

MINUTES – OCTOBER 21, 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 District office in Stafford, Kansas on Thursday, October 21, 2021. Board members present were Darrell Wood, John Janssen, Marlyn Spare, Craig Zwick, Kerry Froetschner, and Justin Gatz (Zoom). Board members Fred Grunder, Tom Taylor, and Phil Martin were absent. District staffs present were Orrin Feril, John Hildebrand, and Devan Cooper. Guests present were Jeff Lanterman, Kent Moore, Frank DeLoach, Stuart Porter, and Brad Richards. Guests present via Zoom video conferencing were Keadron Pearson, Jay Roberts, and Earl Lewis.

The October regular board meeting was called to order at 9:00 a.m. by Darrell Wood.

Craig Zwick moved, and John Janssen seconded to approve the August and September minutes as presented. Motion carried 5-0-1.

Orrin Feril provided the board and public with the October treasurer's report and highlighted the unique items for further board review. Kerry Froetschner moved, and John Janssen seconded to accept the October treasurer's report as presented. Motion carried 5-0-1.

The District received application for water right number 50529. The applicant is proposing to cover the net evaporation (35.5 AF) and storage (64.5 AF) for a 13.3-acre pond in in SE¼ of 05-25S-11W in Stafford County. This spillway and impoundment have been present on topographic maps of the area from the early 1950's. The District is closed to new appropriations per K.A.R. 5-25-4(a). Following discussion with the applicant and KDA-DWR, Craig Zwick moved, and Marlyn Spare seconded to recommend a waiver of K.A.R. 5-25-4(a) based on it being present prior to District establishment and recommend approval of the application as presented. Motion carried 5-0-1.

The Kansas Department of Agriculture – Division of Water Resources will be holding a public hearing to review draft regulations relating to the establishment and review for Local Enhanced Management Areas ("LEMAs") on November 22. The proposed regulations were discussed by the board and public present. While the proposed language itself does not present concerns by the board relating to the District's management program, there are procedural concerns regarding the designation of a hearing officer for a proposed LEMA. The board had the opportunity to review previous drafts that contained minimum criteria for the presiding officer. Chief Engineer Earl Lewis provided an explanation regarding the removal of this section of language. A draft letter outlining the District's concerns was reviewed by the board. Following review, Craig Zwick moved, and John Janssen seconded to approve the letter for submission to the Chief Engineer as drafted. Motion carried 5-0-1.

Prospective owners for a section of ground in Reno county requested an opportunity to discuss proposed improvements to a wetland including the requirements for a water right. Orrin Feril and Jeff Lanterman provided a brief history and overview of the situation before allowing Stuart Porter to describe the potential applicant's approach to addressing the drainage issues in the section. Following a thorough discussion, Marlyn Spare moved, and Craig Zwick seconded to table the discussion until more of the board could be present at the next month's board meeting. Motion carried 5-0-1.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The Watershed Planning process has been started and the kickoff meeting was successfully held in late August. The process moving forward involves updating some feasibility work for the potential augmentation wellfield, which is one of the alternatives that will be considered in the process. There will be more information coming as the process moves forward including public meetings and an in-person update from Olsson representatives at the next board meeting in November. Orrin provided an update on the Audubon v US DOI / KDA suit. This case has been formally dismissed by the federal court. With the Watershed process moving forward the workload in the office is going to be more significant. As such Orrin approached the board regarding additional staff in the office. Following a brief discussion regarding a job description, the board requested that a more detailed description of the responsibilities for the prospective staff at the next board meeting.

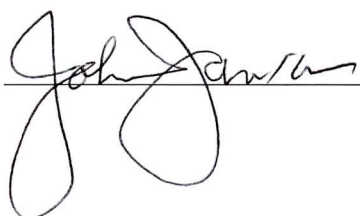
Jeff Lanterman, KDA-DWR, provided a quick update on activities in the Stafford field office. Field office staff have been processing several change applications and are beginning the quarterly water level measurements in the region. There will be new staff coming to the field office next month. The primary responsibilities for the new staff will be in processing change applications. Keadron Pearson, KWO, noted the upcoming Governor's conference in November which will be virtual again this year. The KWA has recently held a public hearing for the State Water Plan. Several comments were received and are being considered as a part of the process. Kent Moore, WaterPACK, provided an update on the CIG project in the Rattlesnake Creek region.

John Janssen made the following motion at 10:30 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 10:45 a.m." Craig Zwick seconded. Motion carried 5-0-1. The board came out of executive session at 10:45 a.m.

In other business, the board members present requested, by consensus, that Darrell Wood look into the property available through Red Cedar Land in Stafford county and Orrin Feril look into the possibility of purchasing water rights in NE Stafford county.

The next District board meeting was tentatively set for November 12, 2021, at 9:00 a.m.

With no further items to discuss the board adjourned at 11:10 a.m.

Attest by:  Dated 11-12-2021