

Minutes: _____ Northwest Kansas Groundwater Management District 4 September 13, 2007 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The September board meeting was opened at 10:00 a.m. CDT, September 13, 2007 in the district offices, Colby, KS by President Scott Maurath.

Board members present for some or all of the meeting were: Bill Nondorf, Shane Mann, Dave Rietcheck, Scott Maurath, Lon Frahm, Jon Friesen and Roger Zweygardt.

Board Members absent were: Doug David, Jeff Deeds, Monty Biggs and Mitch Baalman

Others present for some or all of the meeting were: Wayne Bossert, Ray Luhman and Dan Simmering – GMD 4 staff; Scott Voss and Scott Ross – DWR; and Steve Frost - SCC.

There were no additions to the agenda.

2. CONSENT AGENDA

Shane Mann moved for approval of the consent agenda including: 1) the July 12, 2007 minutes; 2) the July financial report including the July, 2007 expenditures totaling \$30,286.94; and 3) the August financial report including the August, 2007 expenditures totaling \$33,651.34. Roger Zweygardt seconded the motion which passed unanimously.

3. MANAGER'S REPORT

Manager covered the items within the board packet. Item b. (RWEF Proposal) was updated to report on a released Senate version of the Farm Bill authored by Senator Harkin. This version proposes to combine the EQIP program with CSP and rename it C-SIP (Comprehensive Stewardships Incentive Program). C-SIP is to include a Regional Water Enhancement Program (RWEF) proposed for \$120 million per year authorized from the C-SIP environmental quality section – of which no more than half of these funds to address water quality and conservation issues in 4 focus areas – Chesapeake, Upper Mississippi basin, Everglades and the Ogallala Aquifer. More review was needed to assess if this is a better proposal than the House version. For one, the C-SIP environmental funds were clearly split between water quality and water quantity issues. Also, there didn't appear to be language including the "conversion of irrigated lands to dry land" language. Finally, the idea of using RWEF funds within the Foundation for economic and resource issues was earlier proposed to Kansas Dpt of Commerce for comment, but no comment has been provided yet.

Jon Friesen asked if anyone had any information on the rumored efforts of the NW Kansas Corn Growers to produce a new management program to reduce consumptive water use in NW Kansas? No one had been contacted about such an effort. Manager Wayne Bossert indicated that he had spent some time in discussion with a representative of the Corn Growers, but was asked to say nothing until the group could polish their ideas and approach the GMD board themselves.

4. UNFINISHED BUSINESS

a. Management Program Discussion: Manager gave the board the background of this agenda item and asked if any of the 13 listed ideas were particularly appealing or not at all desired for further discussion? Scott Ross stated that he and Acting Chief Engineer Dave Barfield had discussed the list briefly and concluded that none of the issues were absolutely out of the

question from DWR's perspective.

There were questions and discussion on item 8. GMD ownership of water rights. Following the discussion, it was generally felt that this issue had significant potential, and would resonate well with the GMD membership, so it should be explored further.

Following further discussion where no issue was expressly eliminated, *Shane Mann moved to table the agenda item and resume discussion on it during the next meeting. Lon Frahm seconded the motion which passed unanimously.*

5. NEW BUSINESS

a. WTAP Considerations: Manager covered the background of the issue and asked the board which of the 5 suggested avenues should be followed? Steve Frost, SCC, gave the board some background as well, reporting that no applications have been filed yet (application period September 1 – November 15) and only 1 possibly interested water right has been identified to date – that being in the Prairie Dog Creek just inside the GMD border in Decatur County.

Following discussion, *Jon Friesen moved that staff pursue option 1 – that staff work with the SCC, DWR and the other GMD's on a MOU addressing the "closed area" issue in such a way that the MOU recognize that the GMD 4 board will close any area by formal regulation in which WTAP funds have been expended when that area reaches 400 AF of appropriations remaining. Dave Rietcheck seconded the motion which passed unanimously.* By way of explanation, the board did not support a statewide regulation closing areas upon receiving WTAP funds believing any closures should be a GMD decision and action.

b. Legislative Interim Session – IGUCAs Revisited: Staff covered the material in the board packet and asked if they wanted to change or continue to promote their previous testimony on IGUCA's before the Legislative Interim Committee? In this discussion, the related issue of a proposed GMD 4 regulation on this issue was also discussed. The board consensus was to stay the course while working with the other GMDs, DWR and the legislative interim committee on a review process, but they also wanted to be pro-active if possible.

c. GMD 4 IGUCA Review Regulation (proposed): The proposed IGUCA review regulation was reviewed and discussed. *Lon Frahm moved that the proposed GMD 4 regulation 5-24-12 as drafted in the September 13, 2007 board packet be started through the regulations process. Jon Friesen seconded the motion which passed unanimously.*

d. Migration of Republican River Basin Conservation Projects Alliance to WRAPS: Staff reported that the developing WRAPS program may be a better vehicle to achieve the conservation projects goal envisioned by the Alliance, and suggested that it be considered. Advantages of the WRAPS process seemed to be: 1) it is planning to be staffed; and 2) it is likely to be supported by the RC&D's which are established entities capable of receiving state funds. Possible disadvantages are: 1) there is no guarantee that the expanded WRAPS projects (Beaver Creek basin; Sappa Creek basin; and S. Fork Republican River basin) will get formed; and 2) the WRAPS process is broader focused and may try not focus on water conservation as well as the Alliance might. Following discussion, it was felt that the board did not know enough about the WRAPS program to make this decision at this time. They felt the best course of action was to continue forming the GMD 4 sponsored Alliance and allow that group to consider if WRAPS is the better vehicle. No motion made.

6. DWR REPORT

Scott Ross reported that DWR is pleased with the meter program and thinks it's going very well. DWR has also been able to assist the process by picking up additional meter verification checks since they are not busy administering surface water this Summer.

DWR is implementing a new overpump program consisting of non-compliance orders right off the bat.

The Republican River Compact Annual Meeting was held and there are issues. Nebraska and Colorado are out of compliance in Kansas' view and Kansas Attorney General has stated that there would be quick and decisive action taken. The problem is that Nebraska and Colorado are not agreeing with Kansas' numbers, so this process (arbitration) must occur first.

7. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS

No discussion.

8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

No October meeting due to harvest. November 8, 2007 was set for the next meeting date. December 13 was announced for the December meeting, and that Lon Frahm has once again agreed to host the Christmas Dinner.

9. ADJOURNMENT

Without objection, Scott Maurath declared the meeting adjourned at 12:10 P.M., September 13, 2007.

Respectfully submitted:

Bill Nondorf, Secretary