

MINUTES – DECEMBER 17, 2020  
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 Stafford County Annex in St. John, Kansas on Thursday, December 17, 2020. Board members present were Darrell Wood, Fred Grunder, John Janssen, Phil Martin, Tom Taylor, Kerry Froetschner, Marlyn Spare, Craig Zwick, and Justin Gatz. District staffs present were Orrin Feril, Devan Cooper, and John Hildebrand (Zoom). Guests present in person were Alan Crane and Keith Miller. Guests present via Zoom video conferencing were Scott Ross, Aimee Davenport, Cameron Conant, David Engelhaupt, Lisa Moore, Jonathan Lehman, Richael Young, Shannon Kenyon, Shane Mann, Mike Oldham, Aron Flanders, Toby Dougherty, Jeff Crispin, Steve Silver, Dave Romero, Veronica Coons, and Kent Moore.

The December regular board meeting was called to order at 10:00 a.m. by Darrell Wood.

Kerry Froetschner moved, and Craig Zwick seconded to approve the October and November minutes as presented. Motion carried 4-0-1.

Justin Gatz and John Janssen joined the meeting approximately 10:05 a.m.

Orrin Feril provided the board and public with the December treasurer's report and highlighted the unique items for further board review. Craig Zwick moved, and Justin Gatz seconded to accept the December treasurer's report as presented. Following discussion, the motion carried 6-0-1.

Tom Taylor and Phil Martin joined the meeting approximately 10:10 a.m.

The District received an application (App# 50170) that proposes to cover the evaporation of approximately 74.25 acre-feet from a 33-acre groundwater pit for recreational use in N½ of Section 27, Township 21S, Range 08W in Rice County. The groundwater pit was established in the 1940's for a sand and gravel operation. At that time, no permit was required to cover the evaporation of groundwater. Cameron Conant, KDA-DWR, provided additional details regarding the history of the application. Following discussion, Tom Taylor moved, and Justin Gatz seconded to recommend a waiver of K.A.R. 5-25-4 as the groundwater pit was established prior to District closure and recommend approval of the application as presented. Motion carried 8-0-1.

The District tabled the discussion on application #50380 in Stafford County in September until further information was available for the District. David Engelhaupt, KDA-DWR, provided the board with an explanation of a Theis analysis he conducted on the proposed application. Dave Romero, Balleau GW, provided additional perspective regarding using the numerical model to evaluate the application. Alan Crane joined in the discussion with the technical experts and the board. Following discussion, Phil Martin moved, and John Janssen seconded to split the cost of having Balleau GW conduct a hydrologic analysis using the numerical model for a total of \$6000. Motion carried 8-0-1.

Alan Crane left the meeting at 10:45 a.m.

Richael Young, Mammoth Trading, provided an overview of their Tapp H2O product. Tapp H2O is "the smarter and simpler way to collect and track groundwater data." It is a mobile application for android and apple devices to allow both water users and District staff to enter water meter readings and receive water usage reports with confidence. Mammoth Trading has partnered with GMD4 in Northwest KS to promote the system in their District. Shannon Kenyon and Shane Mann

provided the board with their experience using the system. Following discussion, Phil Martin recommended that the District promote the system and work with Mammoth Trading to utilize the system for the place of use monitoring program with minimal cost to the District.

Fred Grunder and Keith Miller left the meeting at approximately 11:00 a.m.

KDA-DWR has provided the District with draft amendments to K.S.A. 82a-743. The proposed language would shift the intent of the section significantly. On December 2, 2020, the GMD managers submitted a letter to the Chief Engineer citing several concerns and asking several questions. Following discussion, Marlyn Spare moved, and John Janssen seconded to support the December 2, 2020 letter sent to the Chief Engineer in its current form and requests the items of concern described in that letter to be answered or addressed by the Chief Engineer to be able to provide formal feedback to the Chief Engineer. Motion carried 7-0-1.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The CKWBA wrapped up another sign-up period for the savings account program. This occupies a decent amount of staff time. Meanwhile it is time to be organizing the annual meeting coming up in February, especially with the impact of the COVID-19 pandemic. The board & staff discussed possibly changing venues to allow a larger crowd with more spacing. The manager will discuss this with the other GMD managers to get ideas and will keep the board informed as it progresses.

Mike Oldham, USFWS, stated that the snow geese migration is moving through the area and the staff are continuing to work to remove invasive trees along the Rattlesnake Creek. Cameron Conant, KDA-DWR, reminded the board that the annual water use reports are going to be mailed out soon. All water users are encouraged to file their water use reports online. Kent Moore, WaterPACK, noted that the ACRES Initiative had their kickoff meeting recently with stakeholders. Recently USFWS leadership met with WaterPACK to get a better understanding of their organization.

Justin Gatz moved, and Craig Zwick seconded to go into executive session at 11:45 a.m. for thirty minutes for the purpose of discussion personnel matters of non-elected personnel to conduct performance reviews. Open session will resume at 12:15 p.m. Executive session is required to protect the privacy interests of the parties involved. Motion carried 7-0-1. The board came out of executive session at 12:15 p.m.

Craig Zwick moved, and Justin Gatz seconded to accept the manager's recommendations for salary changes for District staff effective January 1, 2021. Motion carried 7-0-1.

Orrin Feril noted that to finalize the arrangements for the Watershed Plan funding, the board needed to designate an individual to be the Entity Administrator for the federal System for Award Management (SAM). Justin Gatz moved, and Marlyn Spare seconded to have Orrin Feril, Manager be the Entity Administrator for SAM on behalf of the District. Motion carried 7-0-1.

Justin Gatz moved, and John Janssen seconded to go into executive session at 12:20 p.m. for five minutes for the purpose of discussion personnel matters of non-elected personnel to conduct the manager performance review. Open session will resume at 12:25 p.m. Executive session is required to protect the privacy interests of the parties involved. Motion carried 7-0-1. The board came out of executive session at 12:25 p.m.

Marlyn Spare moved, and Craig Zwick seconded to increase the manager's salary by \$2,000 effective January 1, 2021. Motion carried 7-0-1.



Phil Martin left the meeting at 12:35 p.m.

Kerry Froetschner moved, and Justin Gatz seconded at 12:35 p.m. that the Board go into executive session for legal advice on status of the USFWS discussion 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 12:40 p.m. Motion carried 6-0-1. The board came out of executive session at 12:40 p.m.

The next District board meeting was tentatively set for January 14, 2021 at 9:00 a.m.

With no further items to discuss the board adjourned at 12:45 p.m.

Attest by:  Dated 1.14.21