

MINUTES – MARCH 8, 2018
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 8, 2018. Board members present were Darrell Wood, Fred Grunder, Tom Taylor, Kent Lamb, Kerry Froetschner, Phil Martin, Jerry Cullop, and John Janssen. Board member Justin Gatz was not present. District staffs present were Orrin Feril and Michaela Kirmer. Guests present were Jeff Lanterman, Richard Wenstrom, Berry Bortz, Pat Janssen, Robert Neeland, Shaine Chadd, Ron Ashworth, Justin Vosburgh, John Blackwell, David Blackwell, Todd Wycoff, Marvin Whipple, Alan Crane, Chris Pinkston, Jason Pinkston, Kent Moore, Marlyn Spare, Bob Standish, David Landis, Bill Calderwood, Steve Maechtlan, and John Donley (phone).

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

A discussion with John Donley via phone was added to the agenda as item 6a. Alan Crane requested time on the agenda to discuss the proposed Rattlesnake Creek LEMA as item 7a.

Phil Martin moved and John Janssen seconded to approve the February minutes as presented. Motion carried 7-0-1.

Phil Martin moved and Tom Taylor seconded to approve the Annual meeting minutes as presented. Motion carried 7-0-1.

Tom Taylor moved and Phil Martin seconded to accept the March treasurer's report as presented. Following discussion, the motion carried 7-0-1.

The board conducted an election of officers for the upcoming year. Fred Grunder nominated Darrell Wood as board president. Kent Lamb moved and Fred Grunder seconded for nominations to cease and a unanimous ballot be cast for Darrell Wood as President. Motion carried 7-0-1. Jerry Cullop nominated himself as Secretary. Phil Martin moved and Kent Lamb seconded for nominations to cease and a unanimous ballot be cast to re-elect the current officers for another one-year term. Motion carried 7-0-1. The District board officers are Darrell Wood as President, Fred Grunder as Vice-President, Jerry Cullop as Secretary, and John Janssen as Treasurer.

Michaela Kirmer, notary public in the State of Kansas, administered the affirmation as required by K.S.A. 54-106 to all present board members. All board members raised their right hand and affirmed the following statement:

"I do solemnly affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of the board of directors of the Big Bend Groundwater Management District Number Five. So help me God."

Following the affirmation, all present board members and Ms. Kirmer signed the board oath form for the record.

John Donley, Devine Donley and Murray LLC, joined the meeting via phone at 7:10 p.m. to provide an update to the board and public relating to the legislative activities in Topeka. There are several bills that have been introduced into this session that warrant the water community's attention.

- SB194 – [Groundwater Management District assessment cap] – Recently passed out of House Agriculture Committee and will be sent to the House floor.
- HB2691 – [MYFA deadline] – This bill has a hearing on Tuesday in the Senate Agriculture and Natural Resources committee.

The District received a set of change applications and applications for permit for Sterling College recently. The applicant is requesting to divert an additional 11.5 AF (App# 49855) from the same well as WR# 44649 & 47029 south of the football field. This additional AF will accumulate up to 15 AF from this well in accordance with K.A.R. 5-25-15(a)(3). Additionally, the applicant is requesting a new appropriation of 18 AF which has been obtained through the voluntary reduction of WR# 33291 as an offset. The place of use for all four water rights will be identical for a complete overlap (36 acres). The applications do not meet spacing to several nearby domestic wells and prior authorized wells. The applicant has been proactive in acquiring the voluntary spacing waivers from the nearby well owners, publishing the public notice requesting public responses, and working with nearby water right owners to acquire the offset for application number 49953. The applications do not meet K.A.R. 5-25-2 for the minimum spacing to nearby domestic and non-domestic wells. Additionally, the application for permit for file number 49953 does not meet the requirements for K.A.R. 5-25-4(a). Based on the information presented at the board meeting and prior conversations, Kent Lamb moved and John Janssen seconded to recommend a waiver of K.A.R. 5-25-2 and K.A.R. 5-25-4 and recommend approval of the applications as presented. Motion carried 7-0-1.

Alan Crane, along with several neighbors, expressed several concerns regarding the proposed LEMA boundaries on the north side and requested that the line be redrawn to exclude the area as indicated in their comments submitted to the District on February 28, 2018. The LEMA committee explained how the proposed boundaries were determined. Marlyn Spare indicated his concerns with being in the “High Impact Area”, but expressed appreciation to the LEMA committee and those in attendance in working through the issues to come to a resolution. Several comments were made in reference to the administration of Minimum Desirable Streamflow (“MDS”) according to K.S.A. 82a-703a - 82a-703c. Richard Wenstrom requested that the LEMA committee include provisions for recognition of water users that achieve actual water savings throughout the course of the LEMA plan. The general consensus of those present was in support of end gun removal as a portion of the corrective controls in the proposed LEMA.

The board took a brief break following this discussion and reconvened after five minutes.

Orrin Feril discussed staff activities for the past month and upcoming months. In August 2014, the board approved a scope of work from Balleau GW to conduct a review of the modeling work by KDA–DWR and Burns and McDonnell regarding the Hays/R9 Ranch change applications. In the past month, KDA–DWR has indicated that this work is getting close to being ready for external review. An updated scope of work was presented to the board for consideration to reflect recent information regarding these change applications and current fee schedule. The proposed scope of work is for \$16,000 to conduct this review. Following a brief discussion, Kent Lamb moved and Tom Taylor seconded to approve the scope of work as presented. Motion carried 7-0-1. The board was reminded about the board and staff appreciation dinner on March 17th.

Jeff Lanterman, representing KDA–DWR, stated that approximately 26% of all water use reports received in to KDA–DWR were submitted using the online system. The Chief Engineer recently authorized the District to place a seal on water flowmeters on behalf of the Chief Engineer. The

District routinely seals water flowmeters that have been verified to be accurate by comparative ultrasonic meter testing.

Berry Bortz, representing the Great Bend Prairie RAC, stated the next RAC meeting will be on March 12, 2018 in Pratt. At that meeting, there will be a "State of the Resource" document that will be presented and reviewed. No action was taken by the board.

Pat Janssen, representing WaterPACK, noted the work on CREP and WTAP to get additional funding directed to the Rattlesnake Creek area. Richard Wenstrom highlighted the statements Heidi Mehl, The Nature Conservancy, made at the irrigation education day regarding the effectiveness of phreatophyte removal in sandy soils. Kent Moore expressed appreciation to the LEMA committee and District board for continuing to work through the issues regarding the proposed Rattlesnake Creek LEMA,

The next District board meeting was tentatively set for April 12, 2018 at 7:00 p.m.

With no further items to discuss the board adjourned at 9:15 p.m.

Attest by:  Dated 4-12-18