

MINUTES – FEBRUARY 19, 2015  
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 February 19, 2015. Board members present were Darrell Wood, Fred Grunder, John Janssen, Curtis Tobias, Tom Taylor, Kent Lamb, Justin Gatz, Phillip Martin, and Bob Standish. District staffs present were Orrin Feril and John Hildebrand. Guests present were Jeff Lanterman, Richard Wenstrom, Mike Oldham, Aaron Koehn, Ray Flickner, Susan Metzger, Lane Letourneau, Chris Beightel, Marshall Thompson, Marvin Sessler, and Allen Brauer.

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

Phil Martin moved and Bob Standish seconded to accept the January minutes as presented. Motion carried 6-0-1.

Bob Standish moved and Phil Martin seconded to accept the February treasurer's report as presented. Following discussion, the motion carried 6-0-1.

Justin Gatz arrived at 1:02 p.m.

Fred Grunder arrived at 1:04 p.m.

Aaron Koehn, accountant for VonFeldt, Bauer and VonFeldt Chtd., gave the board an overview of the annual audit for fiscal year 2014. Questions and comments from the board followed the presentation. Bob Standish moved and John Janssen seconded to accept the 2014 audit report. Motion carried 8-0-1.

Justin Gatz moved and Tom Taylor seconded to adopt the following resolution to conduct the 2015 audit using the cash basis and budget laws of Kansas. Motion carried 8-0-1.

RESOLUTION NO. 2015-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2015 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 2015.

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 19th day of February, 2015 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 2015.

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.

The District has received an application for change in place of use for Water Right File No. 15,020. Currently this water right's place of use is authorized for 80 irrigated acres in Pawnee County. The applicant has requested to increase the place of use to 121 acres. Through K.A.R. 5-5-11 this is allowed provided the applicant enters into a monitoring agreement with the District. Following discussion of the terms of this agreement with the applicant, Kent Lamb moved and Bob Standish seconded to recommend approval of the application provided the applicant enter into a monitoring agreement with the District. The motion carried 8-0-1.

The District also received an application to change the point of diversion for Water Right File No. 26,562. As a result of water quality testing conducted by the District in 2001 and 2002, K.A.R. 5-25-16(b) requires that the owner drill an observation well to bedrock in the manner specified in K.A.R. 5-25-10(a). This requirement was explained to the owner following the testing in 2002 in a letter dated December 19, 2003. As presented, this application proposes to drill the irrigation well to approximately the same depth  $\pm 5$  feet as the existing irrigation well. According to drilling logs supplied by the applicant, there is no discernable clay layer present that would help to mitigate further water quality degradation at this site. Following extensive discussion with the applicant and Kansas Department of Agriculture – Division of Water Resources (KDA–DWR) staff, Justin Gatz moved and Bob Standish seconded to recommend denial of this application with the understanding that the owner will be working with KDA–DWR to file a subsequent application to convert to a battery of wells in order to improve the water quality at this location. This option provides a more sustainable water quality for the owner and reduces the potential for further degradation of the water quality in the upper zones of the aquifer. The motion carried 8-0-1.

Manager Feril presented the proposed 2016 budget to the board and described the amendments to the existing adopted budget. Following discussion, Kent Lamb moved and Bob Standish seconded to present the proposed budget as amended to the public at the annual meeting for review. Motion carried 8-0-1.

Manager Feril gave an update to the Board in regards to the recent legislative activity in Topeka. There have been many bills introduced that involve water. The legislature is approaching “turnaround” so activity has been increasing in all of the committees. Lane Letourneau and Susan Metzger provided additional information on these bills. The staff activities for the past month and upcoming months was then discussed briefly. Staff has been working on compiling the data for the water level change maps that will be presented at the annual meeting. Additionally, the board was encouraged to attend one of the upcoming regional goal setting meetings for the state.

Over the past few months, KDA–DWR staff have, with technical assistance from Balleau Groundwater Inc., been performing preliminary studies assessing the viability of augmentation for the Quivira NWR impairment investigation. As a result of this work, the District has received invoices for time spent by Balleau Groundwater Inc on this project. However, this project was never formally authorized by the board of directors.

Kent Lamb moved and Fred Grunder seconded to adopt the following resolution as presented.

RESOLUTION NO. 2015-2

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined activities are underway to verify the sustainability of an augmentation scenario by the Kansas Department of Agriculture – Division of Water Resources within the Rattlesnake Creek subbasin and

WHEREAS the Big Bend Groundwater Management District No. 5 hydrologic consultant, Balleau Groundwater Incorporated, is providing technical assistance and guidance to the Kansas Department of Agriculture – Division of Water Resources in the development of an augmentation scenario for the Rattlesnake Creek subbasin.

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 19th day of February, 2015 that the Board of Directors authorizes financial compensation of Balleau Groundwater Incorporated for time spent in technical assistance to Kansas Department of Agriculture – Division of Water Resources in the development of an augmentation scenario for the Rattlesnake Creek subbasin.

Following discussion amongst the board, Kent Lamb amended his motion and Fred Grunder seconded to include the following modification to the resolution:

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WHEREAS the Big Bend Groundwater Management District No. 5 hydrologic consultant, Balleau Groundwater Incorporated, is providing technical assistance and guidance to the Kansas Department of Agriculture – Division of Water Resources in the development of an augmentation scenario for the Rattlesnake Creek subbasin.

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 19th day of February, 2015 that the Board of Directors authorizes financial compensation of Balleau Groundwater Incorporated for time spent in technical assistance to Kansas Department of Agriculture – Division of Water Resources in the development of an augmentation scenario for the Rattlesnake Creek subbasin *until such time that the impairment investigation is resolved.*

Following further discussion, the motion carried 8-0-1.

Jeff Lanterman, representing the Division of Water Resources, was on hand to update the board on current issues in the Stafford field office. The field office is wrapping up the annual water level measurements and has seen similar results as discussed previously in

the manager's report. Lane Letourneau stated that Manhattan has received over 600 online water use reports at this point with a couple more weeks to go before the deadline. This participation is far in excess of the participation received last year in the online water use reporting program.

Mike Oldham, representing the United States Fish and Wildlife Service, was present to discuss the operations at Quivira National Wildlife Refuge. The re-contouring of all of the management areas on Refuge property is now officially complete.

Ray Flickner provided an update on the recent Kansas Water Authority (KWA) activities. Equus Beds GMD#2 is currently in the process of getting their entire district modeled. This is not a fast process as Big Bend GMD#5 board already knows. The KWA met in January to discuss the status of many projects throughout the state. The Kansas Aqueduct Committee provided their final report to KWA for acceptance. The KWA did not take action on this report however, due to a lingering question regarding how much water Kansas could claim on the Missouri River.

Richard Wenstrom, representing Water Pack, provided a summary of their recent annual meeting earlier in the week. Additionally, Richard, as chairman of the Great Bend Prairie Regional Goal Setting Team, encouraged the District board to attend the public meetings for this group and to supply management goals for the water resource of this local area.

In other business, the Manager Feril gave a summary of the Central Kansas Water Bank Association's board meeting earlier in the day. The board has passed proposed amendments to the Association's charter and will be presenting them to the public at the annual meeting. Susan Metzger gave an update on the day's activity in Topeka regarding Senate Bill 36.

Curtis Tobias moved and Phil Martin seconded to go into executive session at 3:55 p.m. for 20 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 8-0-1. The board came out of executive session at 4:15 p.m.

With no further items to discuss, the board adjourned at 4:16 p.m.