

MINUTES – DECEMBER 14, 2023  
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 December 14, 2023. Board members present were Tom Taylor, Fred Grunder, John Janssen, Marlyn Spare, Kerry Froetschner, Darrell Wood, and Joe Schlessiger. Board members Craig Zwick and Gary Hornbaker were not present. District staff present was Orrin Feril. The guests present were Pat Janssen, and Kent Moore. Guests present via Zoom were Jon Quinday, Jeff Crispin, Craig Smith, John Braun, Keadron Pearson, Kent Askren, Jeff Lanterman, and Amelia Nill.

The December regular board meeting was called to order at 9:00 a.m. by Tom Taylor.

An executive session for preliminary discussion of acquisition of real property was added to the agenda as item 9a and a review of the personnel policy was added as item 4a.

Marlyn Spare moved, and Kerry Froetschner seconded to approve the November minutes as presented. Motion carried 7-0.

Orrin Feril provided the board and public with the treasurer's report and highlighted the unique items for further board review. Darrell Wood moved, and Fred Grunder seconded to accept the treasurer's report as presented. Motion carried 7-0.

The Legislative Post Audit conducted earlier in the year recommended that each GMD adopt a policy to provide a guideline for reviewing and updating their respective management programs. As such, the board considered a draft policy W for the administrative section of the District's policies that would direct the board and staff on how to review and update the program. Importantly, this policy outlines a process to solicit and consider public comments in the process. Following consideration, Marlyn Spare moved, and John Janssen seconded to adopt policy W into the administrative section of the District's policies as presented effective January 1, 2024. Motion carried 6-1.

A need has arisen in the District's personnel section of the policies. Policy F and H of the personnel section relate to the District holidays and personal leave allowances respectively. Following consideration, Kerry Froetschner moved, and Darrell Wood seconded to update policies F and H in the personnel section of the District's policies as presented effective January 1, 2024. Motion carried 7-0.

As the District board has just adopted a policy guiding the review and update of the management program and in recognition of a need to identify areas of concern and draft action plans in accordance with HB2279, Darrell Wood moved, and John Janssen seconded to reaffirm the current management program for 2024 while action plans are drafted, and revisions are finalized in accordance with the new policy. Motion carried 7-0. Following this action, Orrin Feril will notify the Chief Engineer of the action.

Orrin Feril discusses staff activities for the past several weeks. The board received a letter from Adams Brown LLC outlining services proposed to conduct the annual audit of the District. Following review of the letter, Darrell Wood moved, and Marlyn Spare seconded to approve having Adams Brown conduct the annual audit of 2023 financial statements in accordance with pertinent state statutes. Motion carried 7-0. The District has become aware of an issue in Pratt county where the county clerk mistakenly omitted the District's assessments on the property tax

statements sent to landowners. The county has sent a letter to each landowner describing the issue and reissued the statements to include the District's assessments. The office has already had several calls from confused individuals regarding the assessments. No issues have arisen that could not be addressed. The District hosted Vijay Ramasamy recently and provided a description of District activities and a local tour. Overall, the visit was positive and productive. The District looks forward to working with Mr. Ramasamy and the Governor's administration to achieve conservation goals for the region. Orrin Feril provided another update on the progress of the Watershed Plan-EIS. The board reviewed a series of maps compiled using KGS datasets depicting water level changes (by percentage and feet) over four time periods: from predevelopment, 20-year change, 10-year change, and 5-year change. These maps were presented to begin the discussions regarding identifying areas of concern related to water quantity. An area of concern in Edwards/Kiowa counties was noted by the board across these time periods. To solicit public input, it was suggested that a meeting of stakeholders be held in Edwards/Kiowa county regions to discuss next steps in February or March. It would be good to have Brownie Wilson in attendance to present one possible approach to address the issue. No further action was taken by the board.

Pat Janssen, WaterPACK, noted concerns related to the working group that is being formed by KDA-DWR in the Rattlesnake Creek region. It is unknown at this time what this group will be reviewing or how it will be conducted. Jeff Lanterman, KDA-DWR, stated the changes to the staffing at the Stafford field office. Currently, the field office is gearing up for the annual water level measurements. Keadron Pearson, KWO, highlighted an upcoming KWA meeting in Topeka on January 23-24. The Great Bend Prairie RAC met recently and requested information from KDHE regarding water treatment facilities for small communities especially when the communities lie within areas that the stream is connected to groundwater sources.

Fred Grunder made the following motion at 10:25 a.m.: "I move that the board go into executive session for 20 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to a conduct performance reviews, and the open meeting will resume here in the meeting room at 10:45 a.m." Kerry Froetschner seconded. Motion carried 7-0. The board came out of executive session at 10:45 a.m.

In other business, Marlyn Spare moved, and Darrell Wood seconded to follow the manager's discretion for salary changes for District staff effective January 1, 2024. Motion carried 7-0.

Marlyn Spare moved, and Fred Grunder seconded to increase the manager's salary to \$110,000 effective January 1, 2024. Motion carried 7-0.

Marlyn Spare made the following motion at 10:47 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 11:00 a.m." Kerry Froetschner seconded. Motion carried 7-0. The board came out of executive session at 11:00 a.m.

Darrell Wood moved, and John Janssen seconded to authorize Marlyn Spare to negotiate on behalf of the District and issue an appropriate down payment to secure 160 acres offered in Stafford county in preparation for Tom Taylor to finalize the acquisition on behalf of the District. Motion carried 7-0.

Earl Lewis joined the meeting via Zoom.

The Chief Engineer was engaged in the conversation regarding the working group and how that would be formed and handled. There was interest from the board and public regarding how

Rattlesnake Creek long moves are processed and accounted for by KDA–DWR. Chief Engineer Lewis indicated that KDA–DWR would assist in the preparation of a map indicating areas that water could effectively be moved to from the Rattlesnake Creek region. It was recently announced that \$7 million would be available to KDA–DWR for the Rattlesnake Creek region. The Chief Engineer indicated that approximately \$4 million would be put into the WTAP / CREP programs to incentivize water right retirements. The remaining \$3 million would be put into the subbasin program for use for aquifer characterization and/or a potential pilot program for augmentation of streamflow.

The next District board meeting was tentatively set for January 11, 2024, at 9:00 a.m. at the District office.

With no further items to discuss the board adjourned at 11:15 a.m.

Attest by:  Dated 1-11-24