

# Minutes: \_\_\_\_\_ Northwest Kansas Groundwater Management District 4 June 14, 2010 Board Meeting

## 1. OPEN MEETING, ATTENDANCE AND AGENDA

The June board meeting was opened at 10:05 A.M. CDT, June 14, 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	Jeff Deeds	Mitch Baalman

Board Members absent were: Shane Mann and Doug David

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 one agenda addition at Item 5. d. – GMD/Producer Agreement for NRCS EQUIP Applications.

## 2. CONSENT AGENDA

*Lon Frahm moved for approval of the consent agenda including: 1) the April 8, 2010 minutes as presented; and 2) receipt of the April 2010 and May 2010 financial reports including the April and May 2010 expenditures totaling \$27,857.28 and \$32,558.51 respectively. Monty Biggs seconded the motion which passed unanimously.*

## 3. MANAGER'S REPORT

Manager referenced the items already provided in the board packet and gave the board a brief summary of the GMDA Summer Conference in Little Rock, AR. There were no questions regarding the manager's report items contained in the board packet.

## 4. UNFINISHED BUSINESS: None

## 5. NEW BUSINESS

**a. SD-6 Discussions:** Manager briefed the board on the latest discussions between DWR and GMD 4 regarding the three proposed elements to implement the SD-6 HPA enhanced management plan – 1) various management program amendments; 2) a general enhanced management authority regulation (Proposed regulation 5-24-14); and 3) a specific regulation implementing the stakeholders Task 4 recommendations ultimately adopted by the board.

While there was good discussion, there were several issues that were not settled: 1) holding non-irrigation water rights harmless in the water use reductions; and 2) requiring adjustments for all water rights independent of priority.

The agreements were: 1) the addition of a formal public hearing on the stakeholder recommended Task 4 decisions; and that the general enhanced management authority regulation is ready for promulgation and need not wait for the other changes before being promulgated.

Following a status report and update, staff asked the board to consider adopting proposed KAR 5-24-14 for promulgation. In discussion, DWR asked if the public hearing process had been incorporated. Staff explained that it had been, but was addressed in the Management Program amendments. DWR suggested that it be included in the general authority regulation rather than this regulation referencing it in the management program.

***Dave Rietcheck moved that proposed Regulation 5-24-14 as presented be amended to include the public hearing process in subsection a. (4), then transmitted to DWR with a request that it be promulgated as a DWR regulation for GMD 4. Lon Frahm seconded the motion which passed unanimously.***

Mitch Baalman asked when the next SD-6 stakeholder meeting needs to be held in light of the board action just taken? Staff responded that the sooner the better. Mitch and Brent asked for a meeting on June 23 to re-assess the stakeholders' attitudes, discuss the DWR issues and to determine responses to the ideas floated thus far. It was suggested that each invitee, along with a meeting notice, get a snapshot of his or her current water right(s) and what those rights would look like if the current approach would be implemented. Staff indicated a willingness to try and agreed that such an approach would stir interest and discussion.

**b. Executive Session:** It was decided not to enter into executive session for the following discussions. Manager reported that several buildings are on the market currently in Colby that would provide improved office facilities for the district. If the board was of a mind to own its facilities rather than renting, this is a good time to consider it. In discussion, the board wanted to see some figures on costs of ownership versus renting before discussing it further. Staff indicated they would work on such figures for review at the next meeting.

**c. Lawsuit Involvement:** Staff briefed the board on the status and issues of the Wheatland Electric lawsuit against the Kansas Department of Agriculture, and asked if there was any interest in the 5 GMDs entering the suit via filing an Amicus brief – as a friend of the court? Scott Ross also answered question of the board. Not having had the opportunity to read all the materials provided in our recent open records request, there were not a lot of facts available for board consideration. As such, it was board consensus that we monitor the suit for now and consider entering it only if the issues command involvement once they are better understood.

**d. GMD/Producer Conservation Agreements:** Staff presented the board with the latest draft of a proposal that would allow producers to contract with the GMD to conserve water for a period of 10 years. The contract is expected to satisfy the NRCS EQIP program's extra ranking criteria for those seeking EQIP contracts. The fact that the agreements would only be offered in the EQIP quick response areas (formally closed to new appropriations) protects the producers from Kansas water right abandonment proceedings as long as they appropriately maintain the well. This protection was afforded by passage of Representative Larry Powell's SB 316 this past session. Staff indicated that the Default / Penalty clause of the agreement needed close consideration.

Following more discussion and questions, ***Dave Rietcheck moved that the agreement not be adopted at this time, but be brought back before the board if and when any district member becomes involved in an EQIP application process and requests such an agreement to qualify for the additional ranking points. Lon Frahm seconded the motion which passed unanimously.***

## 6. DWR REPORT

Scott Ross reported that their office continues to work on the meter program. He also indicated that Kansas is requesting an extension of the Republican River Compact arbitration process based on Nebraska's denial of Kansas' request for access to persons deposed by Nebraska.

**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: July 1; August 12; September 2; November 4 and December 16. Due to several issues, the July/August meeting have been combined and scheduled for July 22, 2010.

**9. ADJOURNMENT**

*With no other business and no objections, President Maurath declared the June 14, 2010 board meeting adjourned at 2:15 P.M., CDT, June 14, 2010.*

Respectfully submitted:

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Jeff Deeds, Secretary