

MINUTES – JULY 11, 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, July 11, 2019. Board members present were Darrell Wood, John Janssen, Fred Grunder, Marlyn Spare, and Phil Martin. Board members Tom Taylor, Justin Gatz, Jerry Cullop, and Kerry Froetschner were not present. District staff present was Orrin Feril. Guests present were Vernon Hirt, Quentin Hirt, Patrick Hirt, Cameron Conant, Micah Schwalb, and Christina Hansen.

The July regular board meeting was called to order at 7:10 p.m. by Darrell Wood.

Cameron Conant requested the following addendum to the June minutes regarding the Water Right File No. 18876 discussion:

*DWR agrees this error can be fixed with a F&O and DWR is fine with that approach as long as the owner/applicant want to proceed with that course of action. However, DWR believes there is nothing in regulation that prevents someone from filing a change application, based on the established base acres of the file, to increase the acreage to more than what was authorized before they entered the AWEF program (normal 10 ac/10% change). If the owner wanted this fixed through the current pending change application, DWR sees nothing in regulation with respect to the AWEF that would prevent this application from being approved.*

John Janssen moved, and Marlyn Spare seconded to approve the June minutes as amended. Motion carried 4-0-1.

Orrin Feril provided the board and public with the July treasurer's report and highlighted the unique items for further board review. Phil Martin moved, and John Janssen seconded to accept the July treasurer's report as presented. Following discussion, the motion carried 4-0-1.

The regulatory changes to K.A.R. 5-25-2 & K.A.R. 5-25-4 as well as the proposed K.A.R. 5-25-22 were recently approved by the Division of Budget, Department of Administration, and the Attorney General. Through this process, there were minor amendments made to the language since the board approved it in the February board meeting. The amended language was presented to the board for consideration of reaffirmation. Fred Grunder moved, and John Janssen seconded to reaffirm the regulations and proceed to the public hearing process. Following discussion, the motion carried 4-0-1.

In the May board meeting, the board discussed possible membership to the National Water Resources Association (NWRA) as the Kansas Groundwater Management Districts. Following a discussion on the benefits of membership, Fred Grunder moved, and Phil Martin seconded to decline membership until further information is provided to the board for consideration. Motion carried 4-0-1.

Orrin Feril discussed staff activities for the past month and upcoming months. The District is co-hosted the GMDA summer conference in Salt Lake City, UT. Orrin emceed the conference and presented on the Quivira NWR impairment. After returning to Kansas, Orrin attended the Kansas Geological Survey panel discussion at Cheyenne Bottoms on Quivira NWR. The board was provided with a brief overview of both events. The District was recently presented with a request to support The Nature Conservancy and Kansas State University on a Conservation Innovation

Grant proposal. The board was presented with a draft of the executive summary for feedback and consideration. Following thorough discussion, Marlyn Spare moved, and John Janssen seconded to provide a letter of support and in-kind support if the executive summary is modified to come in line with the intention of the board. Motion carried 3-1-1.

Cameron Conant, KDA–DWR, provided an update on the overpumping enforcement for 2018 in the field office. There are currently approximately 175 active enforcement orders in the Stafford field office.

Darrell Wood recessed the regular board meeting at 8:00 p.m. and opened the budget hearing to consider the 2020 budget. Orrin Feril provided proof of publication for the hearing and provided copies of the proposed budget to all in attendance. Mr. Feril read the proposed budget noting any proposed changes from the adopted 2018 budget. President Wood then asked for any comments and questions from the audience. Following discussion with the audience, President Wood called for the hearing to close and reconvened the regular meeting at 8:15 p.m.

John Janssen moved, and Fred Grunder seconded to adopt the proposed FY2020 budget and Resolution 2019-3 as presented. Motion carried 3-1-1.

EXPENDITURES

PERSONNEL SERVICES

SALARIES	\$	225,000
EMPLOYEE BENEFITS		45,000
PAYROLL TAXES		22,500

ADMINISTRATION

TRAVEL & CONFERENCE	\$	20,000
FIELD EQUIPMENT		10,000
UTILITIES		12,000
PRINTING & PUBLICATIONS		8,000
OFFICE SUPPLIES		5,000
OFFICE EQUIPMENT		5,000
BUILDING EXPENSE		3,000

OTHER EXPENSES

WATER MANAGEMENT	\$	1,000,000
PROFESSIONAL FEES		500,000
WEATHER STATION EXPENSE		15,000
INSURANCE		13,000
POSTAGE		2,000
OTHER		2,000
BUSINESS DINNERS		1,500
DUES & MEMBERSHIPS		500

TOTAL BUDGET \$ 1,889,500

ASSESSMENT RATES

PER ACRE	\$	0.05
PER ACRE-FOOT		2.00

RESOLUTION NO. 2019-3

WHEREAS the Big Bend Groundwater Management District No. 5 (“the District”), Stafford, Kansas, was established under the authority of K.S.A. 82a-1020 for the proper management of groundwater resources of the state; and

WHEREAS, the District is a body politic and corporate and has the authority to levy a water user charge and land assessment under K.S.A. 82a-1028 (h) to finance the operations of the District; and

WHEREAS, the Board of Directors adopted a proposed budget at this year's annual meeting; and

WHEREAS, the Board of Directors has submitted the proposed budget for FY2020 to the eligible voters of the District at a budget hearing called for that purpose; and

WHEREAS, at least one (1) budget hearing notice was published in a newspaper or newspapers of general circulation within the District at least twenty-eight (28) days prior to the budget hearing;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Big Bend Groundwater Management District No. 5 hereby adopts the proposed FY2020 budget as submitted at the budget hearing.

BE IT FURTHER RESOLVED THAT THE land assessment is hereby set at five (\$0.05) cents per acre for eligible tracts of land as defined by K.S.A. 82a-1030 (a).

BE IT FURTHER RESOLVED THAT THE water users charge is hereby set at one (\$2.00) dollar for each acre-foot of groundwater as defined by K.S.A. 82a-1030 (a).

ADOPTED the 11th day of July, 2019 by the Board of Directors of the Big Bend Groundwater Management District No. 5 at a regular meeting.

Orrin Feril provided an update on the KWA activities to the board. The KWA will meet in Goodland in September. The District recently received notice that David Stroberg was appointed to represent GMD 2 and GMD 5 on the Kansas Water Authority.

Micah Schwalb, WaterPACK, provided additional details to the board regarding the request for Judicial Review for the Cities of Hays and Russell change applications.

In other business, the board discussed if it would be beneficial to have Balleau Groundwater identify the benefits to flood control by having a less than full aquifer. Additional hypothetical questions were raised regarding the proposed regulations discussed earlier in the meeting.

Christina Hansen joined the meeting via phone at 8:50 p.m.

John Janssen made the following motion at 8:50 p.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 9:20 p.m.” Fred Grunder seconded. Motion carried 4-0-1. The board came out of executive session at 9:20 p.m.

The next District board meeting was tentatively set for August 8, 2019 at 7:00 p.m.

With no further items to discuss the board adjourned at 9:30 p.m.

Attest by:  Dated 8/8/19