

MINUTES – MARCH 12, 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, March 12, 2020. Board members present were Darrell Wood, Fred Grunder, Phil Martin, Kerry Froetschner, Tom Taylor, Marlyn Spare, and Justin Gatz. Board member not present was John Janssen. District staffs present were Orrin Feril and John Hildebrand. Guests present were Rita Kurtz, Scott Ross, Craig Zwick, Reuel Foote, Julie Lyon, Russ Snyder, Bob Snyder, Leah Chadd, and Carolyn Dunn.

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

A board review for application number 50312 was added to the agenda as item #9a and an executive session for the preliminary discussion regarding acquisition of real property as agenda item #16a.

Phil Martin moved, and Marlyn Spare seconded to approve the February minutes as presented. seconded to approve the February minutes as presented. Motion carried 4-0-1.

Kerry Froetschner moved, and Phil Martin seconded to approve the annual meeting minutes as presented. Motion carried 4-0-1.

Justin Gatz joined the meeting at approximately 8:35 a.m.

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

At the annual meeting, Jerry Cullop did not run as an incumbent for the Rice county position and no eligible voters were placed on ballot for the position. As a result, the board currently has a vacancy for Rice County. Following the annual meeting, Craig Zwick obtained the appropriate support from eligible voters in Rice county to be considered by the board for appointment to fill the vacancy. Following a brief discussion regarding the requirements per District by-laws, Phil Martin moved, and Fred Grunder seconded to appoint Craig Zwick to fill the Rice County vacancy on the board. Motion carried 6-0-1.

The board conducted an election of officers for the upcoming year. Following a brief discussion regarding the current officers, Kerry Froetschner moved, and Phil Martin seconded to nominate to Justin Gatz as secretary and to re-elect the remaining officers for another one-year term. Motion carried 6-0-1. The District board officers are Darrell Wood as President, Fred Grunder as Vice-President, Justin Gatz as Secretary, and John Janssen as Treasurer.

Julie Lyon, City of Stafford mayor, administered the affirmation as required by K.S.A. 54-106 to all present board members. All board members raised their right hand and affirmed the following statement:

"I do solemnly affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of the board of directors of the Big Bend Groundwater Management District Number Five. So help me God."

behalf of the applicants has requested an appeal of these recommendations to the board. Scott Ross provided the board with an overview of the issue. Following a thorough discussion of the various options available, Marlyn Spare moved, and Justin Gatz seconded to recommend that the applicant apply for a 5-year term permit in accordance with K.A.R. 5-25-13(a) in order to provide time for the applicant to find a suitable offset for the applications for permit numbers 50259 & 50267 in accordance with K.A.R. 5-25-15(d)(3). Motion carried 6-1-1.

Carolyn Dunn joined the meeting at approximately 9:00 a.m.

The District recently received application number 50312 to appropriate water in Stafford County for review. The application is for 1.9 acre-feet for industrial use. K.A.R. 5-25-4(b)(5) allows exemptions to the District closure for small uses in accordance with K.A.R. 5-25-15. The applicant has acquired an offset of water from Water Right File No. 15562-D1 in accordance with K.A.R. 5-25-15(d)(3). The application does not however meet proper spacing to nearby non-domestic wells per K.A.R. 5-25-2. Following a discussion with the applicant, Fred Grunder moved, and Justin Gatz seconded to recommend a waiver of K.A.R. 5-25-2 to recommend approval of this application as presented. Motion carried 7-0-1.

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 passed through the Senate (39-0) and is now in the House Agriculture committee.
- 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 passed through the Senate (37-0) and was passed out of the House Agriculture committee to the House floor.

Orrin Feril discussed staff activities for the past month and upcoming months. District staff have been working to assist water users with filing their water use reports online. Additionally, the staff have been entering water use information into the CKWBA's accounting system. The board was reminded of the annual board appreciation dinner on March 21st.

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

Orrin Feril, Great Bend Prairie RAC, stated that the RAC held a meeting February 24 to update the new committee members on the issues within the region as well as a public meeting to gather information from the public on crafting revised goals for the RAC.

In other business, Carolyn Dunn provided an overview of Stafford County economic development's track history as an established 501(c)3 that secures grant opportunities for Stafford County. Mrs. Dunn stated that if it suits the needs of the District, the economic development board is ready to pursue funding opportunities in the form of grants for the Rattlesnake Creek resolution. Following a thorough discussion, it was the consensus of the board that Mrs. Dunn present this information to WaterPACK to coordinate these funding efforts.

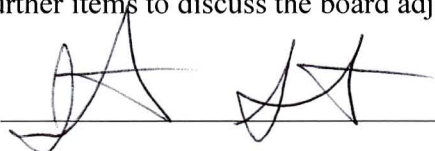
Fred Grunder made the following motion at 9:50 a.m.: "I move that the Board go into executive session for the preliminary discussion regarding acquisition of real property exception under KOMA, and the open meeting will resume here in the meeting room at 10:05 a.m." Craig Zwick seconded. Motion carried 7-0-1. The board came out of executive session at 10:05 a.m.

Craig Zwick made the following motion at 10:05 a.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 10:15 a.m." Tom Taylor seconded. Motion carried 7-0-1. The board came out of executive session at 10:15 a.m.

The next District board meeting was tentatively set for April 16, 2020 at 8:30 a.m.

With no further items to discuss the board adjourned at 10:35 a.m.

Attest by:



Dated

5-14-20