

MINUTES – FEBRUARY 18, 2021
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 Twilight Theatre in Greensburg, Kansas on Thursday, February 18, 2021. Board members present were Darrell Wood, Fred Grunder, Kerry Froetschner, Marlyn Spare, Craig Zwick, and Justin Gatz. Board member Phil Martin was absent. District staffs present were Orrin Feril, John Hildebrand, and Devan Cooper. Guests present were Vernon Hirt, Richard Wenstrom, Brad Shirer, Sarah Shirer, Aimee Davenport, Aaron Koehn, Pat Janssen, and Lee Wheeler. Guests present via Zoom video conferencing were Barbara Boyle, Rachel Crane, Craig Mowry, Mike Oldham, Jeff Crispin, Alan Crane, Cameron Conant, Toby Dougherty, Jody Suiter, Eric Dude, Lisa Moore, Kent Askren, Stacy Armitage, Keadron Pearson, Dave Romero, Steve Silver, Fran Brownell, Lynn Preheim, Kirk Tjelmeland, Justin Vosburgh, Micah Schwalb, and Grant Neuhold.

The February regular board meeting was called to order at 4:00 p.m. by Darrell Wood.

A review of proposed regulations K.A.R. 5-18-1 through 5-18-5 and K.A.R. 5-19-1 and 5-19-5 was added to the agenda as item 10a.

Fred Grunder moved, and Kerry Froetschner seconded to approve the January minutes as presented. Motion carried 7-0-1.

Orrin Feril provided the board and public with the February treasurer's report and highlighted the unique items for further board review. John Janssen moved, and Tom Taylor 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 2020. A few questions were answered before Tom Taylor moved, and Fred Grunder seconded to accept the audit report as presented. Motion carried 7-0-1.

John Janssen moved, and Craig Zwick seconded to adopt Resolution 2021-1 to conduct the 2021 audit using the cash basis and budget laws of Kansas. Motion carried 7-0-1.

RESOLUTION NO. 2021-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2021 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 2021.

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 18th day of February 2021 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 2021.

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.

Orrin Feril presented the board with an updated FY2022 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		550

TOTAL BUDGET \$ 1,889,550

ASSESSMENT RATES

PER ACRE	\$	0.05
PER ACRE-FOOT		2.00

In the December 2020 board meeting, the board requested that Balleau GW conduct a hydrologic analysis using the numerical model for application #50380 in Stafford County. Dave Romero, Balleau GW, provided the results of the hydrologic modeling utilizing baseline B' after 55 years. The results indicate minimal cumulative aquifer impact at the proposed location (-0.3 ft). The cumulative impact to the Arkansas River is a depletion of 45AF/year versus a benefit of 15AF/year. The streamflow trend for both is positive into the future though the analysis did not run to hydrologic stasis. In consideration of this analysis and the fact that the applicant is willing to retire a more senior water right (12313) as offset, John Janssen moved, Kerry Froetschner seconded to recommend a waiver of K.A.R. 5-25-22 (a)(1) and K.A.R. 5-25-22 (a)(4) and recommend the application for approval as presented. Motion carried 7-0-1.

The District received an application for a dewatering term permit #20209079 in Great Bend for five years. Barton County has seen significant recharge in recent years causing an elevated water table. As presented, the application does not meet the requirements per K.A.R. 5-25-13 and K.A.R. 5-25-2. Following discussion with the applicant, Fred Grunder moved, and Marlyn Spare seconded to recommend a waiver of K.A.R. 5-25-13 for a 5-year term provided that the applicant secures spacing waivers from nearby domestic well owners and recommend approval of the application as presented. Motion carried 7-0-1.

With the revisions to the rental rates for the CRP program, the Farm Lease and Management Agreement signed in July 2020 needs to be revised. The board was presented an amendment to the agreement by Orrin Feril and Marlyn Spare. Following discussion, Fred Grunder moved, and John Janssen seconded to approve the amendment to the Farm Lease and Management Agreement as presented. Motion carried 7-0-1.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. 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. Additional information regarding the annual meeting logistics were discussed as well.

KDA-DWR has provided draft language for K.A.R. 5-18-1 through K.A.R. 5-18-5 regarding Water Conservation Areas. Orrin Feril provided a background and overview of this regulation set. Following discussion, John Janssen moved, and Tom Taylor seconded to accept the staff recommendations for revisions to K.A.R. 5-18-1 through K.A.R. 5-18-5 and to submit them to the Chief Engineer. Motion carried 7-0-1.

KDA-DWR has provided draft language for K.A.R. 5-19-1 through K.A.R. 5-19-5 regarding Local Enhanced Management Areas. Orrin Feril provided a background and overview of this regulation set. Following discussion, Craig Zwick moved, and Kerry Froetschner seconded to accept the staff recommendations for revisions to K.A.R. 5-19-1 through K.A.R. 5-19-5 and to submit them to the Chief Engineer. Motion carried 7-0-1.

Stacy Armitage, Assistant Regional Director for Refuges in Denver, provided a brief overview of the changes in administration since January and expressed the desire to continue working with the District to resolve the hydrologic issues in the Rattlesnake Creek region. Mike Oldham, Refuge Manager at Quivira NWR, provided an overview of some to the conservation efforts going on at the refuge. Cameron Conant, KDA-DWR, reminded all in attendance that the annual water use reports are due by March 1. Richard Wenstrom, WaterPACK, noted that they are working on finalizing the plans for their annual meeting as well. Micah Schwalb, ACRES Initiative, provided an update to the board as well. Keadron Pearson, KWO, stated that the Great Bend Prairie RAC will be having their next meeting in April/May.

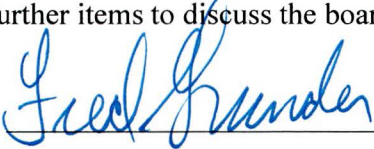
John Janssen moved, and Tom Taylor seconded at 5:25 p.m. that the Board go into executive session for legal advice regarding on the status of the USFWS discussion with an attorney for the public body and District manager which would be deemed privileged in the attorney-client relationship pursuant to the attorney consultation exception under KOMA, and the open meeting will resume in the meeting room at 6:10 p.m. Motion carried 7-0-1. The board came out of executive session at 6:10 p.m.

In other business, Tom Taylor moved, and Justin Gatz seconded to authorize Stinson to represent Big Bend GMD5 and move to intervene in the pending lawsuit of Audubon of Kansas v US Dept

of Interior, US Fish and Wildlife Service, and Kansas Department of Agriculture – Division of Water Resources. Following brief discussion, motion carried 7-0-1.

The next District board meeting was tentatively set for March 11, 2021 at 9:00 a.m. the District office.

With no further items to discuss the board adjourned at 6:10 p.m.

Attest by:  Dated 3.11.21