



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

Regular Meeting of the Board of Directors

Board Meeting May 17th, 2023

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 April 26th Board Meeting	Pg. 3-7	Action
c. Review & Approve April Finances -Treasurer's report	Pg. 8-21	Action
II. Correspondence		
a. Staff may report on correspondence received since the previous Board Meeting -Upper Smoky Hill RAC -Roberts Rules of Order -Newsletter Update -Rules and Regs		
III. Old Business		
a. Legal Correspondence – Tom Adrian and Reece Hiebert		
IV. New Business		
a. Dave Smith - Rainsphere		Action
b. Cost Share Reconciliation		Action
c. NRCS Coordination Opportunities		Action
d. Revised Cost Share Program		Action
e. Water Right 18123 Waiver Request		Action
f. Set 2024 Budget Hearing Date		Action
g. Management Program and GMD Rules and Regs		
h. FCL Appeals		
-Group 6		Action
-Group 111		Action
-Group 236		Action
-Group 946		Action
-Group 992		Action
-Group 1011		Action
-Group ?		Action
V. Legislative Update		

Mark Callender Pres.
5/17/2023



VI. K-State Update		
a. Monthly Article		
VII. DWR Report		
VIII. KWO Report		
IX. Public Comment		
X. Meeting Adjourn		Action

Mark Callender Pres
5/17/2023

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

Regular Meeting of the Board of Directors April 26, 2023 Board Meeting Minutes

BOARD MEMBERS PRESENT FOR ALL OR PART OF THE MEETING

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

STAFF MEMBERS PRESENT FOR ALL OR PART OF THE MEETING

Katie Durham – District Manager
Toni Palen – Office Administrator

OTHER PEOPLE PRESENT FOR ALL OR A PORTION OF THE MEETING

Austin McCulloch	Division of Water Resources
David Barfield*	KWR Consulting
Tom Adrian*	Adrian & Pankratz Law Office
Gabe Cox	
Chandler Berning	

Changes to the April 26, 2023 Agenda were noted:

- Katie Durham added an executive session under New Business, (IV, f) for FC LEMA Appeals

Changes to the March 22, 2023 Board Meeting Minutes noted:

- Mark Callender added under (V.g) Neil Wilson – Group 1120 that Travis Weaver made a motion to approve to increase the allocation based on previous conservation contingent on the Chief Engineers final order. Steve Compton seconded the motion which passed unanimously.
- Mark Callender corrected under (V.g) Kevin Brooks – Group 1102 was not approved by the board. Only Groups 1130 and 1092 were approved. Group 1102 is tabled for more information.

- I. **CALL MEETING TO ORDER** – President Mark Callender called the April 26, 2023 Board of Directors meeting of the Western Kansas Groundwater Management District No. 1 to order at 8:06 a.m. located at the District Office in Scott City, Kansas.
 - a) **Review & Approve Agenda** – Ray Smith made a motion to approve the April 26, 2023 Agenda with the addition of adding an executive session under New Business. Travis Weaver seconded the motion which passed unanimously.
 - b) **Review & Approve March 22, 2023 Board Meeting Minutes** - The Board reviewed the March 22, 2023 minutes. Steve Compton made a motion to approve the March 22, 2023 Board Meeting Minutes with changes listed above. Travis Weaver seconded the motion which passed unanimously.

- c) **Review & Approve March 2023 Finances** – Steve shared with the Board that he had called several other banks to see what their interest rates are at and what their penalties are for withdrawing money early if needed. The Board discussed moving the funds to one bank to simplify where the accounts are. More discussion on moving funds from the Weather Modification account to the General Fund, then to the Cost Share account. Tom Adrian inquired if the Weather Modification funds were designated for a specific use. Tom suggested making sure there are no restrictions on those funds that were deposited into the Weather Modification Fund. Mark Callender would like staff to investigate when the maturity dates are on the current money market and CD accounts. Ray Smith made a motion to approve the March 2023 financials. Brian Bauck seconded the motion which passed unanimously.

II. **CORRESPONDENCES:**

- **Feedback from County Outreach Meetings** – Katie Durham reported on the outreach meetings held last week in each County that the District serves. Tallee Davis's grant money paid for the rent of buildings and meals. Ray Smith stated there was good attendance in Wallace County and thought it was a good meeting.
- **Municipal Outreach Meetings** – Katie Durham mentioned that Wheatland Electric is having their 75th Annual Meetings therefore the Municipal Outreach meeting could be minimal.
- **NRCS Training Day May 2nd & 3rd** – Katie Durham stated there are almost 30 tentatively attending the NRCS Training at the Child Advocacy Center. Jonathan Aguilar, Brownie Wilson, and Shannon Kenyon are planning to do presentations.
- **Roberts Rules of Order** – Katie Durham mentions that she is working on updating procedures from the Roberts Rules of Order for the Board to review with Tom Adrian to brush up on what is legal and what isn't regarding communications with today's technology.
- **LEMA Supplemental Programs** – Katie mentions she has received feedback on having a couple supplemental programs within the LEMA structure. One example would be incentivizing transition into sub-surface drip with assurance for the producers to not take any further cuts. Another would be the potential to incentivize against redrilling and water right retirement for wells with very low capacities.

III. **OLD BUSINESS:**

- a) **Legal Correspondence – Tom Adrian & Reece Hiebert** – Tom Adrian reported he had visited with the TAPP H2O's attorney and stated he thought they had an agreement and their attorney would be sending Tom the revisions.
- b) **FCL Appeal – Tabled in March – Chandler Berning - Group 452 WR 22888** – Don Smith and Chandler Berning agreed to handle the ownership between themselves. The Board discussed it with Chandler Berning who agreed on NIR for two pivots. Travis made a motion to approve the appeal for NIR values, for two pivots to then be applied to three pivots. Steve Compton seconded the motion which passed unanimously.
- c) **Cost Share – Richard & Glenda Randall** – The Board reviewed the invoices submitted on their cost share application. Mark Callender confirmed the Board would stay with the decision of March 22nd Board meeting to pay \$2000.00 for water right 9743 (2 sections)

and 21997 for bubblers. The Board agreed to give Katie permission to decide whether the District should cost share for their lowering of nozzle heights after discussing the invoices with Randall's. Steve Compton made a motion to approve Katie to make final decision on cost sharing the lowering of nozzle heights on Randall's application. Travis Weaver seconded the motion which passed unanimously.

IV. NEW BUSINESS:

a) Cost Share Applications

- **D & L Farms** – submitted a cost share application on SW 33-16-35 WR #20642, NE 22-18-36 WR #13787, NW 12-17-35 WR 12174, and NE 1-18-36 WR 9441 for nozzle extensions. Travis Weaver made a motion to approve payment to Western Sprinklers once the District Office receives the invoice. Brian Bauck seconded the motion which passed unanimously.
- **D & C Farms** – submitted a cost share application on NW 35-17-35 WR 12209, SE 34-16-35 WR 18417, and SE 23-16-35 WR 22677 for Nozzle Extensions. Travis Weaver made a motion to approve payment to Western Sprinklers once the District Office receives the invoice. Brian Bauck seconded the motion which passed unanimously.
- **North Six Farms** - submitted a cost share application on SW 26-16-35 WR 12227, NW 1-17-35 WR 12005, and SW 31-17-35 WR 25304 for nozzle extensions. Travis Weaver made a motion to approve payment to Western Sprinklers once the District Office receives the invoice. Brian Bauck seconded the motion which passed unanimously.
- **Simons Farms** - submitted a cost share application on 16-17-35 WR 14258-D2 for a Field Net Pivot Watch. The Board questioned the invoice and tabled it for next month. Simons Farms submitted an additional request for cost share on SW 25-17-36 WR 5702 for Pivot Control System. Travis Weaver made a motion to approve a \$1,000.00 payment to Western Sprinklers Inc. Brian Bauck seconded the motion which passed unanimously.
- **L & E Farms** - submitted a cost share application on SW 16-16-36 WR 26246 for a Pivot Control System. Travis Weaver made a motion to approve a \$1,000.00 payment to Western Sprinklers Inc. Brian Bauck seconded the motion which passed unanimously.

b) Revised Cost Share Program – Katie Durham will draft a new Cost Share Application for the Board to review. The Board agreed to have Katie evaluate all cost share applications and determine the amount to be cost shared instead of putting them on the Agenda. However, Katie stated there will be a report in the monthly Board packet as to who we cost shared to and the amount for the Board's review.

c) DWR Recommendations – Katie Durham reported on several staff recommendations.

- **HRC #2 Converting irrigation to dual use** – Katie reported there is a change of use and place of use to cover the Feedlot and provided DWR with a letter of recommendation in converting irrigation to dual use.
- **HRC #3 Converting irrigation to dual use** - Katie reported they adjusted the place of use regarding the overlapping of the place of use. HRC #3 will have no

additional term permits or problems of over pumping. Katie provided DWR with a letter of recommendation on converting irrigation to dual use.

- **HRC #5 Redrill** – Katie reported that HRC #5 had a redrill that met all the requirements. Katie provided DWR with a letter of recommendation on the HRC #5 redrill.
 - **Gary Wilbur** – Katie reported that Gary Wilbur is putting up two new pivots, change of place of use and would like to enroll in a 5511 with GMD1 to expand acres which Pat Ryan will add to his Compliance checks every quarter. Katie provided DWR with a letter of recommendation on these changes.
- d) **K-State – Request for Letter of Support** - The Board reviewed the letter in the Board packet. Steve Compton made a motion to approve a letter of support to K-State. Travis Weaver seconded the motion which passed unanimously.
- e) **PLIV – Request for Letter of Support** - The Board reviewed the letter in the Board packet. Steve Compton made a motion to approve a letter of support to PLIV. Travis Weaver seconded the motion which passed unanimously.
- f) **FC LEMA Appeals**
- **No executive session was held.**
 - **Gabe Cox – Group 1233** - submitted an appeal request to increase his allocation based on voluntary conservation. After the Board discussion, Steve Compton made a motion to approve the appeal. Brian Bauck seconded the motion which passed unanimously. Ray Smith recused himself of the vote.

**** The Board adjourned at 12:00 p.m. for lunch and joined in on a round table discussion with Municipalities provided by the GMD1. The Board reconvened at 1:25 p.m. ****


- **Gabe Cox - Group 447** – submitted an appeal requesting to increase the allocation based on voluntary conservation. Travis Weaver made a motion to approve an increase in his allocation. Brian Bauck seconded the motion which passed unanimously. Ray Smith recused himself of the vote.
- **Gabe Cox – Group 358** – submitted an appeal requesting to increase the allocation based on voluntary conservation. Travis Weaver made a motion to approve an increase in his allocation. Brian Bauck seconded the motion which passed unanimously. Ray Smith recused himself of the vote.
- **Craig Ramsey – Group 654** – submitted an appeal requesting to increase the allocation based on new ownership. Ray Smith made a motion to approve an increase based on new ownership. Travis Weaver seconded the motion which passed unanimously.
- **Beau Larson – Group 79** – submitted an appeal requesting to increase his allocation based on voluntary conservation from a hailstorm. Travis Weaver made a motion to increase his allocation. Brian Bauck seconded the motion which passed unanimously.

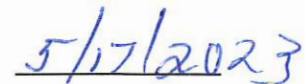
- V. **LEGISLATIVE UPDATE** – Mark Callender reported that he sent an email to Senator Straub concerning her opposed vote on House Bill 2302 and 2279. Mark stated he did not get a reply from her.
- VI. **DWR REPORT** – Austin McColloch reported his office has prioritized GMD1 LEMA letters to be mailed out on allocations. Also, the over pump list will be coming out by the end of the month. Austin stated they still have a position to fill at DWR.
- VII. **KWO REPORT** – None
- VIII. **PUBLIC COMMENT** - None
- IX. **MEETING AJOURN** – Travis Weaver made a motion to adjourn the Board meeting at 2:18 p.m. Brian Bauck seconded the motion which passed unanimously. Next board meeting was scheduled for May 17, 2023.

Respectfully Submitted:

Approved:


Toni Palen – Office Administrator


Mark Callender – President


Date