

MINUTES – FEBRUARY 20, 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 District office in Stafford on Thursday, February 20, 2020. Board members present were Darrell Wood, Fred Grunder, John Janssen, Phil Martin, Kerry Froetschner, Tom Taylor, Marlyn Spare, and Justin Gatz. Board member not present was Jerry Cullop. District staffs present were Orrin Feril and John Hildebrand. Guests present were Andrew Vosburgh, Kent Moore, Keith McNickle, Brooke McNickle, Jeff Lanterman, Keith Miller, Leah Chadd, Richard Wenstrom, and Aaron Koehn.

The February regular board meeting was called to order at 3:00 p.m. by Darrell Wood.

A board review of term permit application number 20199083 was added to the agenda as item #7a.

Justin Gatz moved, and Fred Grunder seconded to approve the January minutes as presented. Following clarification and discussion regarding the discussion with Mr. Ashworth, the motion carried 6-1-1.

Orrin Feril provided the board and public with the February treasurer's report and highlighted the unique items for further board review. Tom Taylor moved, and Marlyn Spare seconded to accept the February treasurer's report as presented. Following discussion, the motion carried 7-0-1.

Aaron Koehn, VonFeldt, Bauer, & VonFeldt, Chartered, presented the audit report to the board for fiscal year 2019. A few questions were answered before Tom Taylor moved, and John Janssen seconded to accept the audit report as presented. Motion carried 7-0-1.

John Janssen moved, and Phil Martin seconded to adopt Resolution 2020-1 to conduct the 2020 audit using the cash basis and budget laws of Kansas. Motion carried 7-0-1.

RESOLUTION NO. 2020-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2020 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Big Bend Groundwater Management District No. 5 and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) (as amended) for the year ended 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Big Bend Groundwater Management District No. 5, Stafford, Kansas, in the regular meeting duly assembled this 20th day of February 2020 that the Board of Directors waives the requirements of K.S.A. 75-1120a(a) (as amended) as they apply to the Big Bend Groundwater Management District No. 5 for the year ended 2020.

BE IT FURTHER RESOLVED THAT THE Board of Directors shall cause the financial statements and financial reports of the Big Bend Groundwater Management District No. 5 to be prepared on

the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

A recommendation request for a change in point of diversion application for Water Right File No. 29056 in Edwards County is before the board for review. Water Right File No. 29056 has three circles, each with its own authorized quantity and distribution system. The applicant is proposing to move 24 AF of the authorized quantity from the southwest circle to the north circle. The proposed change does not meet the requirements of K.A.R. 5-25-2a as it is proposing to move water further than 2640 feet from the currently authorized location. Following discussion, Phil Martin moved, and John Janssen seconded to approve the staff recommendation to recommend a waiver of K.A.R. 5-25-2a and approve the application. Motion carried 7-0-1.

A change in place of use application for Water Right File No. 38387 is before the board for review. Currently the authorized place of use for this file is 123.6 acres in the SW quarter of 32-24S-16W in Edwards County following voluntary participation in the District's AWEP that incentivized the removal of end guns from center pivot systems. The base purpose for AWEP was to reduce the consumptive use within the Rattlesnake Creek subbasin by reducing the number acres consuming water by removing the most inefficient portion of the system. For this water right, the authorized acreage was reduced from 133 acres to 123.6 acres. The application is requesting to move the authorized acreage to the SE¼ and increase the acreage to 133.5 acres. This proposed change nullifies the intent of AWEP. The District paid for the end gun removal in 2010. The applicant discussed the issues regarding this center pivot system and the history of the water right file with the board. The applicant has no desire to increase the acres to 133.5 acres, but rather just move the center pivot system east to better ground and still irrigate the 123.6 acres. Based upon this discussion, Tom Taylor moved, and Fred Grunder seconded to recommend approval of this application if amended to 123.6 acres with 200 AF in line with the AWEP provisions from 2010. Motion carried 7-0-1.

The District recently received an application for a term permit in Barton county for review. The application is requesting a term permit for 10 years for the purpose of dewatering. This does not meet the term permit requirements per K.A.R. 5-25-13. Barton County has seen significant recharge in 2019 resulting in an elevated water table. There is concern about the impact of this water use on nearby domestic well owners that, as of the date of this letter, have not been notified. Based upon this discussion, the Phil Martin moved, and Justin Gatz seconded to recommend a waiver of K.A.R. 5-25-13 and approve this application for a 5-year term provided that the applicant receives spacing waivers from nearby domestic well owners. Motion carried 7-0-1.

Orrin Feril presented the board with an updated FY2021 budget in preparation for discussion at the annual meeting. The presentation to the public at the annual meeting will be very beneficial to gather input from the stakeholders on the proposed budget.



## 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

Orrin Feril provided an update to the board and public concerning to the legislative activities in Topeka. At this point, there are three bills and one resolution that have been introduced related to water.

- SB182 – [Providing for water measuring device inspections and limiting the liability of water right owners regarding water measuring devices and the use of water measuring device technicians] – This bill had a hearing in the Senate Agriculture and Natural Resources committee. Two of the groundwater districts, as well as KDA, testified in opposition to this bill. This bill's future is uncertain.
- SB270 – [Allowing water rights that were certified after 2009 to be placed in multi-year flex accounts] – This bill had a hearing in the Senate Agriculture and Natural Resources committee and was passed out to the Senate floor.
- SB329 – [Establishing that the chief engineer of the division of water resources is not required to be an engineer] – This bill has not yet had a hearing and is still in the Senate Agriculture and Natural Resources committee.
- SCR1614 – [Supporting Kansas farmers in the Rattlesnake Creek subbasin in their ongoing effort to protect their water rights and livelihood through a collaborative solution to the

region's water impairment issue] – This resolution had a hearing in the Senate Agriculture and Natural Resources committee and was passed out to the Senate floor.

There was considerable discussion regarding SB329 and the District's potential testimony if a hearing is scheduled in the committee. By consensus of the board, the District manager will draft testimony to keep the chief engineer position as a certified/licensed engineer for consideration by the board prior to testimony submission.

Orrin Feril discussed staff activities for the past month and upcoming months. The annual audit has been completed and the appropriate modifications are being completed by staff in accordance with the report that was presented to the board previously. The water level measurements by staff, KDA-DWR and KGS are completed, and John Hildebrand has compiled them into a set of maps for presentation at the annual meeting. Orrin Feril and Marlyn Spare provided a brief update on the recent legislative reception and board round table event in Topeka. No action was taken by the board.

Jeff Lanterman, KDA-DWR, stated that following recent discussions in Manhattan, KDA-DWR is not intending to file administrative orders on MDS water rights with 80% or greater impact to Zenith gage in 2020.

Orrin Feril read a written report from David Stroberg, KWA representative, to the board regarding recent KWA activities.

Keith Miller, Great Bend Prairie RAC, stated that the RAC will be having a meeting on Monday February 24 to update the new committee members on the issues within the region. Following this meeting, the RAC will host a public meeting to gather information from the public on crafting revised goals for the RAC.



Kent Moore, WaterPACK, provided an overview of their recent annual meeting in St John. WaterPACK is continuing to work to form a new 501c(3) that would be utilized for funding conservation efforts and augmentation within the Rattlesnake Creek region.

In other business, Keith McNickle requested an explanation regarding the recent letter that was sent to area landowners in the proposed augmentation wellfield area. Orrin Feril described the intent of the letters was not to provide a catch-all letter as each parcel would have different concerns and issues. But rather this letter was intended to generate discussion and address the questions directly. A copy of this letter will be sent to the board for their further consideration.

John Janssen made the following motion at 4:15 p.m.: "I move that the Board go into executive session for the preliminary discussion regarding acquisition of real property exception under KOMA, and the open meeting will resume here in the meeting room at 4:25 p.m." Justin Gatz seconded. Motion carried 7-0-1. The board came out of executive session at 4:25 p.m.

The next District board meeting was tentatively set for March 12, 2020 at 8:30 a.m.

With no further items to discuss the board adjourned at 4:30 p.m.

Attest by:   Dated 3-12-2020