

MINUTES – JUNE 03, 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 Monday, June 03, 2019. Board members present were Darrell Wood, Fred Grunder, John Janssen, Kerry Froetschner, Jerry Cullop, and Marlyn Spare. Board members Tom Taylor, Justin Gatz, and Phil Martin were not present. District staffs present were Orrin Feril and John Hildebrand. Guests present were Calvin Kissick, Pat Janssen, Kent Moore, Kent Lamb, Richard Wenstrom, Cameron Conant, Bronson Smith, Berry Bortz, Lynn Preheim, Sec. Mike Beam, Stephanie Murray, Jackie Mundt, and Roger Stotts.

The June regular board meeting was called to order at 8:40 a.m. by Darrell Wood.

Calvin Kissick noted the following amendment to the May minutes:

Calvin Kissick provided an update on the KWA activities to the board. The KWA met in Abilene and will meet in Goodland in July. At the Abilene meeting, the CKWBA status review was discussed with those in attendance. Those in attendance were also provided with an update on the Waters of the US. The Kansas Water Vision is under review and the *RAC's are going to be able to modify goals as appropriate* ~~RAC's goals are subject to change.~~

Kerry Froetschner moved, and John Janssen seconded to approve the May minutes as amended. Motion carried 4-0-1.

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

Orrin Feril is working on the change application for Water Right File No. 18876 from the May meeting. District staff is working with NRCS and KDA–DWR to correct the error to restore the authorized acreage to 114 acres rather than pursue the change application. Once completed, Orrin will update the board with any new information. *\* ADDENDUM ON NEXT PAGE*

Lynn Preheim & Jerry Cullop arrived at 8:50 a.m.

Orrin Feril discussed staff activities for the past month and upcoming months. The District board was informed of the upcoming Ag Summit in Manhattan in August. The District is co-hosting the GMDA summer conference in Salt Lake City, UT this week. Orrin will be attending the meeting to help with running the conference and presenting to the group on the Quivira NWR impairment. Recently, WaterPACK filed for Judicial Review in the Cities of Hays and Russell change applications.

The LEMA committee updated the board on the status of the approved Quivira NWR LEMA. KDA–DWR recently provided a technical review document to the District that is in disagreement with the technical work completed by Balleau Groundwater and Keller-Bliesner. It is unsure where this leaves the Quivira NWR LEMA.

Cameron Conant, KDA–DWR, did not provide a report.



Calvin Kissick provided an update on the KWA activities to the board. The KWA will meet in Goodland in July. Mr. Kissick also provided an update on the Wichita ASR issue.

Berry Bortz, Great Bend Prairie RAC, stated that he intended to step down from committee chairman due to personal reasons. The committee is meeting June 4 in St John. The committee will be considering modifications to the RAC goals and action plans in addition to hearing an update on the Kansas Water Plan budget.

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

John Janssen made the following motion at 9:05 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 9:35 a.m." Fred Grunder seconded. Motion carried 5-0-1. The board came out of executive session at 9:35 a.m.

Kansas Secretary of Agriculture Mike Beam joined the meeting at 9:35 a.m. Sec. Beam engaged with the board and public on issues regarding the proposed Quivira NWR LEMA. The board expressed concerns with the current course the Division of Water Resources is taking and encouraged the Sec. Beam to realize that there are two sides to the issue that need serious consideration.

John Janssen made the following motion at 11:20 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 11:35 a.m." Fred Grunder seconded. Motion carried 5-0-1. The board came out of executive session at 11:35 a.m.

The next District board meeting was tentatively set for July 11, 2019 at 7:00 p.m.

With no further items to discuss the board adjourned at 11:35 a.m.

Attest by:  Dated 8/8/19

\* DWR AGREES THIS ERROR CAN BE FIXED WITH A F&O AND DWR IS FINE WITH THAT APPROACH AS LONG AS THE OWNER/APPLICANT WANTS 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 AWEP PROGRAM (NORMAL 10AC/10% CHANGE). IF THE OWNER WANTED THIS FIXED THROUGH THE CURRENT PENDING CHANGE APPLICATION, DWR SEES NOTHING IN REGULATION WITH RESPECT TO THE AWEP THAT WOULD PREVENT THIS APPLICATION FROM BEING APPROVED. 