

# Minutes: \_\_\_\_\_ Northwest Kansas Groundwater Management District 4 April 8, 2010 Board Meeting

## 1. OPEN MEETING, ATTENDANCE AND AGENDA

The April board meeting was opened at 10:15 A.M. CST, April 8, 2010 in the district offices, Colby, KS by President Scott Maurath.

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

Lon Frahm	Scott Maurath	Brent Rogers
Monty Biggs	Roger Zwegardt	Dave Rietcheck
Jon Friesen	Doug David	

Board Members absent were: Jeff Deeds, Mitch Baalman and Shane Mann

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. Staff indicated there were none.

## 2. CONSENT AGENDA

*Jon Friesen moved for approval of the consent agenda including: 1) the March 4, 2010 minutes as presented; and 2) receipt of the March, 2010 financial reports including the March, 2010 expenditures totaling \$31,694.07. Dave Rietcheck seconded the motion which passed unanimously.*

## 3. MANAGER'S REPORT

Manager referenced the items already provided in the board packet and expanded on three of the updates: 1) Legislation: Additionally reported that SB 574 (restoring the interstate water litigation fund) had passed the Senate and was before the House which changed the source of the restoration funds from the state water plan fund to the state general fund. If passed, the omnibus appropriations bill, which still has the IWLF being restored by the state water plan fund, will need to be amended. If not passed by the House, the appropriations bill will need to be amended; 2) AWEP: It was further reported that the 2010 AWEP program was announced on April 5 as having \$61.2 million available, but that only \$20.7 will be available for new projects – the balance will be applied to continuation funding for 2009 projects; and 3) Republican River Compact Update: Two arbitration issues have been identified for a second round of arbitration – a) the Colorado pipeline augmentation proposal; and b) an accounting change that will provide water credits for monetary payments made to another state.

## 4. UNFINISHED BUSINESS: None

## 5. NEW BUSINESS

**a. SD-6 Discussions:** Manager backgrounded the discussions by explaining the context of the materials provided in the board packet. The proposal under consideration is to implement the entire effort via two, locally promulgated rules and regulations. To do such, the management program needed updates that would support a general regulation allowing the GMD board to implement individual HPA management programs, and a specific regulation for each HPA that

completes Task 4 of the enhanced management process. The management program changes and both proposed regulations were included in the board packet.

During discussion, questions were raised regarding several aspects of the process:

1) **Monitoring:** There did not appear to be any requirement for monitoring to quantify or qualify the achievement of any stated goal. It was suggested that the ability to prove whether or not the goal had been achieved was critical to the process and needed to be included in the regulation. It was also suggested that the attainment (or not) of the goal would be a factor in the decision to continue the effort past any mandated sunset period and need not be specified in regulation. Another comment was that the process is attempting to implement as closely as possible the local desires, and that the locals have yet to weigh in on this issue. If they do, it will either be embodied in the management program or the regs – whichever is most appropriate. There was not any clear direction by the board.

2) **Due process:** While the management program revisions and both regulations would include a public hearing process, it was suggested that a public hearing process also be included as a prerequisite to the board's adopting the local HPA recommendations for goals, approaches and any other implementation details. By consensus the board agreed with the added public hearing process prior to adopting any locally recommended process.

**b. Dry-well Discussions:** Manager briefed the board on what the issue was, and Scott Ross filled in yet more detail. No motion was made, but the board consensus was that the proposed wells should be accommodated so long as they are monitored such that only emergency fire protection use is made from them.

## 6. DWR REPORT

Scott Ross reported:

a) **Republican River Compact Update:** Two issues have been sent to arbitration and the arbitrator has been selected (M of Salem, Oregon) and a time frame has been agreed upon – a final report by November 1, 2010. The two issues are: 1) The proposed Colorado augmentation pipeline; and 2) a new accounting procedure to provide a water credit for any state paying monetary damages. Kansas will argue that neither of these issues qualify as arbitration issues. The arbitration process is to begin in early May.

b) **Meters:** The last 250 meter orders are now out within the Stockton field office area.

## 7. OPEN SESSION - PUBLIC QUESTIONS/COMMENTS

None.

## 8. SET NEXT MEETING DATE AND CONSIDER FUTURE AGENDA ITEMS

The 2010 year board meeting schedule has already been set with the remainder of the year meetings as follows: May 6; June 3; July 1; August 12; September 2; November 4 and December 16.

## 9. ADJOURNMENT

*With no other business and no objections, President Maurath declared the April 8, 2010 board meeting adjourned at 12:00 P.M., CDT, April 8, 2010.*

Respectfully submitted:

---

Jeff Deeds, Secretary