

MINUTES – OCTOBER 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 October 19, 2017. Board members present were Darrell Wood, John Janssen, Fred Grunder, Phillip Martin, Tom Taylor, Kent Lamb, and Justin Gatz. Board members Bob Standish and Jerry Cullop were not present. District staff present was Orrin Feril. Guests present were Jeff Lanterman, Kent Moore, Jane Wenstrom, Pat Janssen, Russell Strate, Bronson Smith, Mike Barton, and Berry Bortz.

The October regular board meeting was called to order at 7:00 p.m. by Darrell Wood.

A board review of change applications for 24999, 31940, and 31941 was added to the agenda as item 4a. A discussion regarding District representation on the Central Kansas Water Bank Association review committee was added to the agenda as item 4b.

John Janssen moved and Tom Taylor seconded to approve the September minutes as presented. Motion carried 5-0-1.

Kent Lamb moved and Tom Taylor seconded to accept the October treasurer's report as presented. Following discussion, the motion carried 5-0-1.

Justin Gatz and Berry Bortz arrived to the meeting at 7:05 p.m.

The District received a recommendation request for an application for Water Right File No. 49717 in conjunction with a voluntary dismissal and reduction request for Water Right File Nos. 43689 and 44515. The new application is for industrial use at Kinsley Ready Mix and would require the necessary offsets that are being proposed by the applicant. The application does not meet the required spacing to the geocenter of the sand pit owned by the applicant. Following a discussion amongst the board and the applicant, Fred Grunder moved and Kent Lamb seconded to recommend a waiver of K.A.R. 5-25-2 to recommend approval of the applications as presented. Motion carried 6-0-1.

The District received a recommendation request for change applications to Water Right File Nos 24999, 31940 and 31941 recently. Additionally there is an application for Term Permit File No. 20169090. The proposed changes to 31940 and 31941 are to create complete overlaps of the places of use to cover the operations at the feedlot. The proposed change to 24999 is to add stockwater as a second authorized use made of water to one of the points of diversion. The term permit is to consolidate the stockwater use across the operation for the 5-year project. K.A.R. 5-25-13 limits term permits to one year except in specific situations. Following a thorough discussion amongst the board and the applicant, Fred Grunder moved and Kent Lamb seconded to recommend a waiver of K.A.R. 5-25-13 to recommend approval of the applications as presented. Motion carried 6-0-1.

The District received a request for recommendation for representation on the Central Kansas Water Bank Association review committee. Following a brief discussion regarding the expectations of this process, Darrell Wood appointed John Janssen to represent the District on this committee.

The landowner of the quarter section in which the observation wells for water quality site number 38 are installed has requested the District to revisit the potential liability of having the wells on his property. The purposed and history of the wells was explained to the board. The landowner has proposed that the District purchase the land immediately surrounding the wells for \$2500 plus closing costs. Following discussion, Phil Martin moved and John Janssen seconded to accept the proposal and enter into a purchase agreement according to the terms of the proposal. Motion carried 6-0-1. The board directed Orrin Feril to work out the details with the landowner.

Orrin Feril discussed staff activities for the past month and upcoming months. Mr. Feril stated that much of his time has been spent working through the data behind the LEMA proposal. Additionally, there have been several calls from landowners within the proposed LEMA area largely supporting the proposal's general concepts. There is a water quality issue the District is investigating in southwest Stafford County. Samples have been taken by staff and sent to certified labs for analysis. No further information is available at this time.

Darrell Wood and the other members of the Rattlesnake Creek LEMA subcommittee provided a progress report to the board. There was a thorough discussion amongst the board regarding the process and voiced concerns regarding public input. Mr. Feril noted that the information is being compiled at this stage and there will be public meetings to gather further input from the public in addition to providing the basis behind the LEMA proposal to the public. These meetings have not yet been scheduled. No further action was taken by the board.

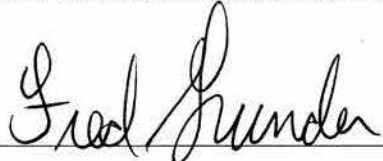
Jeff Lanterman, representing KDA-DWR, stated that KDA is reviewing the process after a civil penalty is issued to a water user. Typically KDA will offer a settlement conference to soften the landing of the penalty enforcement. Mr. Lanterman asked if the District was involved in those discussions. Mr. Feril stated that historically, the District has not been consulted in those discussions, but could see benefit if that were to change in the future. No action was taken by the board.

Berry Bortz, chairman of the Great Bend Prairie RAC, provided an update to the board. Mr. Bortz highlighted the recent meeting Lyons. The current draft of the state of the resource document was presented to the committee. Mr. Feril noted that there were several problems with the document as currently drafted and that he was working to provide suggested revisions. No action was taken by the board.

Kent Moore, representing WaterPACK, stated there is high anxiety in the Rattlesnake subbasin regarding the LEMA proposal and encouraged the District to emphasize augmentation in that proposal. Additionally, there is general consensus amongst the group to support the removal of end guns from center pivot systems.

The next District board meeting was tentatively set for November 10, 2017 at 1:00 p.m.

With no further items to discuss the board adjourned at 8:25 p.m.

Attest by:  Dated 11.10.17