

Minutes: _____ Northwest Kansas Groundwater Management District 4 April 5, 2007 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The April board meeting was opened at 10:00 a.m. CDT, April 5, 2007 in the district offices, Colby, KS by President Scott Maurath.

Board members present for some or all of the meeting were: Jeff Deeds, Shane Mann, Dave Rietcheck, Scott Maurath, Monty Biggs, Bill Nondorf, Mitch Baalman, Jon Friesen, Doug David and Roger Zwegardt.

Board Members absent were: Lon Frahm

Others present for some or all of the meeting were: Wayne Bossert, Ray Luhman, Dan Simmering – GMD 4 staff; Scott Ross and Scott Voss – DWR; Susan Stover and Diane Coe – KWO; Jack Wergin – Bureau of Reclamation; Steve Friesen and Steve Zieglemeier – district members.

There were no changes to the agenda.

2. CONSENT AGENDA

Bill Nondorf moved for approval of the consent agenda including: 1) the March 8, 2007 minutes; and 2) the March financial report including the March, 2007 expenditures totaling \$29,685.95. Mitch Baalman seconded the motion which passed unanimously.

3. MANAGER'S REPORT

Manager covered the items within the board packet plus 2 additional items as follows: a) That copies of the current revised management program were available for the board; and b) Staff will be meeting with NW Planning and Development in Hill City on April 17 to work on the Foundation grant request. Manager also updated the board on SB 123 and SB 89 which both have progressed a little further through the Legislative process since the board packet update. In essence, SB 123 (CREP program for Ark River) was incorporated into the mega budget bill at a reduced level of funding - \$2 million rather than \$5 million – and passed. It is ready for the Governor's signature. SB 89 (Republican River Compact funding distribution) was kept alive and is now on general orders for when the Legislature re-convenes on April 25.

4. UNFINISHED BUSINESS

a. Protocol Data Review: KGS reports that they are prepared to conduct a cross-validation procedure on the data in order to get a good (and easy) look at the confidence that can be given to this data set. This will be done as soon as the annual well measurements are completed.

5. NEW BUSINESS

a. DWR Meeting Discussion: In addition to the general agenda already provided by Paul Graves of DWR, the board wanted our contingent to continue development of the concept that our management program is to represent the local public interest within GMD 4 in regard to groundwater issues.

b. Bureau Model Update: At 10:30 a.m. a conference call was initiated between GMD 4, the Bureau of Reclamation, Kansas Water Office, Division of Water Resources and the modelers SSPA (S.S. Papadopoulos and Associates, Inc.) to cover the status of the modeling effort. Others, including GMD 1 and GMD 3 were also on the conference call. SSPA presented its update through an internet conference session whereby the model results and other files were projected here in Colby.

c. Water Transition Assistance Program (WTAP) Proposed Regulations: Manager briefed the board on the new regulations and suggested several comments that might be made during the upcoming public hearing in Norton on May 1, 2007. The first concern of staff was the definition of "Fair Market Value" which calls for the use of County Appraiser data (water use ratios and appraised agricultural use values) as the fair market value. It is possible that this approach under-values water rights and will result in little participation. Staff suggested that the state set the value to the state of each consumptive unit of water and then use an open bid process. The state-set price would be reconsidered periodically.

After discussion, the board directed staff to indicate their opposition to the proposed regulation definition of "fair market value", and to suggest that fair market value be derived based on the income-producing differential of the land with water rights and without water rights.

The board also wanted to make the following suggestions:

1) Since the authorizing statutes require that GMDs (and others) cooperate in the program implementation: a) provide in KAR 11-12-3 (c) for the GMDs to also make available the program procedures and application forms; b) include the GMDs in the review process of KAR 11-12-3 (f) within the same time frame provided for DWR; and c) include the GMDs in the notification of successful applications process within KAR 11-12-3 (h).

2) The requirement of a dry land transition plan could be made simpler by eliminating it for any successful applicant currently enrolled in the federal farm program. These producers are required by federal farm program controls to apply suitable conservation to the land or forfeit federal farm program payments. Those not in the federal farm program are the only ones that should be required to produce and adhere to a dry land transition program.

d. Basin Team Development for Compact Project Funds Discussion: Manager briefed the board on the SW Kansas effort to organize and present a comprehensive and coordinated project proposal for the conservation fund created by the Legislature. In the wake of SB 89, should such an effort be done in NW Kansas? After discussion the board directed staff to put together a list of upper basin potential participants for board review before deciding when and how to approach the effort. It was consensus that some kind of alliance should be attempted.

6. DWR REPORT

Scott Ross commented on only one issue – that of the continuation of the enhanced BRO process and that the board's awareness would help field public questions.

Doug David asked Scott about the status of an abandonment issue in Graham County that they had discussed before. Scott indicated that the verified claim on the subject water right had been filed, but the legal staff was busy on other projects (IGUCAs and filed legal actions) and has not scheduled abandonment hearings for some time now. Doug said the local landowners were disappointed that this process has already taken several years in which this landowner has been using the questionable water right. Scott reminded Doug that the water right was valid until duly forfeited and dismissed, so the water right owner has been doing nothing illegal.

7. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS

No discussion.

8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

May 31, 2007;
July 12, 2007.

9. ADJOURNMENT

Upon motion by Monty Biggs and a second by Shane Mann, the April board meeting was adjourned at 4:00 p.m., April 5, 2007.

Respectfully submitted:

Bill Nondorf, Secretary