

MINUTES – JANUARY 12, 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 January 12, 2023. Board members present were Darrell Wood, John Janssen, Marlyn Spare, Kerry Froetschner, Tom Taylor, Fred Grunder, Craig Zwick, and Gary Hornbaker. Board member Phil Martin was not present. District staffs present were Orrin Feril, John Hildebrand, and Devan Cooper. Guest present was Jeff Lanterman, Kent Lamb, and Berry Bortz. Guests present via Zoom were Toby Dougherty, Jeff Crispin, Dave Romero, Steve Silver, and Chris Beightel.

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

Craig Zwick requested an executive session for personnel matters be added to the agenda at Item 13a. Marlyn Spare requested an update from the finance subcommittee as agenda item 8a.

Craig Zwick moved, and John Janssen seconded to approve the December minutes as presented. Motion carried 8-0.

Orrin Feril provided the board and public with the January treasurer's report and highlighted the unique items for further board review. Kerry Froetschner moved, and Tom Taylor seconded to accept the January treasurer's report as presented. Motion carried 8-0.

Orrin Feril presented the audit engagement letters from VonFeldt, Bauer, & VonFeldt, Chartered for review by the board. Craig Zwick moved, and John Janssen seconded to accept the engagement letter for VonFeldt, Bauer, & VonFeldt, Chartered to conduct the District's financial audit. Motion carried 8-0.

The District has been reviewing a set of applications (22164 & 23484) in coordination with KDA–DWR since April 2022. Significant attention has been spent by the board to evaluate the potential impacts these changes are probable to have to the aquifer and the Rattlesnake Creek streamflow. This is especially important in this situation due to the very close proximity of the water use to the Rattlesnake Creek channel. The District's consultant, Balleau Groundwater Inc., and KDA–DWR staff have both looked at the impacts using various analyses including Glover-Balmer stream depletion evaluation and generalized pumping impacts using the District's BBGMDMOD. As presented, the applications do not meet the requirements for K.A.R. 5-25-18(3) and K.A.R. 5-25-18(c). However, analyses presented to the board by Balleau GW indicated that there is not a negative net impact to Rattlesnake Creek streamflow and the aquifer impact is localized to Section 31 of 25S-15W in Stafford County. Tom Taylor moved, and John Janssen seconded to recommend a waiver of K.A.R. 5-25-18(3) and K.A.R. 5-25-18(c) to recommend approval of the application as presented. Motion carried 8-0.

Dave Romero, Balleau GW, presented a preliminary update to the model to bring data from 2008-2020 into the model dataset including water use, precipitation, streamflows, etc. During this update, BGW noted a pattern change following the 2011-2012 drought. The frequency of high-volume precipitation events has changed since the 2011-2012 drought which caused the model to simulate additional recharge beyond the observed amounts. Adjustments were made to add a cap on the recharge rates to address the model overshoot. As a result, the model is now serviceable for the Walnut IGUCA review. John Janssen moved, and Kerry Froetschner seconded to direct Balleau

GW to provide the model files to KDA–DWR to facilitate a timely Walnut IGUCA review. Motion carried 8-0.

In the December meeting, each board member was provided a copy of the District’s management program and tasked with reviewing it to determine if revisions are necessary before reaffirming the management program. District staff has made updates to figures and charts in the document. The board recommended a few additional revisions to better reflect the relationship and role the regional advisory committee has with the District as well as including water level change maps, precipitation tables and stream gage tables. Overall, the board requested a revision to highlight the proactive approach of the board.

Orrin Feril presented an initial draft budget for FY2024 for board input. This draft budget will be presented at the February board meeting for further board input in preparation for public input at the annual meeting. The proposed FY2024 budget will be presented at the budget hearing that is held in July.

The finance subcommittee provided a review of the interest rates for the District’s certificates of deposit as well as additional options for better utilizing higher interest rates with Equity Bank. Following discussion, Marlyn Spare moved, and Tom Taylor seconded to adopt the recommendations of the finance subcommittee to transfer the District’s accounts to more effective interest yielding accounts with Equity Bank in accordance with applicable KS statutes. Motion carried 8-0.

The annual meeting is coming up and the speakers are being lined up for the meeting. The annual meeting will be held on February 16 in St John at the Stafford County Annex building. The board discussed the location for the District board meeting prior to the annual meeting and it was the consensus of the board to keep the regular board meeting at the District office in Stafford.

The board reviewed potential revisions to K.A.R. 5-25-13 and K.A.R. 5-25-21 to reflect previous waiver recommendations provided by the board so that future waivers are not necessary. Specifically addressing the calculation of the MYFA allocation when the water uses water within the term with an end gun installed, looking to not penalize voluntary efforts to remove end guns previously through programs, and re-enrollment into the MYFA program. District staff will continue to work on this language in coordination with KDA–DWR staff.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The recent Kansas attorney general opinion (AGO 2023-1) was discussed by the board. Specifically, the impacts and implications of this opinion. Thus far, KDA–DWR does not have a definitive path forward for how it will handle the hundreds of applications that would be impacted by this opinion. In light of several news articles and editorials focusing on the water issues of the Ogallala, it is anticipated that there will be action in the legislature this session. All board members are encouraged to attend the upcoming legislative reception in Topeka.

Jeff Lanterman, KDA–DWR, noted that KDA–DWR is about to rescind the MDS orders on the Ninnescah River. The Stafford field office is actively measuring area water levels. Orrin Feril noted that the RAC is reviewing the goals and action plans to determine if revisions are necessary.

Craig Zwick made the following motion at 12:30 p.m.: “I move that the board go into executive session for 10 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA on matters related to the manager’s continuing education, and the open

meeting will resume here in the meeting room at 12:40 p.m.” John Janssen seconded. Motion carried 8-0. The board came out of executive session at 12:40 p.m.

In other business, the board reviewed credentials for Lonny Geiman, Bondura Plus, to assist the manager in leadership training. Kerry Froetschner moved, and Gary Hornbaker seconded to hire Lonny Geiman to provide leadership training on a 6-month basis. Motion carried 8-0.

Additional discussion rose regarding potential legislative actions in Topeka. Craig Zwick noted that he has had conversations with KARA in Topeka to potentially provide lobbyist services. Marlyn Spare moved, and Tom Taylor seconded to have Craig Zwick negotiate with and hire KARA for lobbyist services at his discretion. Motion carried 8-0.

The next District board meeting was tentatively set for February 16, 2023, at 2:00 p.m. at the District office.

With no further items to discuss the board adjourned at 12:45 p.m.

Attest by:  _____ Dated 2-16-23 _____