

MINUTES – MAY 14, 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, May 14, 2020. Board members present were Darrell Wood, Fred Grunder, John Janssen, Phil Martin, Kerry Froetschner, Craig Zwick, Tom Taylor, Marlyn Spare, and Justin Gatz. District staffs present were Orrin Feril and John Hildebrand (via Zoom conference). Guests were encouraged to attend via Zoom audio/video conferencing in accordance with Kansas executive order 20-29. Guests attending were Josh Roe, Armando Zarco, Cameron Conant, David Barfield, David Stroberg, Leah Chadd, John Niemann, Matt Goodson, Kent Moore, Ed Reboulet, Jim Butler, and Micah Schwalb.

The May regular board meeting was called to order at 7:00 p.m. by Darrell Wood and introductions were conducted to assist with maintaining a record of those in attendance.

Phil Martin moved, and John Janssen seconded to approve the March and April minutes as presented. Motion carried 8-0-1.

Orrin Feril provided the board and public with the treasurer's report and highlighted the unique items for further board review. Tom Taylor moved, and Justin Gatz seconded to accept the treasurer's report as presented. Following discussion, the motion carried 8-0-1.

The District has received a change application for Vested Right SF002 from KDA-DWR for review and recommendation. The proposed well is already constructed but was disconnected from the City of St John's distribution system in 2013. Currently the well is covered by term permit 20139035 for fire protection. The applicant is requesting to have this well covered by vested right SF002 once again with the intention to use it for bulk water sales. There are several domestic wells within the area that do not meet the required spacing to this well per K.A.R. 5-25-2. The applicant has received voluntary spacing waivers from the nearby domestic well owners. Following discussion, Tom Taylor moved, and John Janssen seconded to recommend a waiver of K.A.R. 5-25-2 and recommend approval of this application as presented. Motion carried 8-0-1.

The District recently received application number 50294 to appropriate water in Pratt County for review. In 2012, the applicant obtained water right number 47813 authorizing 75 acre-feet for recreational use from a 10-acre reservoir south of Cairo. During KDA-DWR's certification inspection for that water right, it was discovered that the reservoir had been expanded to be 12 acres. The applicant was presented several options, one being apply for a new permit to replace the existing water right file. Per K.A.R. 5-25-4, the District is closed to new surface and groundwater appropriations filed on or after December 17, 1998. Following a discussion of the options available, Marlyn Spare moved, and Craig Zwick seconded to recommend denial as presented. Motion carried 5-3-1. Following further discussion, Marlyn Spare moved, and Craig Zwick seconded to amend the motion to recommend denial of the application as presented and to require the applicant to abide by the 10-acre limitation of water right file number 47813. Motion carried 7-1-1.

A new application (App # 50193) to appropriate water in Reno county was presented to the board for consideration. The applicant is requesting to pump groundwater from two wells to fill three small ponds for recreational use. The applicant has been working to acquire the proper offset of water as required by K.A.R. 5-25-15 (d)(3). However, the application does not meet two other provisions of K.A.R. 5-25-15. K.A.R. 5-25-15 (a)(1) restricts the total authorized by this regulation

to be 15 acre-feet or less within a one-mile radius. K.A.R. 5-25-15 (d)(4) does not allow the proposed location for the new permit to be closer to the stream than the offset water right file. The applicant and board discussed several options for modifications to the application to address K.A.R. 5-25-15 (a)(1). Following this discussion, Justin Gatz moved, and Tom Taylor seconded to recommend a waiver of K.A.R. 5-25-15 (d)(4) and recommend approval of this application on the condition that proposed point of diversion is moved further North to meet proper spacing in accordance with K.A.R. 5-25-15 (a)(1) and the offset is acquired in accordance with K.A.R. 5-25-15 (d)(3). Motion carried 8-0-1.

Orrin Feril has been working with Kansas Geological Survey to put together a scope of work to conduct hydrologic profiling of the proposed wellfield area. This will involve construction of 10 GeoProbe wells that will be sealed with grout following profiling work completion. The proposed scope of work including estimated personnel costs to conduct the study was presented to the board for review and consideration. Following discussion & clarification with Jim Butler and Ed Reboulet (Kansas Geological Survey), Fred Grunder moved, and John Janssen seconded to approve the scope of work as presented for \$21,295.00. Motion carried 8-0-1.

Josh Roe, Kansas Corn, discussed several funding opportunities available through various federal programs including Watershed Protection and Flood Prevention Act and the Regional Conservation Partnership Program. Mr. Roe stated that he has been in contact with a consulting group to coordinate the proposal process. Following this discussion, Justin Gatz moved, and Marlyn Spare seconded to acquire a cost estimate and presentation from the consulting group on this process. Motion carried 8-0-1.

Orrin Feril discussed staff activities for the past few months and upcoming months. For a few weeks, the District office was closed, and staff in-office hours were reduced in compliance with COVID-19 precautions. When possible, District staff have been teleworking to continue to provide area water users with services. This has had a significant impact on workflow but has not had a negative impact on the progress in other matters. The board was reminded that the District's budget hearing is coming up in July and public notices are going out in the area newspapers in the coming weeks.

Cameron Conant, KDA-DWR Stafford field office, provided an update on the activities in their office. Over the past month their staff have predominantly been working from home and they are hoping to be phasing back into the office after June 1. Cameron stated that notices for exceeding authorized quantities in 2019 are going out to area water users soon.

David Stroberg, KWA representative, stated that the KWA would be holding their next meeting via web conferencing on Wednesday May 20. All were encouraged to attend.

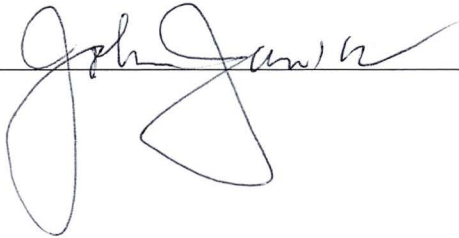
Kent Moore, WaterPACK, commended the District board for taking the prudent steps to secure a workable solution to the Quivira NWR impairment complaint.

In other business, Armando Zarco noted the upcoming Governor's conference for the Future of Water is still scheduled for November 9 & 10 subject to changes considering COVID-19. All were encouraged to plan to attend. Orrin Feril noted that there are two opportunities for the District to sponsor water tech farms within the District boundaries. Armando Zarco provided additional details regarding these tech farms. Orrin Feril provided a brief update on the current status of discussions with USFWS regarding the Quivira NWR impairment complaint. The progress is going well and there are meetings to continue these discussions weekly. John Janssen provided an

update to the board regarding the CKWBA five-year evaluation progress. It has been decided to delay the finalization of this review until after the Quivira NWR issue is resolved.

The next District board meeting was tentatively set for June 11, 2020 at 7:00 p.m.

With no further items to discuss the board adjourned at 8:30 p.m.

Attest by:  Dated 6-11-2020