



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

Regular Meeting of the Board of Directors

Board Meeting October 19th, 2022

8:00 a.m. CST

The meeting will be made available in person at 906 W. 5th St. Scott City, KS or by posted zoom meeting link

I. Call Meeting to Order		Action
a. Review & Approve Agenda	Pg. 1-2	Action
b. Review & Approve Minutes of the September 21 st Board Meeting	Pg. 3-6	Action
c. Review & Approve Financial/Treasurer Reports	Pg. 7-16	Action
d. Review & Approve Quarterly Taxes	Pg. 17-20	Action
II. Correspondence		
a. Staff may report on correspondence received since the previous Board Meeting on September 21 st -Weather Mod Account -October Quarterly Newsletter -NRCS Training Day in Colby, KS -Regional Advisory Committee Member	Pg. 21-22	
III. Old Business		
a. Annual GMD1 Audit Update		
b. Revised Hangar Lease	Pg.23-24	Action
c. TAPPH20 – Executive Session		
IV. New Business		
a. Four County LEMA -October 17 th Public Hearing Recap -Steps & Schedule Moving forward -Appeals Process Form & Spreadsheet		
b. GMD1 Management Program Update & Revision Effort -Mission Statements – Discussion		
c. Updates from Legal Counsel – Tom Adrian -GMD1 Voting Procedures & Board Seats – Discussion		
d. Cost Share Applications -D&L Farms	Pg.25-30	Action
-E&D Farms	Pg.31-34	Action
-Andrew Smith Farms	Pg.35-38	Action
-Ehmke Farms	Pg.39-42	Action
e. WC LEMA Appeals & Discussion		Action
f. GMD1 Cost-Share Application – Discuss Revisions to Program		



g. Municipal & Stock Outreach Initiatives -Mission Statements – Discussion		
V. Legislative Update		
VI. DWR Report a. Meter Regulations and 300ft move		
VII. KWO Report		
VIII. Public Comment		
IX. Meeting Adjourn		Action

Mark Cullende Pres
10/19/2022

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1
September 21, 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

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	

- I. **CALL MEETING TO ORDER** – President Mark Callender called to order the September 21, 2022, Board of Directors meeting of the Western Kansas Groundwater Management District No.1 at 8:05 a.m. at the District Office in Scott City, Kansas.
- a) **Review and Approve Agenda** – Katie Durham noted changes to the Agenda that Weston McCary may give an update at 9:00 a.m. if he is available. Ray Smith made a motion to approve the amended Agenda for September 21, 2022. Travis Weaver seconded the motion which passed unanimously.
- b) **Review & Approve August 24, 2022 Minutes** – Brian Bauck made a motion to approve the August 24, 2022 minutes. Steve Compton seconded the motion which passed unanimously.
- c) **Review & Approve August 2022 Financials and Treasure Report** – The Board reviewed the August 31, 2022 financials and treasure reports. David Barfield gave a report on his invoice to the District. Ray Smith made a motion to approve the August 2022 treasure and financial reports. Steve Compton seconded the motion which passed unanimously.
- II. **CORRESPONDENCE**
- **Cost -Share Postcard Feedback & October Newsletter** – Katie Durham reported that the postcard on cost-share opportunities was mailed the first week of September, and the quarterly Newsletter will go out the first of October 2022 which will advertise the upcoming hearing dates. Katie brought to the attention of the Board members that our mailing list was outdated. Katie stated that she had Amber Hagerman that also aided with our Annual Assessments, help in getting our customer data updated which increased the mailing list substantially.
 - **Public Notice for FCL Hearing No. 1** – Katie Durham reported the initial public hearing shall commence at 9:00 a.m. CST on October 17, 2022 at the William Carpenter Building at the Scott County Fairgrounds, and a secondary location with virtual access to the initial public hearing shall also be available at the Risen King Community Church in Weskan, Kansas.
 - **PLIV – Groundwater Recharge and Sustainability Project (GRASP)** - Katie Durham prompted the board to look in the Board Packet at the Playa Lakes Joint Venture release dated September 13, 2022 stating we are in joint efforts with them in their conservation efforts by supplying them with our mailing list. Katie reiterated that we are only listed as a supporting partner with them with no financial attachments.
 - **Regional Advisory Committee Meeting** – Katie Durham reported there is a RAC meeting tomorrow, September 22nd. Katie stated she will be attending that meeting and giving an update on the FC LEMA Plan.

- **GMD1 Staff Recommendations to DWR** – Katie Durham reported there were two letters of recommendation requested by DWR in the Board Packet on pages 19-22 for Terry Berning and Seaboard Foods. Katie responded by letter with her approval of these recommendations to DWR. Mike Meyer gave a brief report on each one.
- Katie Durham added that Lynn Freeze visited the District Office and wanted to see if there would be an interest in establishing a Rural Water District in this area. The board and attendees had discussion regarding the opportunities this would give the District. Katie will research and get back to the Board.

III. **OLD BUSINESS**

- a) **Annual GMD1 Audit Update** – Katie Durham reported that the District is currently in a contract with Lewis, Hooper, and Dick until the end of this year 2022. The board had discussion and agreed to reconvene in January to discuss future contract possibilities.

IV. **NEW BUSINESS**

- a) **GMD1 Management Program Update & Revision Effort** - Katie Durham informed the Board that the GMD Act requires each District to have an active Management Plan in place. Katie stated the District's last updated Management Plan is dated in 2005. However, Katie informed the board of the importance of getting the Management Plan updated, so the District is in compliance with the State. Katie plans to have this to the Chief Engineer by January or February of 2023. Also, Katie stated the District needs to update the Bylaws and Rules and Regulations too. David Barfield added some suggestions. After discussion, the Board agreed to start the process of updating the Management Plan, Bylaws and Rules and Regulations.
- b) **Updates from Legal Counsel**
 - **FCL Written Testimony** – Katie Durham reported that Tom Adrian has assisted in helping her with a written and oral draft of her testimony for the FC LEMA Prehearing. Tom indicated that the testimony draft is similar to Wichita County LEMA. Katie stated she would email the Board the draft before the Hearing, so they have time to review it.
 - **TAPPH20** – Tom Adrian stated he called TAPPH20 but has not received a call back yet. Tom also recommended not paying the invoice from them until he has a chance to talk to someone regarding the District's offer to buy out the contract.
 - **GMD1 Voting Procedures & Board Seats** – Katie Durham explained she will be collaborating with Tom Adrian on the Voting Procedures. Tom Adrian stated he was comparing other Districts procedures and is putting together a draft for the Board to review. Travis Weaver questioned how other District's handle absentee ballots. Tom stated he will address those possibilities. Tom offered input on adding seats to the Board for a Municipal Representative, and a Livestock or Feedlot Representative for the Board to have a broader representation. Katie stated she has met with several City Councils in our five counties as part of our outreach to municipalities. More discussion on whether to add Board positions or just Representatives was discussed by the Board. Katie stated she would work on a draft for the board's review.
 - **Revised Hangar Lease** – Katie Durham reported on equipment in the hangar and proposed possibilities of selling items the District does not need. The Board reviewed the Lease Agreement for the City of Scott City and agreed to change the term to a 3-year term and make the lease effective January 1, 2023. Brian Bauck made a motion to approve the above-mentioned changes. Travis Weaver seconded the motion which passed unanimously.
- c) **Cost Share Application**
 - **Luke Smith** – Cost Share Application for water right numbers 24785-SW 28-17-35, 3993 NE 26-18-37, 17572 NE 20-17-35, and for 17572 SE 3-18-35 for replacing his regulators to Senninger Filter Regulators. Steve Compton made a motion to approve the Senninger Filter Regulators subject to the invoices being provided to our office for the four water right numbers and sections listed above for a total of \$5,097.08 to Western Sprinklers. Travis Weaver seconded the motion which passed unanimously.
 - **KU Farms (Dwight Koehn)** – Cost Share Application for water right numbers 9971-NW 21-16-33, 13192-NW 13-16-34, 5970-NE 6-17-33, 11592-SE 6-17-33 for Field 4g RTU with GNSS GPS system to remotely control pivots. After Board discussion, Travis Weaver made a motion to approve all four water right numbers subject to having the invoices provided to our office. Brian Bauck seconded the motion which passed unanimously.

- **Ryan Koehn** – Cost Share application for water right numbers 19697-NW 8-17-32 and 4716-SW 8-17-32 for Field 4g RTU with GNSS GPS System to remotely control pivots. After Board discussion, Travis Weaver made a motion to approve the two water right numbers subject to the invoices being provided to our office. Brian Bauck seconded the motion which passed unanimously.
 - **Kevin Brooks** – Cost Share Application for SW 31-16-30, NW 6-17-30, and SW 36-16-31 for Remote Pivot Controls. After Board discussion, Travis Weaver made a motion to approve the two sections for Remote Pivot Controls subject to the invoices being provided to our office. Brian Bauck seconded the motion which passed unanimously.
- d) **Finalize WC LEMA Appeals & Discussion** – Katie Durham informed the Board to view the Wichita County Appeals List that Mike Meyer prepared that shows allocation changes for the 2022 appeals. Mike Meyer explained the report shows all but three appeals met the requirements. Steve Compton made a motion to approve all appeals on the list provided by Mike except for the three that did not meet the requirements. Ray Smith seconded the motion which passed unanimously.
- e) **Four County LEMA**
- **Prehearing Conference** – Katie Durham informed the Board the Prehearing for the Four County LEMA will be on September 27, 2022 at 10:00 a.m. C.S.T. at the District’s office by virtual.
 - **FCL Public Hearing Update** – Katie Durham stated the first Public Hearing will be on October 17, 2022 at 8:00 a.m. C.S.T. in Scott City, KS. at the William Carpenter Building and by virtual in Weskan, KS. at the Risen King Church.
 - **Appeals Process Form & Spreadsheet** – Katie Durham suggested the Board work to develop an appeals process form & spreadsheet for the Four County LEMA appeals. The spreadsheet would have the formulas in it for adequate calculations. Also, Katie gave a quick update on Bestifor, Chase Larson’s technology program. Keadron Pearson added there is a potential Infrastructure funding that would be available through Kansas Water Office in support of the Bestifor Product.
- f) **GMD1 Cost share Application Revisions** – Katie Durham referred to the Memorandum dated September 21, 2022 to the Board on re-developing and expanding the Cost Share Program and applying for grant funding. Discussion between the Board Members was held and was then tabled until Katie finalizes the criteria’s and provides an updated Cost Share Application.
- g) **Municipal & Stock Outreach Efforts** – Katie Durham reiterated that she has had meetings with municipalities and will start reaching out to Livestock Facilities.
- h) **October Meeting Date Selection** - Katie Durham confirmed with the Board that the next Board Meeting date is October 19th.
- i) **Executive Session**- Mark made a motion to into executive session at 11:30 a.m. for 20 minutes for the purpose of discussing contracted services with counsel. Travis Weaver seconded the motion which passed unanimously. Those present in executive session included Mark Callender, Travis Weaver, Brian Bauck, Ray Smith, Steve Compton, Tom Adrian, Toni Palen, and Katie Durham. At 11:45 a.m. executive session was closed. No decisions or votes were taken in executive session.
- j) **Executive Session** - Mark made a motion to go into executive session at 11:45 a.m. for 20 minutes for the purpose of discussing non-elected personnel and to protect their privacy. Travis Weaver seconded the motion which passed unanimously. Those present in executive session included Mark Callender, Travis Weaver, Brian Bauck, Ray Smith, Steve Compton, Tom Adrian, and Katie Durham. At 12:10 p.m. executive session was closed. No decisions or votes were taken in executive session.

V. LEGISLATIVE UPDATE

- a) **Post Legislative Audit – Update** – Katie Durham reported the Post Legislative Audit should be done by the end of December 2022. Once the audit is complete, there will be a draft that will be made available to the District.

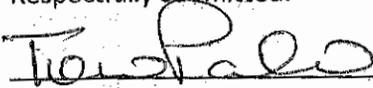
VI. DWR REPORT – Mike Meyer stated they had two staff positions available and was wrapping up on last year’s penalties. Mike reported that they have had calls regarding options due to the drought. Lastly, Mike informs the Board that the Cat House Recreation Area in Lane County is for sale and explains his concerns regarding this.

VII. KWO REPORT – Keadron Pearson reported there is an Upper Smoky Hill RAC meeting tomorrow at 1:30 p.m. in Leoti at the Library. Keadron mentioned that they will be having a Water Authority meeting in Wichita on October 19th. Details of that meeting are provided on their website. Also, Keadron shared they received approval of the draft for the updated State Water Plan that KWO and other agencies and groups had been working on.

VIII. **PUBLIC COMMENT** - None

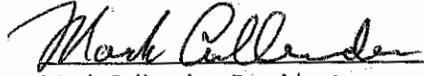
IX. **MEETING ADJOURN** – Ray made a motion to adjourn the meeting at 12:15 p.m. Travis Weaver seconded the motion which passed unanimously.

Respectfully Submitted:



Toni Palen, Office Administrator

Approved:



Mark Callender, President

Date: 10/19/2022