



# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

## Regular Meeting of the Board of Directors

Board Meeting April 26<sup>th</sup>, 2023

8:00 a.m. CST

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

<b>I. Call Meeting to Order</b>		Action
a. Review & Approve Agenda	Pg. 1-2	Action
b. Review & Approve Minutes of the March 22nd Board Meeting	Pg. 3-6	Action
c. Review & Approve March Finances	Pg. 7-17	Action
<b>II. Correspondence</b>		
a. Staff may report on correspondence received since the previous Board Meeting -Feedback from County Outreach Meetings -Municipal Outreach April 26 <sup>th</sup> , 2023 -NRCS Training Day May 2 <sup>nd</sup> & 3 <sup>rd</sup> -Roberts Rules of Order		
<b>III. Old Business</b>		
a. Legal Correspondence – Tom Adrian and Reece Hiebert		Action
b. FCL Appeals – Tabled in March		Action
c. Richard & Glenda Randall	Pg. 18-21	Action
<b>IV. New Business</b>		
a. Cost Share Application -D&L Farms -D&C Farms -North Six Farms -Simons Farms -L&E Farms	Pg. 22-28 Pg. 29-33 Pg. 34-38 Pg. 39-44 Pg. 45-47	Action Action Action Action Action
b. Revised Cost Share Program		
c. DWR Recommendations	Pg. 48-50	Action
d. K-State – Request for Letter of Support	Pg. 51	Action
e. PLJV – Request for Letter of Support	Pg. 52	Action
f. FC LEMA Appeals		Action
<b>V. Legislative Update</b>		
<b>VI. DWR Report</b>		

*Mark Callender President*  
*4/28/2023*



VII. KWO Report		
VIII. Public Comment		
IX. Meeting Adjourn		Action

*Mark Callender President*  
*4/26/2023*

# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

## Regular Meeting of the Board of Directors March 22, 2023 Board Meeting Minutes

### BOARD MEMBERS PRESENT

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

### STAFF MEMBERS PRESENT

Katie Durham – District Manager  
Toni Palen – Office Administrator

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

Kristin Sekavac	Lewis Hooper and Dick
Mike Meyer	Division of Water Resources
David Barfield*	KWR Consulting
Dr. Jonathan Aguilar	Agronomist
Tom Adrian*	Adrian & Pankratz Law Office
Brent Edwards	
Neil Wilson	
Chandler Berning	*Virtual Attendees
Craig & Adam Hughes	
Don Smith	

- I. **CALL MEETING TO ORDER** – President Mark Callender called the March 22, 2023 Board of Directors meeting of the Western Kansas Groundwater Management District No. 1 to order at 8:08 a.m. located at the District Office in Scott City, Kansas.
  - a) **Review & Approve Agenda** – Katie Durham requested to add Kristin Sekavec with Lewis, Hooper, & Dick LLC. to the Agenda under “I. c).” Travis Weaver made a motion to approve the March 22, 2023 Agenda with the addition of adding Kristin Sekavec to the Agenda. Steve Compton seconded the motion which passed unanimously.
  - b) **Review & Approve January 27<sup>th</sup> Board Meeting Minutes** – The Board reviewed the January 27, 2023 minutes. Steve Compton made a motion to approve the January 27, 2023 Meeting Minutes. Travis Weaver seconded the motion which passed unanimously.
  - c) **Review & Approve January & February 2023 Finances** – The Board discussed moving funds from the Modification account to the Cost Share account. Kristin explained to the Board for bookkeeping purposes it would be better to move the funds from the Modification account into the General Fund first, then to the Cost Share account. The Board had more discussion about the 3 separate banks the District’s funds are in, along

with checking out better interest rates on funds that are accumulating. Katie Durham will investigate options on the bank accounts for the next Board meeting. Travis Weaver made a motion to approve the January and February 2023 financials. Brian Bauck seconded the motion which passed unanimously.

- d) **Kristin & Financials** - Kristin Sekavac with Lewis, Hooper, and Dick LLC., presented her 2022-year end audit to the Board. Kristin made suggestions to the Board and stated she found no fraud or difficulties with the audit. Tom Adrian with Adrian & Pankratz Law Office requested a copy of the audit.

II. **CORRESPONDENCE – Staff may report on correspondence received since the previous Board Meeting.**

- **2023 Legislative Update (HB 2302 & HB 2279)** – David Barfield gave a brief update on HB 2302 & HB 2279.
- **Municipal Outreach April 26<sup>th</sup>, 2023** – Katie Durham confirmed the Municipal Outreach meeting is on April 26, 2023 at Ma & Pa's Restaurant at 12:00 p.m.

III. **Travis Weaver made a motion to move the executive session before the old business. Steve Compton seconded the motion which passed unanimously.**

- a) **Executive Session** – Mark Callender moved that the Board recess at 11:15 a.m. for 10 minutes for an executive session for the purpose of discussing confidential data with Don Smith. The justification for the closed session is to maintain the confidentiality of Mr. Smith's personal data. The open meeting is to resume in this room at 11:25 a.m. Brian seconded the motion which passed unanimously. Those present for the executive session included Mark Callender, Travis Weaver, Brian Bauck, Steve Compton, Katie Durham, Toni Palen, Tom Adrian, and Don Smith. At 11:25 the executive session was closed. No decisions were made, and no votes were taken during the executive session. The open meeting resumed at 11:25 a.m.
- b) **Don Smith – Groups 102, 16, 482** - submitted an appeal to the FC LEMA requesting to increase his allocation based on new ownership and nonuse in groups 102, 16, and 482. Travis Weaver made a motion to approve the request based on new ownership and nonuse, contingent on the Chief Engineers final order. Brian Bauck seconded the motion which passed unanimously.

IV. **OLD BUSINESS**

- a) **Legal Correspondence – Tom Adrian & Reece Hiebert** – Tom Adrian reported that he had a conversation with Tapp H2O's attorney and felt they were at a negotiable point and would work to finalize the contract next week.
- b) **Airport Hangar Update** – Katie Durham reported that the garage door at the hangar has been installed and looks great. Katie mentioned a certificate of insurance has been received from the City of Scott City on the airport hangar.
- c) **Cost Share Application – D & L Farms** – Don Smith submitted a Cost Share Application on water right #9558 for converting IWOB nozzles to Nelson LEPA (Low energy precision application). Steve Compton made a motion to approve a cost share amount up to \$2500.00 since this water right is enrolled in a WCA, pending invoice submitted to the office. Travis Weaver seconded the motion which passed unanimously.

V. **NEW BUSINESS**

- a) **Term Permit Application No. 20229134** – Mike Meyer reported that this permit is for a dual use to accommodate the feed yard and future expansion. The Board reviewed. No vote was needed.
- b) **Term Permit Application No. 20229135 & 220229136** – Mike Meyer reported that term permit 220229135 is for dual use and to waive spacing regulations. Travis Weaver made a motion to waive the spacing. Brian Bauck seconded the motion which passed unanimously. Mike Meyer stated that term permit 220229136 is for dual use and to waive spacing regulations. Travis Weaver made a motion to waive spacing regulation. Steve Compton seconded the motion which passed unanimously.
- c) **Mileage Report** - Steve Compton made a motion to approve the mileage report and check amounts. Brian Bauck seconded the motion which passed unanimously.
- d) **Cost Share Application – Richard & Glenda Randall** – submitted a cost share application for new bubblers on water right numbers 9743, 21997, and 22416. Brian Bauck made a motion to approve \$2000.00 for each water right listed above, pending on invoices received in this office. Travis Weaver seconded the motion which passed unanimously.
- e) **Cost Share Application – Winderlin Farms** – Chris Winderlin submitted a cost share application for new bubblers on water right numbers 15810, 23781, and SC-16. Brian Bauck made a motion to approve \$2000.00 for each water right listed above pending on invoices received in this office. Travis Weaver seconded the motion which passed unanimously.
- f) **Board Seat Elections** – Brian Bauck made a motion to keep current seats on the Board as is with Mark Callender as President, Travis Weaver as Vice President, and Steve Compton as Treasurer. Steve Compton seconded the motion which passed unanimously.
- g) **Four County LEMA Update & Appeals** –
  - **Brent Edwards – Groups 581, 673** – submitted an appeal requesting to increase his allocation based on new ownership and previous conservation methods on groups 581 and 673. Travis Weaver made a motion to approve this appeal contingent on the Chief Engineers final order. Brian Bauck seconded the motion which passed unanimously.
  - **Neil Wilson – Group 1115** – submitted an appeal requesting to increase his allocation based on new ownership and previous conservation methods on group 1115. Steve Compton made a motion to approve this appeal contingent on the Chief Engineers final order. Travis Weaver seconded the motion. Three Board members agreed, one opposed and one was absent.
  - **Kevin Brooks - Groups 1130, 1102, 1092** – submitted an appeal requesting to increase his allocation based on prior conservation methods for group 1130, new ownership using NIR on group 1102, and new ownership with no historic use for group 1092. Travis Weaver made a motion to approve the appeals contingent on the Chief Engineers final order. Brian Bauck seconded the motion which passed unanimously.
  - **Chandler Berning – Group 452** – Tabled for next Board meeting.

- **Craig Hughes Group - 13** – submitted an appeal requesting to have a pump test performed to determine allocation due to having no historic use during 2011-2020. Steve Compton made a motion to approve this appeal contingent on the chief Engineer’s final order. Travis Weaver seconded the motion which passed unanimously.
- **Travis Weaver Group 354** – submitted an appeal requesting to increase his allocation based on a current owner who exceeds three years of data but provide proof that a new irrigation system changes directly resulted in less than three years of reflective operational water use. Steve Compton made a motion to approve this appeal contingent on the Chief Engineer’s final order. Brian Bauck seconded the motion which passed unanimously. Travis Weaver was not included in the vote.


**Travis Weaver made a motion to recess at 12:10 p.m. for lunch. Steve Compton seconded the motion which passed unanimously. Mark Callender called the meeting to order at 1:48 p.m.**

- VI. **LEGISLATIVE UPDATE** – None
- VII. **DWR REPORT** – Mike Meyer reported their office is working on a WCA in Wallace County. Mike stated their office has hired an employee and has two more spots available. Discussion on Pat Ryan doing more certifications was had. Mike suggested looking at how GMD2 manages theirs.
- VIII. **KWO REPORT** - None
- IX. **PUBLIC COMMENT** - None
- X. **MEETING AJOURN** – Brian Bauck made a motion to adjourn the Board meeting at 2:40 p.m. Travis Weaver seconded the motion which passed unanimously.

Respectfully Submitted:

  
 Toni Palen – Office Administrator

Approved:

  
 Mark Callender - President  
 4/26/2023