

Minutes: _____ Northwest Kansas Groundwater Management District 4
March 9, 2006 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The March board meeting was opened at 10:10 a.m. CST, March 9, 2006 in the district office, Colby, KS by President Scott Maurath. There were no changes to the published agenda.

Board members present for some or all of the meeting were: Dave Mann, Doug David, Mitch Baalman, Lon Frahm, Dave Rietcheck, Jon Friesen, Scott Maurath and Monty Biggs.

Board Members absent were: Roger Zwegardt, Bill Nondorf and Jeff Deeds

Others present for some or all of the meeting were: Wayne Bossert, Ray Luhman and Dan Simmering – GMD 4 staff; and Kelly Stewart – DWR.

2. CONSENT AGENDA

Monty Biggs moved: 1) for approval of the consent agenda including the February 15, 2006 minutes; and 2) the February financial reports including the February, 2006 expenditures totaling \$28,367.65. Jon Friesen seconded the motion which passed unanimously.

3. MANAGER'S REPORT

No additional items were covered in addition to the written manager's report in the board packet (HB 2710).

4. UNFINISHED BUSINESS

a. Discussion of KU Law Seminar Paper: Manager has not finished the paper yet but indicated that its single premise is that district success is to be measured based on how well the publicly derived goals address the publicly derived problems, and how many of the goals are being achieved. In essence, an evaluation of its management program. The paper rejects the idea that the district is successful or unsuccessful based on any individual notion of success or failure. As such, the paper covers every stated problem, lists each goal for each problem, and addresses what the district has done relative to each goal. The conclusion section of the paper is all that is yet to be completed. In discussion, the board felt comfortable with this approach. No motion was made.

5. NEW BUSINESS

a. Management Program Public Hearing: Scott Maurath opened the public hearing at 1:00 p.m. as legally noticed. He read the following hearing script:

Please come to order. This is a hearing in the matter of the proposed, revised management program by the Northwest Kansas Groundwater Management District.

I will be your hearing officer today and my name is Scott Maurath, President of the district board. Today is March 9, 2006 and the time is about 1:00 p.m. We are holding this hearing pursuant to KSA 82a-1029 in the district offices in Colby, Kansas, as legally noticed.

First a few preliminary matters:

- 1) Please sign the attendance sheet;
- 2) The proposed management program being heard today was approved by the chief engineer on November 23, 2005. Copies of the program have been available for review in the district office, from any board member, in area libraries and on the district's web site. This program was also covered in its entirety at the district's annual meeting held February 15, 2006;
- 3) We will receive testimony first from those who have submitted the required "intent to testify", and then, from anyone else who would like to make comments.

At this time, I would open the floor for the limited purpose of entertaining questions concerning the meaning of any wording or concepts within the proposed management program.

[no response]

With no clarification discussion, and no pre-filed intents to testify - Jon Friesen has removed his name from this list - I'll entertain any open discussion or testimony anyone would like to provide.

[no response]

With no other testimony or comment, the process from this point will involve having all of relevant comments reviewed by the district Board prior to final action on the proposed management program. This final action shall be a board resolution either adopting, modifying or rejecting the proposed, revised management program.

We appreciate everyone's appearance and participation. I hereby close the record of the hearing at 1:03 p.m., March 9, 2006.

Following the close of the public hearing, Scott Maurath asked for board discussion relative to adopting or modifying the management program. Discussion was had on the mechanics of the remaining process. Following these discussion, ***Lon Frahm moved that the following resolution be adopted:***

WHEREAS the chief engineer, division of water resources, Kansas department of agriculture approved the proposed revised management program on November 23, 2005; and

WHEREAS a public hearing on the district's proposed, revised management program was conducted pursuant to KSA 82a-1029 on March 9, 2006; and

WHEREAS testimony was heard from all district members expressing interest in said program;

BE IT THEREFORE RESOLVED THAT the board of directors adopts the proposed revised management program as approved by the chief engineer with no modifications; and

BE IT FURTHER RESOLVED THAT the revised management program is to become effective March 9, 2006; and

BE IT FURTHER RESOLVED THAT this resolution be numbered PR-06-1.

Monty Biggs seconded the motion. Voting for the motion were: Lon Frahm, Monty Biggs, Doug David, Dave Rietcheck and Dave Mann. Voting in opposition of the motion were Jon

Friesen and Mitch Baalman. The motion carried. Jon Friesen asked that his vote in opposition of the motion be clarified in the record as being opposed to section V. 1. g., the new Enhanced Management Program.

6. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS - none

7. DWR REPORT

Kelly Stewart reported on the metering program which was commanding a significant amount of DWR Stockton field office time. They have started field work on compliance inspections of meters whose notice and proofs of installation have been returned. There are very few compliance issues with the new installations. Pre-installed meters are having basically 3 kinds of problems: 1) missing lead tamper seals; 2) spacing issues for the propellers/straightening vanes; and 3) moisture in the register head under the viewing pane.

8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

April 6, 2006 and May 18, 2006.

9. ADJOURNMENT

Dave Mann moved for adjournment at 1:35 p.m., March 9, 2006. Doug David seconded the motion which passed unanimously.

Respectfully submitted:



Dave Mann, Secretary