Jeff Deeds, Secretary

