

MINUTES – JANUARY 19, 2017  
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 January 19, 2017. Board members present were Darrell Wood, Fred Grunder, John Janssen, Justin Gatz, Phillip Martin, Curtis Tobias, Kent Lamb, Bob Standish and Tom Taylor. District staffs present were Orrin Feril and John Hildebrand. Guests present were Lynn Preheim, Richard Wenstrom, Jeff Lanterman, Julie Lyon, Pat Janssen, Kelly Meyer, Jeff Younger, Jerry Cullop, Brian Klager, Berry Bortz, Calvin Kissick, Bill Roenbaugh, and Bronson Smith.

The January regular board meeting was called to order at 10:00 a.m. by Darrell Wood.

The executive session for attorney-client discussion was moved from agenda item 15 to 4a.

Jeff Lanterman noted the following amendment to the December minutes:

*Mr. Feril relayed to the board the DWR report. KDA-DWR is working on adjusting the penalty for failing to file the required water use report with the Chief Engineer. If the report is not received on or before March 1 the penalty will be \$250 and if not received by June 1 the penalty will be \$1000 and a ~~year~~ suspension of water use until the report is received. No action was taken by the board.*

Kent Lamb moved and Bob Standish seconded to accept the December minutes as amended. Motion carried 5-0-1.

Justin Gatz joined the meeting at approximately 10:03 a.m.

Bob Standish moved and Tom Taylor seconded to accept the end of year 2016 and January treasurer's reports as presented. Following discussion, the motion carried 6-0-1.

Manager Feril presented the audit engagement letter from VonFeldt, Bauer, & VonFeldt, Chartered for review by the board. Justin Gatz moved and Bob Standish seconded to accept the engagement letter in order to conduct the District's financial audit. Motion carried 6-0-1.

Phil Martin joined the meeting at approximately 10:05 a.m.

Bob Standish moved and Tom Taylor seconded to go into executive session at 10:05 a.m. for one hour for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship. 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 11:05 a.m.

John Janssen joined the executive session at approximately 10:10 a.m.

Lynn Preheim, Stinson, Leonard Street, addressed the board and the public present regarding the current status of the Rattlesnake Creek impairment process. Mr. Preheim stated that the District is in the middle of settlement negotiations within the administrative process. As such the District

cannot disseminate the details of the proposal at this time. Mr. Preheim addressed a few questions from the public in attendance. Mr. Feril announced that the District would be holding a special board meeting on January 26, 2017 with KDA–DWR staff. This meeting will be closed to the public as the board intends to enter into executive session for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship. This meeting will be advertised on the District’s website as soon as possible.

Manager Feril presented a draft 2018 budget for the board’s review and discussion. The draft budget will be reviewed again at the February board meeting before being presented to the public for review at the annual meeting. No further action was taken by the board at this time.

The District participates in a Groundwater Management District roundtable event and Legislative reception every year in Topeka. The District has submitted the appropriate legal notice for these events in area newspapers along with the legal notice for the upcoming annual meeting. Manager Feril requested, by show of hands, which of the board were planning on attending the events in Topeka.

The 2017 legislative session has begun and several bills have already been introduced that pertain to water issues. The board discussed some of them, acknowledging that the language presented is potentially not the final language in the respective bills.

House Bill 2032 has been introduced to the Committee on Water and Environment which seeks to increase the funding of the state water plan fund through several fee increases. Following discussion, Fred Grunder moved and Phil Martin seconded to oppose this bill as it is currently drafted. Motion carried 8-0-1.

KDA has introduced a bill to amend K.S.A. 82a-745 (Water Conservation Areas). This language has changed since the last time the board had discussed it. Following this discussion, John Janssen moved and Bob Standish seconded to support the concept of conservation but dispute the specific provision that amends subsection (h) regarding the adoption of rules and regulations. Motion carried 8-0-1.

KDA has introduced a bill to amend K.S.A. 82a-1901, 82a-1902, 2-1201b, 2-1201c, and 82-737 providing clarification to the process whereby a person may seek review of a penalty or order issued by the chief engineer or secretary. Following discussion, Fred Grunder moved and John Janssen seconded to be neutral on the language as presented, but recommend a broader description in K.S.A. 82a-1901 (b) for the potential hearing officer so as to not limit the potential for competent persons for this position. Motion carried 7-1-1.

KDA has introduced a bill to revise K.S.A. 82a-716 and 82a-717a regarding water right impairments and the statutory process for seeking remedies for such impairments. Following discussion on the proposed language and the potential impact to private property rights, it was the consensus of the board to stay neutral on this issue until such time as the language is amended.

The board recessed for fifteen minute for a catered lunch at 12:00 p.m.

The board reconvened at 12:15 p.m.

Manager Feril discussed staff activities for the past month and upcoming months. The GDMA conference was held in Fort Worth, TX recently and Mr. Feril provided a brief summary of some of the issues discussed at the conference. District staff has recently completed the water level measurements throughout the District. These measurements are being compiled for presentation to the public at the annual meeting in February.

Calvin Kissick, representing KWA, noted the recent KWA meeting where the draft KWA Annual Report that will be presented to the state legislators. The next meeting will be held in Topeka on January 25.

Jeff Lanterman, representing KDA–DWR noted the preliminary results from the annual water level measurements. In the Pawnee Valley, the state noted water level changes of up to 11 feet since January 2016.

Berry Bortz, Great Bend Prairie RAC Chair, stated that the RAC is planning to have area meetings to discuss the implementing the RAC's action plan. The RAC is having meetings with NRCS to review current programs to assess their funding level.

Richard Wenstrom stated that WaterPACK has been meeting with the Nature Conservancy (TNC) to bring them up to speed with the issues of Central Kansas. TNC has focused on getting Rattlesnake Creek on a phreatophyte removal project. WaterPACK's annual meeting will be on February 13.

In other business, Phil Martin requested that District staff investigate potential water quality concerns in the area surrounding the Turner sandpit in Barton County. The concerns are elevated nitrates and phosphates entering the groundwater of the area.

The next District board meeting was tentatively set for February 16, 2017 at 1:00 p.m. for the Central Kansas Water Bank Association and 2:30 p.m. for the District. The joint annual meeting will be at 7:00p.m. in St John.

With no further items to discuss the board adjourned at 1:05 p.m.

Attest by: Curtis J. Tobias Dated 2-16-2017