

Minutes: _____ Northwest Kansas Groundwater Management District 4 March 5, 2009 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The March board meeting was opened at 10:00 A.M. CST, March 5, 2009 in the district offices, Colby, KS by President Scott Maurath.

Board members present for some or all of the meeting were:

Brent Rogers	Scott Maurath	Monty Biggs
Roger Zwegardt	Mitch Baalman	Shane Mann

Board Members absent were: Dave Rietcheck, Lon Frahm, Jon Friesen, Jeff Deeds and Doug David

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

President called for any additions, corrections or deletions from the published agenda. Ray Luhman asked that an additional New Business item 5. b. be added, involving a waiver request on behalf of the City of Oakley. President Maurath added this item to the agenda. It was also noted that Secretary Deeds was not in attendance. President Maurath appointed Monty Biggs as Secretary Pro Tem for signing the February minutes when approved.

2. CONSENT AGENDA

Shane Mann moved for approval of the consent agenda including: 1) the February 18, 2009 minutes as presented; and 2) receipt of the February financial reports including the February, 2009 expenditures totaling \$21,043.83. Roger Zwegardt seconded the motion which passed unanimously.

3. MANAGER'S REPORT

In addition to the AWEP information contained in the board packet, manager reported that the proposal deadline was extended until April 1, 2009. Moreover, four additional ranking criteria were included: energy conservation; renewable energy production; mitigating climate change; and carbon sequestration. Finally, the new (amended) RFP has not been published yet in the federal register. Manager reported that our AWEP proposal should be re-submitted after being amended to appropriately address the additional ranking criteria. There was consensus on this approach. Shane Mann suggested that the Foundation be added as a partner since they were contributing money to the project. It was agreed to do so.

Manager also reported on some approaches to electronic meetings or remote participation that are available. Mentioned were the usual suspects – Glance; GoToMyMeeting; and conference call programs – all requiring a cost. Also mentioned was a free internet program called Dimdim which is less robust than Glance, but free. Until the legal issues regarding remote board meetings can be ascertained, no decisions were made.

Manager finally covered the latest update of the index well program. It is being found that the Thomas County index well is displaying an unusual pattern of being influenced by barometric pressure changes. While most wells will rise or fall an inch or two as barometric pressure changes, the Thomas County index well changes as much as 9 to 10 inches. This situation could have ramifications on water level monitoring in certain circumstances.

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS

a. Discussion Items:

(1) **HPA Discussions:** Staff reported that 2 complete rounds of the HPA public meetings have been conducted and from staff's perspective the participants of SH-1, CN-3, and SD-6 have remained engaged and still remain active in proceeding. HPAs SH-2, TH-4 and TH-5 are less focused and less involved. Staff asked the question: Is it time to concentrate on the active HPAs and leave the less active areas alone until they request our support in continuing public dialog? Discussion continued, but no specific direction was provided. Within this discussion, questions were asked concerning the future of these HPAs – do they cease to exist if new data falls below the original trigger data? Is there a specific review process? What happens to the area if their designated goal is achieved? Staff expressed a hope that enough flexibility could be retained to accommodate a wide range of possible futures, but also recognized that a specific review process did have other advantages.

(2) **Management Program Amendments:** Staff reported that the one issue we promoted for development (the variable assessment rate statutory amendment) has not resonated well with the other GMDs at this time who are suggesting we re-visit it later this year for possible introduction in the 2010 Legislature. Moreover, staff reported that the GMDs and DWR continue to meet regarding the potential for the GMD management programs. There was no further discussion.

(3) **Board Issues:** None suggested

b. **Waiver – City of Oakley:** Ray Luhman covered the situation regarding this waiver. The City of Oakley purchased water right file number 11187 in 2001 with the intent of converting the irrigation right to municipal at a time when the additional supply was needed. The city is now intending to convert it to municipal water supply and is testing for a location for the municipal well. The groundwater at that location has high nitrate problems so the city looked into relocating the water right. Based on KAR 5-24-6, the farthest this right could be moved is approximately 3,085 feet. Oakley has tested within this radial area and can find no location that KDHE will approve for a new public water supply – due to various groundwater contamination issues. Oakley has tested a location approximately 4,400 feet north of the current irrigation well location and it yields a sufficient supply and quality of water and meets all well spacing criteria. Oakley is requesting that GMD #4 support its waiver request of KAR 5-24-6 based on these circumstances to allow the proposed move. Following discussion, *Monty Biggs moved to support a waiver request from the City of Oakley to the chief engineer of regulation KAR 5-24-6 so that Oakley can relocate a portion of its municipal water rights to their test well located SW SE SW of 36-10-32 (approximately 4,400 feet north of the existing well) . Mitch Baalman seconded the motion which passed unanimously.*

6. DWR REPORT

7. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS

None

8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

April – April 2, 2009.

June - June 4, 2009.

9. ADJOURNMENT

With no other business and no objections, President Maurath declared the March 5, 2009 board meeting adjourned at 12:20 P.M., CST, March 5, 2009.

Respectfully submitted:

Jeff Deeds, Secretary