

**WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1**

**BOARD OF DIRECTORS MEETING**

January 19, 2022

<u>TIME</u>	<u>AGENDA</u>	ACTION REQUIRED	PAGE #
8:00 a.m.	Call Meeting to Order		
	Approval of Agenda	x	
	Approval of December 15 & 29, 2021 Board Minutes	x	1-4
	Financial and Treasurers Report	x	5 – 15a
	2022 financial resolution	x	16
	Bank Signature cards	x	
	Annual Meeting:		
	Agenda		17
	2021 Statement of Expenditures & 2023 proposed budget	x	18 - 19
	4 County LEMA Information:		
	LEMA summary; allocation examples & explanation;		
	County meetings??		
	WHCL appeal:		
	B2 appeal – File# 26246	x	20 - 21
10:00 a.m.	Executive Session		
	4 County LEMA: Update/discussion		
	DWR Report:		
	KWO & Upper Smoky Regional Advisory Committee Report:		
	WX:		
	Other:		
	Public Comment:		
	Executive Session:		
	Calendar/Meetings:		
	GMD Legislative Retreat – February 8 & 9, Topeka		22
	Board Meeting – February 16		
	Annual Meeting – February 23 – 1:30 p.m. Scott County Fairgrounds		
	4 County LEMA County meetings?		
	Adjourn		

# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

December 15, 2021 Board Meeting Minutes

## BOARD MEMBERS PRESENT

Mark Callender  
Bob Hoeme  
Travis Weaver  
Brian Bauck  
Ray Smith

## BOARD MEMBERS ABSENT

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

Kyle Spencer, Manager

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

Tom Adrian*	Adrian & Pankratz Law Office
Mike Meyer, Water Commissioner	Division of Water Resources, Garden City Office
David Barfield*	KWR Consulting
Keadron Pearson*	Kansas Water Office
Greg Graff	
Don Smith	
Gary Wilbur	
Steve Frost*	* 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 8:07 a.m. December 15, 2021 at the District Office, Scott City.

## APPROVAL OF THE AGENDA

Travis Weaver made a motion to approve the agenda as presented. Bob Hoeme seconded the motion which passed unanimously.

## APPROVAL OF THE NOVEMBER 17, 2021 MINUTES

Brian Bauck made a motion to approve the November 17, 2021 Board meeting minutes. Ray Smith seconded the motion which passed unanimously.

## FINANCIAL REPORT

Bob Hoeme made a motion to approve all three sets of financials for the month of November as presented. Brian Bauck seconded the motion which passed unanimously.

## CHANGE APPLICATION - FILE #14,695

The board reviewed the applicant's submitted additional information for the change application which was requested by the board at November's meeting. Applicant Gary Wilbur also provided additional verbal information regarding static water level measurements and the continued monitoring plans for the neighbor's domestic well. Mr. Wilbur also informed the board he has agreed to limit the pumping rate of the proposed change well to 50 gpm and that it will only be used for the purpose of pre-watering for three pivots. Mike advised, that since this well has been previously changed and if this application were to be approved, any new effects from the proposed change well would become Junior in status to the neighboring domestic well. Additionally, there was no response or objection submitted by the additional domestic well owner beyond the normal spacing requirements. After review and consideration of the additional information provided, Travis Weaver made a motion to waive the District's well spacing requirements for the change well identified by PDIV #38704 and recommend approval of the application due to with "emphasis" on the consent provided by the neighboring domestic well owners. Brian Bauck seconded the motion. The motion passed unanimously.

## WTAP APPLICATIONS

The board examined three Water Right Transition Assistance Program applications, one in the Tribune South target area and two in the Leoti target area, for the purposes of providing a ranking recommendation of each application's priority and funding. The Tribune South application contained two wells that are actively being

pumped, one Leoti application had one well, recently refurbished, but had not been pumped since 1987 and the other Leoti application had two wells both pumped as recently as 2016. The board's review considered each well's proximity to targeted municipal wells, acre feet to be retired and current or recent pumping activity. After discussing the benefits of each application, Travis Weaver made a motion to rank the Tribune South and Leoti application containing two wells with equal priority ahead of the other Leoti application and to support funding all three applications. Brian Bauck seconded the motion which passed unanimously. Although it is unlikely the program has the resources to fund all three applications, the board wanted to convey the message that more funding resources should provide for the program as all three applications would be beneficial to the future of both municipalities. The board also discussed the future possibility of utilizing some of District's irrigation cost share funds to assist the municipalities within the district seeking to acquire additional wells.

#### **KWR CONSULTING AGREEMENT EXTENSION**

David Barfield reviewed the amendment of his consulting services agreement with the District to extend the services agreement into 2022 with a rate increase of 6.7%. Ray Smith made a motion to accept the new terms as presented. Travis Weaver seconded the motion which passed unanimously.

#### **ADDITIONAL LEMA UPDATE**

Mike Meyer reported that over the last three months his office has had six staff members working on verifying the water use history and hopes to finish up the verification process by January 3<sup>rd</sup>. Dual Use permits (Irrigation & Stock) were reviewed and discussed to determine the best method to provide LEMA allocations for these type of permits. Since these permits have only been available in recent years, the likely best method would be to base the LEMA allocation on the total of both uses as the past usage will be primarily irrigation. The LEMA reduction percentage would be applied to the total use and the resulting allocation could still be used for either use. If these permit holders do not like this method they can always divide the water right, convert it to stock only with no reduction or return it to irrigation only. The discussion then focused on which of six alternatives of the sliding scale allocation method should be used for proposal at the county meetings, noting that the choice made today does not need to be the final decision. David reviewed the six alternatives which ranged from a no reduction floor of either three or four inches and the maximum percent reduction of 25% being applied at the top of scale at anywhere from 11 – 13 inches, all per authorized acre. Although there was some discussion of returning to a rate based allocation method which would require testing each well and establishing a set number of days for the multiplier, the board returned to the sliding scale method for initial proposal at the county meetings with a consensus for alternative four ( 3"-12"). At this time the remainder of meeting agenda from this point through public comment was tabled due to loss of power and phone service at the district office caused by the on-going windstorm as well as preparation for the scheduled executive sessions if the meeting were to continue.

#### **DWR REPORT - NONE**

#### **KWO/RAC REPORT- NONE**

#### **WX. NONE**

#### **OTHER - NONE**

#### **PUBLIC COMMENT - NONE**

#### **EXECUTIVE SESSIONS**

Ray Smith made a motion to go into executive session for 30 minutes from 12:30 p.m. until 1:00 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Travis Weaver seconded the motion. The motion passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith and Brian Bauck and manager Kyle Spencer. At 1:00 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session. Bob Hoeme made a motion to go into executive session for 30 minutes at 1:00 p.m. until 1:30 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Ray Smith seconded the motion. The motion passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith, Brian Bauck, manager Kyle Spencer and Toni Palen. At 1:30

p.m. the executive session was closed. No decision were made and no votes were taken during the executive session. Ray Smith made a motion to go into executive session for 30 minutes from 1:30 p.m. until 2:00 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Travis Weaver seconded the motion which passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith, Brian Bauck, manager Kyle Spencer and Jacquelyn Wilson. At 2:00 p.m. the executive session was closed. No decision were made and no votes were taken during the executive session. At this time Bob Hoeme was called away from the meeting due to the on- going windstorm. The board evaluated the deteriorating weather conditions, however, as the next interviewee was already present at the office, the board decided to continue with the next interview. Travis Weaver made a motion to go into executive session for 30 minutes from 2:20 p.m. until 2:50 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Brian Bauck seconded the motion which passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Ray Smith, Brian Bauck, manager Kyle Spencer and Rachel Richardson. At 2:50 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session. Ray Smith made a motion to go into executive session for 45 minutes from 2:55 p.m. until 3:40 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Brian Bauck seconded the motion which passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme returned at 3:12 p.m. Ray Smith, Brian Bauck, manager Kyle Spencer and Mike Meyer. At 3:40 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session. Ray Smith made a motion to go into executive session for 15 minutes from 3:45 p.m. until 4:00 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Travis Weaver seconded the motion which passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith, Brian Bauck, and manager Kyle Spencer. At 4:00 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session. Ray Smith made a motion to go into executive session for 20 minutes from 4:00 p.m. until 4:20 p.m. for the purpose of discussing non-elected personnel and to protect their privacy. Brian Bauck seconded the motion which passed unanimously. Those present for the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith, Brian Bauck, manager Kyle Spencer and Mike Meyer. At 4:20 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session. The board was informed that the last scheduled interviewee had sent a message stating they would not be able to make it for the interview due to the weather conditions.

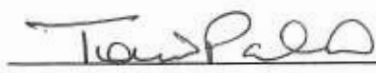
## CALENDAR

The board discussed the schedule of meetings for the remainder of the year and the first couple of months in 2022. Board consensus was to keep the regular January and February board meetings as scheduled, January 19<sup>th</sup>, and February 16<sup>th</sup> respectively and plan the District's Annual meeting for February 23<sup>rd</sup>, 2022. There was also a tentative plan for holding a special meeting on one of the three following dates, December 22, 29<sup>th</sup>, or January 5<sup>th</sup>, 2022, with the possibility of holding public county LEMA meetings in the first or second week of February 2022.

## ADJOURN

Travis Weaver made a motion to adjourn the meeting at 5:20 p.m. Brian Bauck seconded the motion which passed unanimously.

Respectfully Submitted:

  
-Manager  
Administrative Asst.

Approved:

  
Mark Callender, President

Date: 1/19/2022



**WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1**

**December 29, 2021 Board Meeting Minutes**

**BOARD MEMBERS PRESENT**

Mark Callender  
Bob Hoeme  
Travis Weaver  
Brian Bauck\*  
Ray Smith\*

**BOARD MEMBERS ABSENT**

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

Kyle Spencer, Manager  
Maggie Morrison, Administrative Assistant

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

\* 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 9:10 a.m. December 29, 2021 at the District Office, Scott City.

**APPROVAL OF THE AGENDA**

Travis Weaver made a motion to approve the agenda as presented. Bob Hoeme seconded the motion which passed unanimously.

**EXECUTIVE SESSION**

Bob Hoeme made a motion to go into executive session for two and one-half hours from 9:10 a.m. until 11:40 a.m. for the purpose of discussing non-elected personnel and to protect their privacy. Travis Weaver seconded the motion. The motion passed unanimously. Those present for all or part of the executive session included board members Mark Callender, Travis Weaver, Bob Hoeme, Ray Smith, Brian Bauck, manager Kyle Spencer, and administrative assistant Maggie Morrison. At 11:40 p.m. the executive session was closed. No decisions were made and no votes were taken during the executive session.


Before adjourning the meeting, the board agreed on the location of Scott City for the February 23, 2022 annual meeting. Kyle advised, both the administrative assistant and manager computers are in need of replacement in the near future. The board's consensus was for Kyle to retain the manager's computer to aid in the transition to new staff.

**CALENDAR**

**ADJOURN**

Travis Weaver made a motion to adjourn the meeting at 12:00 p.m. Bob Hoeme seconded the motion which passed unanimously.

Respectfully Submitted:

  
\_\_\_\_\_  
Manager  
Administrative Asst.

Approved:

  
\_\_\_\_\_  
Mark Callender, President

Date: 1/19/2022