



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

Special Meeting of the Board of Directors

Tuesday, April 26th 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

	Page	Action
I. Call Meeting to Order		
Review & Approve Agenda	1	Action
Review & Approve Minutes of April 6 th Regular Board Meeting	2-4	Action
II. Correspondence – Staff may report on correspondence received since the previous Board Meeting on April 6 th		
a. Quarterly Taxes – Submitted	5-8	
b. Outreach and Communication	9-11	
III. Old Business		
a. LEMA Appeal Randal Bierman WR #9588 – The Board may review updates to the ongoing appeal process	12-13	Action
IV. New Business		
a. Building Maintenance – Staff may report on considerations for the Board to review.		
b. Proposed LEMA Discussion -Appeals Process -County Meetings -LEMA Draft Progress Report		
c. Cost Share – Andrew Smith, WR #8106	14-18	Action
d. Cost Share – D & L Farms, WR #7151	19-22	Action
e. Cost Share – E & D Farms, WR #11204	23-26	Action
f. Cost Share – Smith Land Company, WR #10771	27-30	Action
g. Cost Share – SKR Land LLC, WR #37095	31-33	Action
h. Cost Share – North Four Farms, WR #325	34-41	Action
i. Cost Share – High Choice Feeders – WR #'s will show for meeting	42-49	Action
j. Cost Share – Mark Ramsey – WR #SC30, 16971	52-57	Action
V. Legislative Update		
VI. DWR Report		
VII. Public Comment		
VIII. Meeting Adjourn		Action

Mark E. Callender, Pres
4/26/22

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

April 6, 2022 Board Meeting Minutes

BOARD MEMBERS PRESENT

Mark Callender – President, Lane County
Travis Weaver – Vice President, Greefey County
Steve Compton – Secretary, Scott County
Ray Smith – Wallace County Member
Brian Bauck – Wichita County Member

STAFF MEMBERS PRESENT FOR ALL OR A PORTION OF THE MEETING

Katie Durham – District Manager Toni Palen – Administrative Assistant

OTHER PEOPLE PRESENT FOR ALL OR A PORTION OF THE MEETING

Tom Adrian*	Adrian & Pankratz Law Office
Mike Meyer	Division of Water Resources, Garden City Office
David Barfield*	KWR Consulting
Autin McCollouch*	Division of Water Resources
Keadron Pearson	Kansas Water Office
Kristin Sekavec	Lewis, Hooper & Dick, LLC.
Greg Graff*	Don Smith
Tony Watson	Neil Wilson

Dan Sharp

*Virtual Attendees

CALL THE MEETING TO ORDER

The Western Kansas Groundwater Management District No.1 board meeting was called to order by President Mark Callender at 8:09 a.m. on April 6, 2022 at the District Office, Scott City, Kansas.

APPROVAL OF THE AGENDA

Ray Smith made a motion to approve the agenda as presented. Brian Bauck seconded the motion which passed unanimously.

APPROVAL OF THE MARCH 16, 2022 MINUTES

Ray Smith made a motion to approve the March 16, 2022 board meeting minutes. Brian Bauck seconded the motion which passed unanimously.

FINANCIAL REPORT

The board reviewed the all three sets of the financials for the month of March as presented. Ray Smith made a motion to approve the financials through the month of March 31, 2022. Brian Bauck seconded the motion which passed unanimously.

AUDIT REPORT

Kristin Sekavec with Lewis, Hooper & Dick LLC submitted her complete audit report for 2021 on the GMD1 to the board of directors. She explained everything looked great stating our expenses were lower, while salary was higher do to vacation time being paid. Lastly, she stated there were no violations or fraud found and overall the district was doing a great job on the financials. Ray Smith made a motion to approve the audit report as presented. Travis Weaver seconded the motion which passed unanimously.

OLD BUSINESS:

FUEL

Mark Callender stated the fuel was used an accumulation of trips to Oakley, Kansas and back. Plane needed to be refilled. The board was satisfied with this inquiry.

REVIEW LEMA ALLOCATION APPEAL:

JEROME & MARY BERNING – WR #3065 & 2076 – Berning's responded to the letter sent and provided Mary Berning's signature to the appeal. Brian Bauck made a motion to approve the appeals on water right number 3065 and 2076. Travis Weaver seconded the motion which passed unanimously.

BRAD BANGETER – WR #8376 & 13531 – a letter was presented to the board from Wichita County Water Conservation showing that these two water right numbers have been withdrawn from the Wichita County Water Conservation area, and the WCWCA Management Plan. Signatures from the other owners is still needed in order to grant approval on this Lema application. No action was taken.

BEVERLY NEUBAUM – WR #3443 – Sharilyn Kawa added her signature to the Lema application as requested in order for the appeal to be approved. Ray Smith made a motion to approve the appeal. Brian Bauck seconded the motion which passed unanimously.

RANDALL BIERMANN – WR #9588 – Teresa Biermann added her signature to the Lema application as requested. However, we still need to know the years being appealed. Toni Palen will send letter requesting more information. The board agreed to table this until we get the requested information.

NEW BUSINESS:

MAGGIE MORRISON – Maggie requested to have her vacation time of 316 hours paid. The board discussed this and was very thankful that Maggie had stayed and helped train Toni for months after her original last day. Also, stating since they paid Kyle Spencer's vacation time that they would pay for Maggie's also. Ray Smith made a motion to pay Maggie Morrison for her accumulated vacation time. Brian Bauck seconded the motion which passed unanimously.

BOB HOEME – The board discussed getting a plaque for Bob Hoeme for his 35 years of service as a GMD1 board member. Ray Smith made a motion to buy a plaque for Bob Hoeme to show their appreciation of his years being on the board. Travis Weaver seconded the motion which passed unanimously.

VISIT TO HANGAR – The board decided to plan for another day to all meet at the hangar when it is convenient for everyone.

COMPUTER ISSUE – The original problem was explained by Toni Palen that her computer did not have the hookups as the new computer did in order to zoom on the board meetings. However, Toni and Katie Durham figured they can back up the audio and video from the zoom board meetings from Katie's computer on to a flash drive and download onto Toni's computer for now. No action is required at this time.

CORRESPONDENCE:

LETTER FROM RANGER FEEDERS – A Letter of noncompliance on WR #14152 brought to the attention of the board. No action was required or taken.

GILLEN'S FARM INC – An invoice from Woofter Construction & Irrigation to replace a flowmeter was paid by Gillen's Farm was brought to the attention of the board. No action was required or taken.

GMD3 – An email from GMD3 stating historically each of the GMD's contributes to the cost of the legislative retreat in Topeka. The amount requested is for \$338.00 to be paid to GMD3 for reimbursement to continuing our support. Ray Smith made a motion to pay GMD3 \$338.00. Travis Weaver seconded the motion which passed unanimously.

GOVERNOR'S WATER CONFERENCE – An email from KWO was reviewed by the board of an upcoming conference at the Hilton Garden Inn in Manhattan, Kansas on November 16-17, 2022. No action was required or taken. Katie Durham offered to put together some future conferences and see if the board wishes for her to attend.

LEGISLATIVE UPDATE - Mark Callender asked Tom Adrian to give an update on the Legislative Bill. Tom stated bill 2686 was dramatically modified in that the end result was to substitute the bill with certain reports from the districts. Tom said senate bill 548 basically restricts GMD's to themselves to not be involved with irrigation and not municipalities. Also, senate bill 549 would allow municipalities to withdraw from the district. At the moment they are in a delayed situation for now. David Bartfield joined the meeting and was asked if he had any updates. David stated there were not any real updates at this time and the Mega Bill is at a standstill too. Also, stating that he didn't think things were decided yet but that he thinks some of these things will be revisited in the next session.

LEMA WORK & APPEAL PROCESS – David Bartfield gave examples to the board according to last month's request for further clarification. He presented a summary statistics on estimated days of pumping based on the estimated pumping rates provided. Next, he showed a table of average days of pumping based on DWR tested rates. He also gave examples of a sliding scale for number of days based on tested rate. There were

alternatives for this sliding scale to determine the number of days to use as replacement values for years of conservation. David continued to explain the four methods which are:

1. Appeal method 1 is for years of conservation for those owning or controlling groups for 2011-2020.
2. Method 2 is for control change with more than 3 years of history.
3. Method 3 is for control change with less than 3 years of history or a recent change in operating method or a recent change in overlaps.
4. Method 4 suggest the same procedures as method 3, but extends the date of acquiring control to February 23, 2022, when the Lema was announced at the latest annual meeting.

After David presented these alternatives, the board continued to discuss how this would affect the landowners with specific situations. Last, the board asked Katie Durham and David Bartfield to work together to come up with a draft for the next meeting.

DWR REPORT – Mike Meyers updated the board they have an opening in their office as they have lost a staff member. Mike stated his office is still working through water use reports and will start accessing penalties on the late reports. Late notice letters have already gone out and will go out again soon. Steve Compton commented on the new hire of Weston McCary and believes he will be a great asset and will be helpful with his hands on experiences.

KWO REPORT – Keaydon Pearson communicated that there would be a meeting on April 20, 2022. Information will be on their website. Keaydon updated the board on a RAC meeting that was held yesterday stating that Mark Callender was there and gave an update on GMD1's Lema plan to the committee. Also, there was a motion made to send a letter of support from the RAC for the district wide Lema to the Water Authority. Keaydon stated she is working with the chairman on drafting that letter in hopes of them wanting to move forward and will let us know in June the outcome. Also, there was an aquifer update from Brownie Wilson with KGS on the levels of data that was gathered from DWR and KGS. Keaydon explained how excited she is have Weston McCary on board as they start phase two and how awesome his work is. Lastly, she explained to the board that she would be on maternity leave and probably wouldn't be at the next board meeting.

UPPER SMOKY REGIONAL ADVISORY COMMITTEE REPORT: NONE

OTHER: NONE

PUBLIC COMMENT – Neil ^{Wilson} Smith stated on the Lema Plan the board of directors need to be better about getting information out there so landowners have something to look at and absorb how it works. Also stating landowner's need to know how it's going to affect them personally. Don Smith stated that we should put the search for allocation on our website. David Bartfield explained we cannot put that on the website for privacy reasons but can mail, email, or fax an allocation sheet to anyone who will get ahold of us. Dan Sharp asked the board what is their baseline for conservation. He wanted to know if it was based on crop, corn or grass. He explained his farming is mostly grass. Dan shared concerns of conserving now with the grass crop but with the way the Lema is set up he is concerned he will not be able to go back and grow corn in the future since his numbers are low do to conserving now. He suggested a baseline to help with understanding this. The board listened to the landowner's concerns and will take in consideration while they move forward in the final planning on the Lema process.

EXECUTIVE SESSIONS: NONE

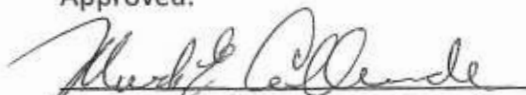
CALENDAR - Next board meeting is ^{June 26, 2022} ~~May 18, 2022~~ at 8:00 a.m. at the District Office.

ADJOURN - Ray Smith made a motion to adjourn the meeting at 12:32 p.m. Travis Weaver seconded the motion which passed unanimously.

Respectfully Submitted:


Toni Palen, Administrative Assistant

Approved:


Mark Callender, President

Date: 4/26/22