

MINUTES – MARCH 14, 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, March 14, 2014. Board members present were Darrell Wood, John Janssen, Curtis Tobias, Tom Taylor, Fred Grunder, Ed Shultz, Bob Standish, Kent Lamb and Phillip Martin. District staff present was Orrin Feril. Guests present were Jeff Lanterman, David Salem, Stan Lear, Aaron Koehn, Chris Roenbaugh, Kevin Schultz, Dennis Dutton and Chief Engineer David Barfield.

The March regular board meeting was called to order at 1:00 p.m.

Fred arrived at 1:01 p.m.

Kent Lamb moved, Bob Standish seconded to accept the February minutes as written. Motion carried 6-0-1.

Bob Standish moved, John Janssen seconded to accept the March treasurer's report. Motion carried 6-0-1.

Tom Taylor arrived at 1:03 p.m.

Manager presented the 2013 maintenance quotation for the ESRI software. Fred Grunder moved, Bob Standish seconded to approve the payment of ESRI maintenance. Motion carried 7-0-1.

The proposed 2014 budget was presented to the board for review. The budget was adjusted to reflect the projected needs for the District while maintaining the current \$1,000,000.00 limit. Kent Lamb moved, Bob Standish seconded to approve the proposed budget for presentation at the annual meeting to the public. Motion carried 7-0-1.

John Janssen moved and Bob Standish seconded to adopt the following resolution to conduct the 2013 audit using the cash basis and budget laws of Kansas. Motion carried 6-0-2.

RESOLUTION NO. 2013-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2013 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Big Bend Groundwater Management District No. 5 and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) (as amended) for the year ended 2013 .

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Big Bend Groundwater Management District No. 5, Stafford, Kansas, in the regular meeting duly assembled this 14th day of March, 2013, that the Board of Directors waives the requirements of K.S.A. 75-1120a(a) (as amended) as they apply to the Big Bend Groundwater Management District No. 5 for the year ended 2013.

BE IT FURTHER RESOLVED THAT THE Board of Directors shall cause the financial statements and financial reports of the Big Bend Groundwater Management District No. 5 to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Aaron Koehn, accountant for VonFeldt, Bauer and VonFeldt Chtd, gave the board an overview of the annual audit for fiscal year 2012. Questions and comments from the board followed the presentation. Bob Standish moved and Tom Taylor seconded to accept the 2012 audit report. Motion carried 7-0-1.

The change application on Water Right No. 37710 was presented to the Board for review. The application proposes a change in point of diversion and place of use from gravity irrigation to a center pivot system. When this water right was initially reviewed in December 2003, a letter from Big Bend GMD5 stated that if any change in point of diversion were proposed, the file must come in compliance with K.A.R. 5-25-16. Kent Lamb moved, Fred Grunder seconded to recommend waive K.A.R. 5-25-16 and recommend approval with the stipulation that the test hole be completed as an observation well to conduct water quality sampling as needed. Following further discussion, the motion carried 7-0-1.

Application for Water Right File Nos. 47907 & 47912 was on the agenda for discussion. This application is to appropriate water to cover the evaporative loss on two existing groundwater pits constructed in the early 1900s. Following discussion, Kent Lamb moved, Curtis Tobias seconded to waive K.A.R. 5-25-2 & K.A.R. 5-25-15 due to the fact that these pits were constructed prior to District closure. Motion carried 5-1-1 to recommend approval of these applications.

Manager Feril discussed the need to amend District policy to allow pumping from observation wells with the stipulation that no pumping be allowed unless prior written authorization is given by the District. Following discussion, the board requested the policy be amended and presented to the board at the next meeting.

Manager Feril discussed the recent developments on the Rattlesnake Creek subbasin. The United States Fish & Wildlife (USFW) submitted a letter to the Chief Engineer for Kansas Department of Agriculture–Division of Water Resources (DWR) which formally claimed the impairment of Water Right File No. 7571 by upstream junior water rights. No action was taken by the board.

Jeff Lanterman, representing the Division of Water Resources, was on hand to update the board on current issues. Multi-Year Flex Accounts are being approved currently and are beginning to be inspected for compliance to the terms of those permits. Following hydrologic review of the area, DWR will be conducting “enhanced compliance in T26S-R18W. This will involve more compliance and enforcement checks throughout the year.

Curtis Tobias updated the board on the activities of the Kansas Water Authority. The Authority held a meeting in January and will have their next meeting in May 2013.

John Janssen moved, Curtis Tobias seconded to go into executive session at 3:00 p.m. for 30 minutes for the purpose of discussing personnel matters of non-elected personnel.

Executive session is required to protect the privacy interests of the parties involved. Motion carried 7-0-1. The board came out of executive session at 3:30 p.m.

Phil Martin arrived at 3:27 p.m.

Bob Standish moved and Tom Taylor seconded to adjust the salaries for District personnel. Motion carried 7-0-1.

Manager Feril discussed the changes to the Central Kansas Water Bank Association (Bank). As of March 12, 2013, the Bank is chartered as a not-for-profit corporation. The deadline for depositing water into the Bank for lease at another location is April 1, 2013.

The board recessed at 3:52 p.m. and reconvened at 4:03 p.m. when the Chief Engineer arrived.

The board discussed recent events in the Rattlesnake Creek subbasin with the Chief Engineer and requested how his office will proceed with the impairment claim. The Rattlesnake Creek subbasin will be a “significant priority” for the Chief Engineer as he proceeds with the impairment investigation. The investigation will be a deliberate and transparent process.

With no further items to discuss, the board adjourned at 5:30 p.m.