

MINUTES – APRIL 11, 2013
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, April 11, 2013. Board members present were Darrell Wood, John Janssen, Kent Lamb, Phillip Martin, Tom Taylor, Fred Grunder, Justin Gatz and Bob Standish. Board member not present was Curtis Tobias. District staff present was Orrin Feril. Guests present were Bill Roenbaugh, Carrie Cordova, Meg Estep, Rex Hildebrand, Corey Kuett, Larry Adams, Richard Wenstrom, Jeff Lanterman, Leah Chadd, Shane Chadd, Mike Goldham, Rachael Lobbin, Murray Lobbin, and Kevin Schultz.

The April regular board meeting was called to order at 7:00 p.m.

Kent Lamb moved, Bob Standish seconded to amend the December minutes to add a paragraph regarding the purchase of computer equipment following the 8th paragraph. Motion carried 6-0-1.

Kent Lamb moved, Bob Standish seconded to amend the March minutes to state in the 9th paragraph: "...following resolution to conduct the 2013 audit using..." Motion carried 6-0-1.

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

The board conducted an election of officers for the upcoming year. Kent Lamb nominated Darrell Wood for President. John Janssen moved Kent Lamb seconded that nominations cease and a unanimous vote be cast for Darrell Wood. Motion carried 6-1-0. Bob Standish nominated Fred Grunder for Vice-President. Kent Lamb moved, John Janssen seconded that nominations cease and a unanimous vote be cast for Fred Grunder. Motion carried 5-1-1. Bob Standish made a motion that John Janssen, Treasurer, and Curtin Tobias, Secretary be re-elected for another term. Justin Gatz seconded the motion. By unanimous vote, John Janssen and Curtis Tobias were re-elected to these positions for another one-year term.

The agenda was revised to move the Rattlesnake Creek update to be first item for discussion. Meg Estep, Chief-Water Resources Division for US Fish & Wildlife Service (Service), was on hand to discuss the recent activity by the Service in regards to the subbasin. Ms. Estep indicated that a "2nd letter" will be sent to the Chief Engineer of KDA-DWR to formally claim impairment of Water Right File No. 7571 by junior water right holders in the subbasin. This letter is being submitted at the request of the Chief Engineer to have specific language included in the letter. Following the 12-year plan, the Service "doesn't feel that adequate progress was made and the Service is asking that DWR move forward with some administrative process to try to resolve this so that we all know where we're at and get some resolution." There is also a comprehensive conservation plan being reviewed at Quivira National Wildlife Refuge (Quivira) and is a completely separate process from the impairment claim. Public meetings are being planned for this comprehensive conservation plan at the end of April. It is requested that

any questions or comments regarding the impairment claim be directed to Ms. Estep directly rather than Quivira staff. No action was taken by the board.

An application to change the point of diversion for Water Right File No. 18,209 was up for discussion. The application proposes to move the well authorized under file number 18,209 to an existing well originally authorized under file number 9,416. The proposed change would not meet the minimum well spacing of 1320 feet to existing points of diversion (K.A.R. 5-25-2). Fred Grunder moved, Bob Standish seconded to waive K.A.R. 5-25-2 to allow the applicant to move file number 18,209 from the center of the quarter to the half-mile line as proposed. Following discussion the motion carried 6-0-1.

Phillip Martin arrived at 7:22pm.

The District policy regarding pumping from District observation wells was presented for review. Historically no pumping was allowed from these wells by policy. With the revised policy, pumping from these wells would be allowed by prior written permission only with no guarantee of water quality. Following discussion, Justin Gatz moved, Tom Taylor seconded to amend the policy as written. Motion carried 7-0-1. The amended policy reads:

M. Pumping From District Observation Wells:

*Adopted April 14, 1982
Amended April 11, 2013*

It is against Board policy to allow anyone to pump from the District observation wells. The policy was amended to allow pumping from District observation wells only by prior written permission from the Board or District Manager. The Big Bend Groundwater Management District #5 does not make any guarantee of water quality and shall not be liable for loss.

The next agenda item for discussion was a proposed Multiyear Flex Account (MYFA) option utilizing K.S.A. 82a-736 (c)(1)(D)(iii). The proposal is for producers, within Big Bend Groundwater Management District #5, who willingly remove or plug their end gun throughout the term of the MYFA program, their MYFA allocation would be 450% of their authorized appropriation. Following discussion, Kent Lamb moved, Justin Gatz seconded to submit this proposal to the Chief Engineer of KDA-DWR. Motion carried 7-0-1.

Manager Feril presented the manager's report to the board with a few additions. There is an upcoming KGMDA meeting on April 19th 2013 that will be at the District office at 10:00 am. There has been informal discussion by the Equus Beds GMD #2 board to annex Range 8W in Reno County into their district. No formal action has been taken on that proposal to GMD5's knowledge. The upcoming board appreciation dinner was discussed as well.

Jeff Lanterman, representing the Division of Water Resources, was on hand to discuss the activities of the Stafford Field Office. The technical services division has started the Quivira investigation.

No update was given from the Kansas Water Authority.

Bill Roenbaugh discussed the need for a water quality baseline for area water users to be able to determine the water quality impact of horizontal drilling & hydrologic fracturing (“fracking”) on the area aquifers. It was recommended by the board that the manager get information on the cost for water quality testing and determine if a possible discount might be available for water users within GMD5.

With no further items to discuss, the board adjourned at 7:56 p.m.