

Minutes: _____ Northwest Kansas Groundwater Management District 4 April 2, 2009 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The April board meeting was opened at 10:07 A.M. CDT, April 2, 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
Dave Rietcheck	Lon Frahm	Jeff Deeds
Doug David		

Board Members absent were: Jon Friesen

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

President called for any additions, corrections or deletions from the published agenda. Wayne Bossert asked to adjust the published agenda by eliminating Agenda Item 5. a. President Maurath removed agenda 5. a. from the agenda.

2. CONSENT AGENDA

Lon Frahm moved for approval of the consent agenda including: 1) the March 5, 2009 minutes as presented; and 2) receipt of the March financial reports including the March, 2009 expenditures totaling \$26,868.50. Shane Mann seconded the motion which passed unanimously.

3. MANAGER'S REPORT

1) AWEP Proposal Submitted: The Local Northwest Kansas partnership (comprising: Northwest Kansas Groundwater Management District; Sherman County Conservation District; Sherman County Farm Bureau and the Northwest Kansas Groundwater Conservation Foundation) re-submitted its AWEP application on March 20, 2009. It is essentially the same as the first application but included the Foundation as an additional partner and condensed some of the descriptive verbiage. It still is requesting \$3,900,000.00 from NRCS to retire 2,000 AF of HCWU in SH-1 HPA at \$2,000.00 per AF. The Foundation remains committed to contributing \$100,000.00. I have forwarded new copies to Representative Moran and Senators Brownback and Roberts asking for their help and support.

2) IGUCA Issues: Representative Powell ballooned our HB 2272 language into SB 64 and tried to get it out of his committee in early-March. It failed by 1 vote. Seems the issues were: the added Commissioner language and the thought that SB 64 was not a germane bill to attach it to since 2272 is amending the GMD Act and SB 64 is amending the KWA Act. Representative Powell then worked the original HB 2272 on March 17 and it passed out of committee. The bill failed on the floor of the House after Representatives Faber and Svaty and Johnson spoke against it. No one spoke in support of the bill.

3) Ark River Compact Lawsuit: This lawsuit is now over with the final court decision going to Colorado. On March 9 the Supreme Court ruled that Colorado owes Kansas \$199,577.19 for legal fees associated with the case. Kansas was asking for \$9.2 million in court costs over the course of the 22-year case, but did not prevail.

4) WTAP Update: The 11 successful applicants have been sent contracts to sign. This process is currently under way. We will soon have to make the Foundation contribution payments to these 11 applicants as well. The Foundation funds now reside entirely in their own account and will not show up on the GMD 4 accounts from here on out, and as requested, now require 2 signatures – Wayne Bossert’s and Scott Maurath’s. The first Foundation payment for \$50.00 per HCWU for 120.06 HCWU was signed by Wayne Bossert and Scott Maurath April 2, 2009 (today).

5) Alliance Meeting: The Alliance met March 18 to continue discussions on the 9 proposals under consideration at this time. One additional proposal was offered – essentially using the 2,500 additional AF Colorado is expected to provide to recharge the S. Fork Republican River alluvium and the Beaver Creek Alluvium and perhaps the Sappa Creek Alluvium along its way to surface storage in Lake Atwood and Oberlin. We are ready to engage an engineering firm to conduct the reconnaissance engineering evaluations of these projects. This is where GMD 4 agreed to pay for the study to be reimbursed from award monies.

6) GMDs – DWR Discussion RE: Management Programs: We had our third meeting on March 25 to discuss possible management program changes that might facilitate more action, coordination and cooperation between the GMDs and DWR on groundwater management activities. GMD 4 staff proposed a new idea concerning temporary water rights for as much of the increased stream flow as possible that could be changed later for higher economic uses if they present themselves. Discussions will continue.

7) KGS Press Release on 2008 Water Level changes – FYI:

The Survey and the Kansas Department of Agriculture’s Division of Water Resources (DWR) measured levels in approximately 1,400 water wells in 47 western and central Kansas counties in January as part of their annual assessment program.

As was the case in 2007, precipitation played an important role in the rise or fall of water levels.

In 2008 water levels in southwest Kansas fell an average of 2.85 feet, with many areas seeing declines of more than 5 feet. This followed drops of 1.72 feet in 2007 and 2.09 feet in 2006. Since 1996, when annual measurements were first taken by the KGS, levels in the region have risen only one time—0.10 feet in 1998.

Farther north in western Kansas, where precipitation was closer to normal, 2008 declines were smaller. In northwest—Cheyenne to Trego counties—and west-central Kansas—Wallace to Lane counties—the water level average dropped 0.10 and 0.21 feet, respectively.

Overall in the 47-county network the average level fell 0.80 feet, with gains in the eastern section of the network being offset by losses in the west.

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS

a. Public Hearing on Revised 2009 Budget: The hearing was opened at 11:30 A.M. by President Maurath. A request for public testimony was made. Wayne Bossert testified that: 1) with the status of the Republican River Compact Arbitration not being settled yet, that the funds contained in the proposed Contracted Services line item earmarked for a reconnaissance level engineering study of the Alliance projects approved for such study may be more useful to the district being moved to the Contingency Reserve line item; and 2) that the \$492,665.60 in the Coop Programs line item representing the Foundation funds be eliminated since all these funds have been moved

to a separate Foundation account. There was no other testimony offered. President Maurath closed the public hearing at 11:40 A.M.

Following discussion and consideration of the testimony, *Lon Frahm moved for approval of the following resolution to be numbered AR-09-03:*

WHEREAS the 2009 budget of \$854,960.60 approved originally on July 17, 2008 (AR-08-02) requires amending in order to at least incorporate the 2008 cash carryover funds; and

WHEREAS the district lawfully scheduled and conducted a public hearing to consider all testimony regarding the budgeting of carryover funds and other issues;

BE IT THEREFORE RESOLVED THAT the 2009 final operating budget shall be adopted as revised based on testimony provided by GMD 4 staff to the board during the lawfully conducted public hearing. The budget shall be:

	2009 - Final Taxed	2009 - Revised
110 POSTAGE	\$7,300.00	\$5,600.00
111 Newsletter	\$5,700.00	\$3,900.00
112 General	\$1,600.00	\$1,700.00
120 PRINTING	\$7,900.00	\$6,950.00
121 Newsletter	\$7,500.00	\$6,200.00
122 Administrative	\$400.00	\$750.00
130 DUES	\$1,700.00	\$1,500.00
140 SUBSCRIPTIONS	\$1,800.00	\$2,500.00
150 INSURANCE	\$11,050.00	\$11,400.00
151 Office/Equip/Data	\$900.00	\$1,400.00
152 Public Officials' Liability	\$4,500.00	\$3,000.00
153 Auto	\$3,100.00	\$2,000.00
154 Workmans' Comp.	\$1,700.00	\$4,500.00
155 Computer	\$600.00	\$250.00
156 Unemployment	\$250.00	\$250.00
160 TELEPHONE	\$4,500.00	\$5,700.00
170 SALARIES AND BENEFITS	\$259,730.00	\$269,000.00
171 Gross Sal, Kpers, SS, Etc.	\$240,430.00	\$249,700.00
172 Health Insurance	\$19,300.00	\$19,300.00
180 TRAVEL	\$10,000.00	\$10,500.00
181 Board	\$6,500.00	\$6,500.00
182 Staff	\$3,500.00	\$4,000.00
190 VEHICLES	\$6,350.00	\$6,325.00
191 Repairs/Maintenance	\$1,000.00	\$1,000.00
192 Operation	\$5,200.00	\$5,200.00
193 Tags	\$150.00	\$125.00
194 Purchase/Lease	\$0.00	\$0.00
200 CONTRACTED SERVICES	\$28,800.00	\$29,000.00
201 Accounting	\$2,600.00	\$2,800.00
202 Legal	\$1,200.00	\$1,200.00
203 Misc. Support	\$25,000.00	\$25,000.00
204 Water Sampling	\$0.00	\$0.00
205 Drilling	\$0.00	\$0.00
206 Weather Modification	\$0.00	\$0.00
210 PUBLICATIONS	\$400.00	\$400.00
211 Legal Notices	\$400.00	\$400.00
220 COOP PROGRAMS	\$492,665.60	\$2,000.00
221 Administrative	\$492,665.60	\$0.00
222 Equipment	\$0.00	\$0.00
223 Contracted Studies	\$0.00	\$2,000.00
224 Education Program	\$0.00	\$0.00
230 ADMINISTRATIVE	\$4,740.00	\$6,100.00
231 Office Supplies	\$2,000.00	\$2,500.00

232	Copy Machine		\$900.00	\$900.00
233	Computer Maint		\$250.00	\$900.00
234	Postage Meter Lease		\$540.00	\$750.00
235	Bank Charges		\$50.00	\$50.00
236	Field Supplies		\$1,000.00	\$1,000.00
240	NEW EQUIPMENT	\$6,500.00		\$6,500.00
241	Field		\$2,000.00	\$2,000.00
242	Office		\$4,500.00	\$4,500.00
250	CONTINGENCY RESERVE	\$0.00		\$48,657.75
260	FACILITY	\$10,975.00		\$12,975.00
261	Rent		\$10,000.00	\$12,000.00
262	Upkeep		\$975.00	\$975.00
263	Remodel		\$0.00	\$0.00
270	REIMBURSED EXPENSES			
300	FOUNDATION	\$550.00		\$700.00
305	Foundation Subscriptions		\$0.00	\$150.00
350	Foundation Legal		\$300.00	\$300.00
370	Foundation Tech Support		\$250.00	\$250.00
			\$854,960.60	\$425,807.75

Shane Mann seconded the motion for adoption of the resolution. The motion passed unanimously.

6. DWR REPORT

Scott Ross reported on the status of the Republican River Compact Settlement Arbitration process. The arbitration ended March 20 but there will be one more day of trial slated for April 14, 2009 to hear testimony from the Bureau of Reclamation. The last week of May, 2009 the Arbitrator's decision is expected on 3 issues: 1) damages; 2) remedies; and 3) an accounting dispute. Each state will then respond (within 30 days) to the Arbitrator's decision report. Being a non-binding arbitration process, each state may disagree with the findings and continue the dispute.

Scott also reported on his involvement with the Lower Republican conservation planning group working on a similar process to the Upper Republican Conservation Projects Alliance efforts.

The meter orders are wrapping up with less than 200 to inspect. Scott suggested GMD 4 and DWR start discussing a future monitoring and compliance effort that can be cooperatively undertaken.

7. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS

Roger Zwegardt asked about the status of the automated weather station that resides on his land in Cheyenne County – it was not operational the last time he checked. Staff had forgotten the request and will ask about it again.

Shane Mann asked about the legal opinion requested of Jeff Mason on telephone and/or internet board meetings. Mr. Mason did respond and indicated that the statutes do allow for such remote meetings so long as the communication process is interactive, and the public is able to participate. Following discussion, the board consensus was to purchase a conference call telephone system for the board room and make arrangements for a conference call account capable of meeting our needs. No motion made.

8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

May – No meeting.

July - July 2, 2009.

9. ADJOURNMENT

With no other business and no objections, President Maurath declared the April 2, 2009 board meeting adjourned at 11:55 A.M., CDT, April 2, 2009.

Respectfully submitted:

Jeff Deeds, Secretary