

MINUTES – NOVEMBER 8, 2012  
BIG BEND GROUNDWATER MANAGEMENT DISTRICT #5  
MEETING OF THE BOARD OF DIRECTORS

The monthly board meeting of the Big Bend Groundwater Management District #5 was held at the District office in Stafford on Thursday, November 8, 2012. Board members present were Darrell Wood, John Janssen, Curtis Tobias, Tom Taylor, Fred Grunder, Ed Shultz and Bob Standish. Board members not present were Kent Lamb and Phillip Martin. District staff present was Orrin Feril. Guests present were Cameron Conant, Brad Ruff, Gary Seibert and Kevin Schultz.

The November regular board meeting was called to order at 2:00 p.m.

Bob Standish moved, John Janssen seconded to accept the October minutes as written. Motion carried 6-0-1.

Bob Standish moved, Curtis Tobias seconded to accept the treasurer's report. Motion carried 6-0-1.

The first item up for discussion was a change application on water right file no. 24954. The application proposes a conversion from three points of diversion with separate rates and quantities to a battery of three wells with a single rate and quantity which will then utilize a single meter to report water usage. The application is in need of a waiver to K.A.R. 5-25-14 to allow the applicant to keep the same rate authorized under the existing water right (615 gpm). Fred Grunder moved, Bob Standish seconded to waive K.A.R. 5-25-14 and recommend the application for approval. Motion carried 6-0-1.

Water right file no. 32406.01 was on the agenda for discussion. This application is to change the authorized points of diversion to overlap existing water right No. 25403.02. The primary well will move approximately 2900 feet and therefore, does not meet K.A.R. 5-25-2a which limits the move to a maximum of 2640 feet. Fred Grunder moved, John Janssen seconded to waive K.A.R. 5-25-2a and recommend the application for approval. Motion carried 5-1-1.

Manager Feril discussed staff activities for the past month and upcoming months. A brief discussion was held on the proposed drilling waste land spreading regulations. GMD 5 has submitted suggested language and comments to KDHE.

A discussion on the progress and GMD5's proposal for a revised Multi-Year Flex Account was held. Manager Feril presented a draft chart showing the reported water use for the District for the past 30 years in comparison to the appropriated quantity in the District. The current proposed option is to give water users an incentive to remove or plug the end gun on the irrigation system throughout the five-year period. It was agreed that for the proposal to be successful, the water user will need to see a benefit (water)

over the current NIR or average water use MYFA calculations. The discussion will be continued at the next meeting with more information available from District staff.

The status of the Central Kansas Water Bank Association's revised charter (CKWBA) was also discussed briefly. Currently the association has done all it needs to do to have its charter reviewed and signed by the Chief Engineer. The Chief Engineer told Manager Feril at the recent Governor's Conference in Manhattan that this review is on his "To-Do" list. It is unclear at this point when the revised charter will be reviewed and signed by the Chief Engineer.

A discussion on the status on the Rattlesnake Creek third four-year report was held as well. At this point, GMD5 has presented its latest comments and suggested revisions but no final draft has been received. After talking with DWR staff at the Governor's Water Conference, a final draft should be ready within the next couple weeks.

Manager Feril brought the proposed "Joint board meeting" with the other four GMD boards and managers to the board. A discussion on GMD5's support was held. It was the consensus of the board that GMD5 would support the meeting.

Cameron Conant, representing the Division of Water Resources, was on hand to update the board on current issues. The Stafford field office has recently sent out around 90 Notices of Non-Compliance (NONC) for over-pumping 2011 and not enrolling in a drought term (DT) or MYFA, around 600 NONC are going out from Topeka for Stafford Field office area. The field office staff is also in the process of checking the approximate 500 MYFA's and sealing the meters to the pipes soon.

A brief discussion was held on the status of land use agreements within GMD5 for the water level measurement sites and weather station network. At this point, the board would like to renew land use agreements with the land owners. Drafts of these agreements will be shown to the board at the next meeting.

KWA Update - Recent meeting in Manhattan – Mary Knapp spoke about weather patterns for the upcoming summer -dry. Mike Hightower spoke about the drought that we are in is part of a 100 year cycle. Another discussion was in regards to a proposed pipeline to replace the trench from the Arkansas River to Cheyenne Bottoms.

Kevin Schultz was on hand to discuss a statute of limitations for over-pumping a water right. Possibly 5 years and the over-pumping matrix is reset to zero. This has been discussed at OAAC meetings. Possibly 7 years. DWR has discussed this very informally - after 5 years without over-pumping take a step backward in the matrix, but not take it all the way to zero.

With no further items to discuss, the board adjourned at 3:34 p.m.