

# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1

## BOARD OF DIRECTORS MEETING

March 16, 2022

<u>TIME</u>	<u>AGENDA</u>	ACTION REQUIRED	PAGE #
8:00 a.m.	Call Meeting to Order		
	Approval of Agenda	X	1
	Approval of February 16, 2022 Board Minutes	X	2-4
	Financial and Treasurers Report	X	5-14
	<b>OLD BUSINESS:</b>		
	Clarify February 16 <sup>th</sup> Financials		15-21
	Tools in Hangar		
	Review Lema Allocation Appeals: Doug Mckinney WR #3815		22
	Brad Bangerter WR #8376 & #13531		23-31
	Brian Bauck WR #17411		32
	<b>NEW BUSINESS:</b>		
	New Lema Appeals: JCJ Farms LLC WR #8922, 3094, 17612, 2655, 4801, 19704	X	33-45
	Jerome & Mary Berning - WR #3065, 2776	X	46-49
	Gillens Farms - WR #23364, 10233	X	50-54
	Beverley Neubaum - WR #3443,	X	55-58
	Craig & Sharon Myers - WR #1358	X	60-63
	Randall Biermann - WR #9588	X	64-67
	Application for term permit – Lane County Feeders	X	68-75
	Application to change points of diversion for better production – Gary Wilbur	X	76-82
	Schedule County Meetings		
	Cost Share Applications: E&D Farms, Nth Four Farms, Andrew Smith, D&L Farms	X	83-94
	Legislative Update		
	Lema Work & Appeal Process		95-107
	Treasurer Election		
	Update Bank Signature Cards		
	DWR Report:		
	KWO Report:		
	Upper Smoky Regional Advisory Committee Report		
	Other:		
	Public Comment:		
	Executive Session:		
	Meeting Adjourn:		
	Next Board Meeting is April 20, 2022		

*Mark Callender Pres*  
3/16/22

# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

February 16, 2022 Board Meeting Minutes

## BOARD MEMBERS PRESENT

Mark Callender  
Bob Hoeme  
Travis Weaver  
Ray Smith  
Brian Bauck

## BOARD MEMBERS ABSENT

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

Toni Palen – Administrative Assistant      Maggie Morrison – Administrative Assistant

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

Tom Adrian\*      Adrian & Pankratz Law Office  
Mike Meyer      Division of MikWater Resources, Garden City Office  
David Barfield\*      KWR Consulting  
AutIn McCollouch\*  
Doug McKinney (Logan)      \*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 8:11 a.m. on February 16, 2022 at the District Office, Scott City.

## APPROVAL OF THE AGENDA

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

## APPROVAL OF THE FEBRUARY 16, 2022 MINUTES

Travis Weaver made a motion to approve the February 16, 2022 board meeting minutes. Ray Smith seconded the motion which passed unanimously.

## FINANCIAL REPORT

The board reviewed the all three sets of the financials for the month of January as presented. Bob Hoeme drew attention to the *Western Kansas Weather Modification Fund General Ledger as of January 31, 2022* stating the same transactions are on *Western Kansas General Fund General Ledger*. After discussion, Toni Palen advised the board that it looked like it was labeled wrong and she would check with CPA, Renee Cure who did the reports. Ray Smith questioned what the \$334.61 for fuel/oil was used for and the \$6040.00 deposit that was recorded on the *2022 Actual as of January 31, 2022 Weather Modification Budget Report*. Toni replied she would check with Renee and report back next meeting. Brian Bauck made a motion to approve all three sets of financials for the month of January as presented with the contingency that Toni would check with CPA, Renee Cure and clarify mentioned concerns at next board meeting. Ray Smith seconded the motion which passed unanimously.

## LEMA ALLOCATION APPEALS:

- Doug McKinney submitted an appeal on WR #3815 to the GMD1 Board claiming that the historic documented water use for the LEMA was incorrect for 2013. Mike Meyers with DWR stated his office is still waiting on verification and would know by next meeting.
- Brad Bangerter submitted a request to appeal 2 water rights (WR #8376 & #13531) which cover 2 sections of ground. Mike Meyers updated the board that all water wells are on 1 section which is owned by a new owner, Brad Bangerter and Jeri Bangerter. The other section of ground which is attached to their water right are separate owners (N Farm, Lane, Jason and Gwen Wells, and Bar H Ranch).

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In this appeal the owners of the water well are asking for consideration to fill their allocation without any written agreement from the previous owners. Current owner, Brad Bangerter is not getting the cooperation from the previous owners in getting signatures but would like to proceed with the water wells since they own the well even though they do not own the water rights. Mike Meyers suggested we wait and see what the Wichita County WCA decides to do first. After discussion between the board members, Tom Adrian commented that we should have signatures of all owners and to table it for next meeting, giving the current owner time to acquire signatures from the previous owners that own the water rights.

- Brian Bauck submitted an appeal on water right #17411 to the board claiming the historic documented water use of the water right for the WHCL was incorrect for years 2012-2015. Mike Meyer stated that he researched this and found the water use from 2012-2015 inaccurate and he would make adjustments to the official water use report and to WHCL allocation.
- Bob Hoeme questioned Tom Adrian if a board member submits an appeal, does he get to vote. Tom stated board members cannot vote on their own appeal and if it was a 2-2 vote the appeal would be null and voided as there are 5 board members.

### **VOTER REGISTRATION CONCERNS**

Tom Adrian discussed the voter registrations that were emailed to him for the annual meeting. Tom addressed some issues such as when a parcel was in a trust or co-owned there should only be one vote. Also stating we cannot have multiple votes on the same piece of land. The board discussed concerns they had heard from landowners that the registration process was difficult and not straight forward. Some landowners thought they were voting on the LEMA instead of board positions. Travis Weaver discussed two separate situations where landowners have called him and complained about the voting process and one threatening to get their lawyer involved. Maggie Morrison joined the meeting and asked Tom if she had handled a situation correctly with a landowner that didn't fill out the registration correctly. Tom replied she did. Also, Maggie gave other scenarios of problems we were having with additional registrations. Tom stated when we acquired our policy three years ago we put it in regulation form with the state statutes. After more discussion about the registrations, Tom said he would be there to clarify our voting policy and clear up any confusion at the annual meeting.

### **UPDATE OF MEGA WATER BILL**

David Barfield gave a detailed overview of information collected on the Revisor of Statutes Memorandum. David provided several other handouts including his power point he will be presenting at the annual meeting. Additionally, David explained what the draft allocation reports for the annual meeting will look like and information that it will provide to water right users concerning the Lema Plan. Mark Callender requested that David present highlights and major points that are being proposed by the Legislature at the annual meeting.

### **ANNUAL MEETING PREPARATION**

David Barfield inquired if there was going to be zoom available at the annual meeting. Mark Callender believed we didn't last year, but may try doing so to introduce Katie Durham as our Manager. Bob Hoeme inquired if there were any vendors coming to the meeting and Mark replied we didn't have any for this year. Ray Smith questioned if early voting was allowed. Mark replied as long as the person voting is at the meeting they can vote and turn it in at any time during the meeting. David Barfield presented and explained his power point for the annual meeting to the board. David presented a 941 page document that was given to Toni Palen to download onto the laptops. This download will allow us to look up by the individual's legal name so we can find their allocation report to give to them at the meeting. David indicated he will be bringing his laptop and his printer and Toni would bring hers as well to print reports quickly. David stated that this report would not show any Lema appeals in process. Mark and David agreed to change the heading to read *subject change with refinement of allocation method and/or appeals on the report*. Mark stated the board would start having county meetings early April when Katie is here. Toni will advise board next meeting on how many days' notice we need to give for those meetings. Mike Meyers requested that David add a map showing water decline on his presentation under the saturated thickness map so we show concerns on shortage of water.

Conversation was held about printing the allocation reports before or after the meeting. After further discussion among the board members, it was decided to print the reports after the meeting.

### **AIRCRAFT & TOOLS OFFER**

Kyle Spencer submitted an aircraft & equipment purchase proposal. Item 1 was an offer of \$20,000.00 for the N7765P/SN# 24-2982 aircraft which would include storage in the hangar for 6 month or until the district sold hangar, whichever occurs first. Item 2 was an offer of \$2500.00 for equipment, tools, hardware, aircraft jacks, storage cabinet, 1 compressor, airframe tools/sheet metal tools, engine tools/spark plug cleaner and tester. The board discussed the proposal and wanted to have a chance to look at the tools in the hangar before they make any decisions on item 2. After further discussion on the aircraft, (Item 1) Ray Smith made a motion to sell the N7765P/SN# 24-2982 aircraft to Kyle Spencer for \$20,000.00 and to allow for storage as stated, and to wait on the tools until the board has had a chance to meet at the hangar next week. Travis Weaver seconded the motion which passed unanimously.

### **DWR REPORT**

Mike Meyers updated the board that reminder emails were sent to water users who haven't filed their reports. Mike reported they have received 52% of water use reports so far. Brownie sent updated static water levels to the board showing a half foot drop across the district on average which is similar to last year. Mike stated they had a water right change request to go from stock water to irrigation. He wasn't sure how they would handle the allocation level. He wasn't sure whether they would go from last year's historical stock water usage or take into consideration that it was going to be used for irrigation now. It will have a new water right but not sure how they will handle the allocation since it's always been stock water. This situation hasn't occurred before so they are negotiating and trying to figure out how to handle this incident once the change order is completed. Mike indicated they had visited a stock water facility in the district that had installed a dozen new meters, however they were not on the certified approved list. He explained the importance of installers of making sure before they ship to check and make sure it's on the approved list. Mark Callender thanked Mike for all their help and coming down on Tuesdays to help GMD1 with water usage reports.

### **KWO REPORT**

Mike Myers reported for Keadron Pearson as she is out of the office. Next KWO meeting is scheduled March 23<sup>rd</sup> all virtual meeting. Go to web site for upcoming meetings. The water technology expo last week in Garden City was a shocking success with approximately 200 people in attendance.

### **UPPER SMOKY REGIONAL ADVISORY COMMITTEE REPORT: NONE**

### **OTHER: NONE**

### **PUBLIC COMMENT: NONE**

### **EXECUTIVE SESSIONS: NONE**

### **CALENDAR**

Next board meeting is March 16, 2022 at 8:00 a.m. at the District Office.

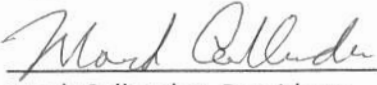
### **ADJOURN**

Travis Weaver made a motion to adjourn the meeting at 12:10 p.m. Brian Bauck seconded the motion which passed unanimously.

Respectfully Submitted:

  
\_\_\_\_\_  
Toni Palen, Administrative Assistant

Approved:

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

Date: 3/16/22

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