

**WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1**  
**August 24, 2022 Special Board Meeting Minutes**

**BOARD MEMBERS PRESENT**

Mark Callender – President, Lane County  
 Travis Weaver – Vice President, Greeley County  
 Ray Smith – Wallace County Member\*  
 Brian Bauck – Wichita County Member  
 Steve Compton – Treasurer, Scott County

**STAFF MEMBERS PRESENT FOR ALL OR A PORTION OF THE MEETING**

Katie Durham – District Manager  
 Toni Palen – Office Administrator  
 Pat Ryan – Field Technician

**OTHER PEOPLE PRESENT FOR ALL OR A PORTION OF THE MEETING**

Tom Adrian*	Adrian & Pankratz Law Office	
David Barfield*	KWR Consulting	
Austin McCullouch*	Division of Water Resources	*Virtual Attendees
Keadron Pearson*	Kansas Water Office	
Shane Mann*	GMD4 Board Member	
Nate Emig*	GMD4 Board Member	
Lynn Goossen	GMD4 Treasurer	
Preston Smith*	GMD1 Landowner	
Duncan MacEwan*	TAPP H2O	
Richael Young	TAPP H2O	
Chase Larson	Bestifore	

- I. **CALL MEETING TO ORDER** – President Mark Callender called to order the August 24, 2022, Board of Directors meeting of the Western Kansas Groundwater Management District No.1 at 8:07 a.m. at the District Office in Scott City, Kansas.
  - a) **Review and Approve Agenda** – Katie Durham requested to moved TAPP H2O after the financials on the agenda. David Barfield asked if he could give his reflection from the Water Authority Meeting under Correspondence. Katie Durham requested to add Randy Biermann at the end of the agenda also. Travis Weaver made a motion to approve the July 29, 2022 Agenda with the changes stated above. Brian Bauck seconded the motion which passed unanimously.
  - b) **Review & Approve July 29, 2022 Minutes** – Ray Smith made a motion to approve the July 29, 2022 minutes. Brian Bauck seconded the motion which passed unanimously.
  - c) **Review & Approve Minutes of the July 29<sup>th</sup> Budget Hearing** – Steve Compton made a motion to approve the June 2022 Financials and Treasurer Report. Brian Bauck seconded the motion which passed unanimously.
  - d) **Review & Approve July 2022 Financials and Treasure Report** – The Board reviewed the July 2022 financials and treasure reports. Board discussion was held on the AT&T bill, Key Office Contract, Current P&L for July, and the Lobbyist bill. Ray Smith made a motion to approve the July 2022 treasure and financial reports. Steve Compton seconded the motion which passed unanimously.
- II. **TAPP H2O**
  - a) **Richael Young** communicated with the Board that her and Katie have had conversations regarding the issue of lack of subscriptions through GMD1. Richael explained she was hoping to relaunch the program to get more landowners signed up in GMD1. Richael introduced Shane Mann, Nate Emig and Lynn Goossen from GMD4 who attended GMD1's Board meeting. Richael stated each GMD4 Board Member was currently using the TAPP H2O program. Mr. Mann, Mr. Emig and Mr. Goossen each gave a personal testimony of how the TAPP H2O program was a successful tool for them. Travis Weaver, Ray Smith from

they had experienced some complications with the program's set up, how water use tracking is monitored, and shared concerns about the usability for employees and concerns pertaining to the technical support. Richael offered to follow up with Preston Smith to try and rectify the situation.

- III. **Executive Session No. 1** - Mark Callender moved that the Board recess at 9:00 a.m. for 30 minutes for an executive session for the purpose of consultation with the Board's attorney regarding the District's contractual obligations. The justification for the closed session is to avoid compromising the Board's position and to maintain the attorney client privilege. The open meeting is to resume in this room at 9:30 a.m. Travis Weaver seconded the motion which passed unanimously. Those present for the executive session included Mark Callender, Travis Weaver, Steve Compton, Brian Bauck, Ray Smith, Toni Palen, Katie Durham, and our district's attorney Tom Adrian. At 9:30 a.m. executive session was closed. No decisions were made, and no votes were taken during the executive session. The regular Board meeting reconvened at 9:40 a.m.

IV. **CORRESPONDENCE**

- **Cost Share Postcard** - Katie Durham presented the post card the District sent out regarding cost share availabilities and gave a brief review of the Newsletter that went out to landowners in August.
- **GMD3 Board Meeting** - Katie Durham shared that Mark Callender and herself, were invited to go to the GMD3 Board Meeting on August 10, 2022 to speak on both LEMA's the GMD1 Board has adopted. The GMD3 was especially interested in the appeals process that was put together. Mark and Katie stated they received valuable feedback and thought the meeting was incredibly positive.
- **Garden City Meeting August 21<sup>st</sup>** - Katie Durham stated she had been invited to attend a meeting in Garden City held on August 21, 2022, which was by private invitation only. Several groups of Water Leaders were in attendance. Katie stated the LEMAs were discussed positively. Katie thought the meeting went well and there was good dialogue.
- **KWA Meeting August 10, 2022** - David Barfield gave a brief update on the KWA Meeting. The Mega Water Bill is proposing a potential restructuring, and he stated more funding on water projects was mentioned. David shared he went to the Water Authority Meeting in Manhattan on August 17, 2022 on his own time. David announced that they approved the State Water Plan to update every five years and discussed the State Water Budget they oversee. Katie discussed the GMD1 Management Program stating the District needs to get it updated along with the Rules and Regulations. Katie acknowledges the last Management Program she could find was from 2005. The board noted that the program needed to be updated and tasked Katie to start working on a new Management Program.

V. **OLD BUSINESS**

- a) **Auditor Update** - Katie Durham informed the Board the District is in a contract with Lewis, Hooper & Dick until the end of 2022. After discussion, the Board suggested asking Dirk, Anthony & Duncan to perform a peer review to assure the District is in compliance. Brian Bauck made a motion to request Dirk, Anthony & Duncan to do a peer review for year ending 2022. Travis Weaver seconded the motion which passed unanimously.
- b) **Insurance - Comparable** - Katie Durham announced that we will be researching and comparing rates for insurance coverages as well as workman's compensation to ensure the District's current rates are comparable.

VI. **NEW BUSINESS**

- a) **Review 2023 County Assessment** - Katie Durham announced the 2023 County Assessments are completed and have been sent off to each County.
- b) **Airport Hangar Lease** - The Board reviewed a proposed bid for the added door at the hangar from The Overhead Door Company in Garden City for \$4190.00. The Board agreed to research more bids. The board discussed the lease amount, length of contract, insurance, repairs, and property taxes on the hangar. After Board discussion, they decided to keep the lease amount at \$300.00 per month, have the City of Scott City add liability insurance coverage up to one million, and asked to change the agreement to a three-year lease. Tom Adrian will make the changes requested and email to Katie Durham who will email to the Board members for final approval. Upon final approval from all Board members, Katie will share the lease agreement with the City of Scott City. Steve Compton made a motion to approve the above-mentioned changes. Brian Bauck seconded the motion which passed unanimously.
- c) **LEMA - Public Hearing Update** - Katie Durham stated the potential date for the Pre-Hearing Consultation is September 27, 2022, and the first Four County LEMA Public Hearing would be held on

October 17, 2022 in the morning. The first hearing will be held in Scott City, KS at a location to be determined. Also, there will be satellite zoom set up in Wescan for the first hearing with anticipation of having it set up at the Community Building.

- d) **Municipal & Domestic Wells Outreach** – Katie Durham suggested to reach out to municipalities and feed yards to start addressing some environmental issues. Katie would like to start educating them in our programs and to potentially work on getting grant funding in the future. The Board agreed to have Katie start reaching out to some feed yards and municipalities.

VII. **Legislative Update** – None

VIII. **DWR Report** - Austin stated suspension orders have been completed on wells that failed to provide water use reports in 2021. Austin mentions their office has been remarkably busy with the MYFA's and the water drought questions and reminded the Board that producers can file a MYFA up until December 31, 2022.

IX. **KWO REPORT** – Keadron Pearson announced the State Water Plan was approved for final draft. Keadron spoke on funding sources they are working on and mentioned Weston was working on various projects, collaborating with stakeholders and other groups.

X. **Executive Session No. 2**

- a) Mark Callender moved that the Board recess for an executive session at 11:00 a.m. for one hour for the purpose of discussing confidential data relating to Chase Larson. The justification for the closed session is to maintain the confidentiality of Mr. Larson's data. The open meeting is to resume in this room at 12:00 p.m. Brian Bauck seconded the move which passed unanimously. Those present for the executive session included Mark Callender, Travis Weaver, Steve Compton, Brian Bauck, Ray Smith, Toni Palen, Katie Durham, Chase Larson, and our district's attorney Tom Adrian. Executive session closed at 12:00 p.m. No decisions were made, and no votes were taken. The regular Board meeting reconvened at 12:03 p.m.

XI. **Wichita County LEMA Appeal**

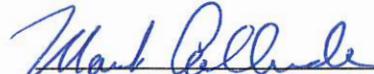
- a) **Randall Bierman WR#9588 29-17S-35W PDIV# 35921** – Toni Palen acknowledged an oversight she made on February 28, 2022 to the Board. Randall Biermann had turned in two separate WC LEMA appeal forms with the same water right number but different sections. Toni is resubmitting the LEMA allocation appeal form to request a pump test for Mr. Biermann. Travis Weaver made a motion to approve a test pump for section 29-17S-35W for Randall Biermann. Brian Bauck seconded the motion which passed unanimously.
- b) **Executive Session 3** – Mark Callender moved that the Board recess for an executive session for the purpose of consultation with the Board's attorney regarding the District's contractual obligations at 12:10 p.m. for 30 minutes. The justification for the closed session is to avoid compromising the Board's position and to maintain the attorney client privilege. The open meeting will resume in this room at 12:40 p.m. Those present for the executive session included Mark Callender, Travis Weaver, Steve Compton, Brian Bauck, Ray Smith, Toni Palen, Katie Durham, and our district's attorney Tom Adrian. Richael Young was asked to join executive session the last ten minutes. Executive session closed at 12:40 p.m. No decisions were made, and no votes were taken. The regular Board meeting reconvened at 12:40 p.m. Discussion continued with Richael Young and the Board concerning the contract with TAPP H20. The Board requested to buy out the contract but would continue to support and promote their services. The Board emphasizes they would like to be out of the contract so they can promote other technologies as well. Katie will submit in writing a request to buy out the contract and send to Richael at TAPP H20.

XII. **Meeting adjourned** – Travis made a motion to adjourn the meeting at 1:00 p.m. Brian Bauck seconded the motion which passed unanimously.

Respectfully Submitted:

  
Toni Palen, Office Administrator

Approved:

  
Mark Callender, President

Date: 10/19/2022