

MINUTES – AUGUST 08, 2019
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, August 08, 2019. Board members present were Darrell Wood, John Janssen, Fred Grunder, Marlyn Spare, Tom Taylor, Kerry Froetschner, Jerry Cullop, and Phil Martin. Board member Justin Gatz was not present. District staffs present were Orrin Feril and John Hildebrand. Guests present were Richard Wenstrom, Senator Mary Jo Taylor, Kent Moore, Jeff Lanterman, Micah Schwalb, and Lynn Preheim.

The August regular board meeting was called to order at 8:30 a.m. by Darrell Wood.

Orrin Feril requested an addition of an executive session with the board regarding personnel issues. This executive session was added to the agenda as item 12a.

Phil Martin moved, and Jerry Cullop seconded to approve the July minutes as presented. Motion carried 5-0-1.

Tom Taylor joined the meeting at approximately 8:35 a.m.

Orrin Feril provided the board and public with the August treasurer's report and highlighted the unique items for further board review. Phil Martin moved, and Fred Grunder seconded to accept the August treasurer's report as presented. Following discussion, the motion carried 6-0-1.

John Janssen, Micah Schwalb, and Lynn Preheim joined the meeting at approximately 8:40 a.m.

Within the last month, the District has received a few temporary permits for 4 million gallons each within Rice county. The reason for bringing this to the board's attention is that they cover the same place of use, which is against the purpose for these types of permits. These permits specifically were for irrigating industrial hemp. Historically, the board had been told that irrigation was not able to receive these types of permits and District staff has advised individuals to that effect. Jeff Lanterman provided additional clarification on this specific issue and answered several questions in the matter. No action was taken by the board.

Orrin Feril discussed staff activities for the past month and upcoming months. The District has completed the annual assessment for each parcel within District boundaries and submitted the information to each county clerk office in the District. Orrin also provided an update on the augmentation project. Engineering firms are preparing design and build proposals for the board's review. The Kansas Water Office will be holding a field day at the WaterPACK/ILS Water Technology Farm at the end of the month.

Jeff Lanterman, KDA-DWR, stated that DWR is making a significant upgrade to their water right database. DWR staff has been in training on this new system and will reach out to District staff soon to facilitate training.

Kent Moore, WaterPACK, provided an overview of a meeting with USFWS and Big Bend GMD5 regarding the progress and implementation of streamflow augmentation. This meeting is in response to the August 2018 letter from the Kansas Congressional delegation. Recently, WaterPACK set in motion an effort to establish a new Limited Liability Company (LLC) for the financing of conservation efforts in Rattlesnake Creek.

Fred Grunder made the following motion at 9:25 a.m.: "I move that the Board go into executive session for legal advice on status of the Quivira NWR LEMA with an attorney for the public body which would be deemed privileged in the attorney-client relationship pursuant to the attorney consultation exception under KOMA, and the open meeting will resume here in the meeting room at 10:00 a.m." John Janssen seconded. Motion carried 7-0-1. The board came out of executive session at 10:00 a.m.

In other business, the board briefly discussed the implications of the recent letter from KDA-DWR indicating that the Quivira NWR LEMA had been rejected and the Chief Engineer's intention to administer water rights. Fred Grunder moved, and John Janssen seconded to request that L. Preheim file a petition requesting administrative review with the Secretary of Agriculture in a timely manner in compliance with K.S.A. 77-527 & 77-528 in response to the July 30 letter as well as file a petition for a stay on the impending administrative actions. Following brief discussion and clarification on the motion, the motion passed unanimously.

John Janssen moved, and Kerry Froetschner seconded to go into executive session at 10:05 a.m. for fifteen minutes for the purpose of discussion personnel matters of non-elected personnel to protect the identity of the parties involved. Open session will resume here in the meeting room at 10:20 a.m. The motion carried 7-0-1. The board came out of executive session at 10:20 a.m.

The next District board meeting was tentatively set for September 12, 2019 at 8:30 a.m.

With no further items to discuss the board adjourned at 10:30 a.m.

Attest by:  Dated 9/12/19