

MINUTES – NOVEMBER 09, 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 November 09, 2023. Board members present were Tom Taylor, Fred Grunder, John Janssen (Zoom), Marlyn Spare, Kerry Froetschner, Craig Zwick, Gary Hornbaker, Darrell Wood, and Joe Schlessiger. District staffs present were Orrin Feril and John Hildebrand. The guest present was Jeff Lanterman. Guests present via Zoom were Micah Schwalb, Jeff Crispin, Aimee Davenport, Toby Dougherty, Jon Quinday, and Craig Smith.

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

An executive session for personnel matters was added to the agenda as item 11 and agenda items 5 & 6 were switched to be more efficient for billable hours.

Kerry Froetschner moved, and Marlyn Spare seconded to approve the September & October minutes as presented. Motion carried 9-0.

Orrin Feril provided the board and public with the treasurer's report and highlighted the unique items for further board review. Fred Grunder moved, and Craig Zwick seconded to accept the treasurer's report as presented. Motion carried 9-0.

Darrell Wood moved, and Craig Zwick seconded at 9:05 a.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 9:25 a.m. Motion carried 9-0. The board came out of executive session at 9:25 a.m.

John Janssen left the meeting following the executive session.

The District has had an agreement with Kansas Agribusiness Retailers Association (KARA) for legislative monitoring and lobbyist services through the 2023 legislative session. The District has the option to enter into another agreement with KARA for the same services at the same rate for the 2024 legislative session. The board was presented a copy of this agreement for consideration. Marlyn Spare moved, and Kerry Froetschner seconded to enter into the agreement with KARA for lobbyist services for legislative session 2024. Motion carried 8-0.

Orrin Feril discusses staff activities for the past several weeks. Over the past few weeks there have been several press releases highlighting funding opportunities in the region. A brief summary of those opportunities was provided and reviewed. The board felt it would be good to promote WaterTAP and work to secure additional funding to incentivize enrollment in the program. Meanwhile, in consideration of the need for identifying areas of concern for HB2279, Orrin asked the board how they would like to approach identifying water quantity concern areas. It was suggested that KGS provide maps showing the change in water table in both actual feet and percentage. These changes would be over three time periods, from predevelopment, 20-year change and 10-year change. Over the past few years, KSU and other agencies have been collecting water quality data. Orrin has requested this data previously but as yet has not received any information. In follow up to the legislative post audit, it was recommended that the Districts implement a policy to guide the process for updating their management programs. Tom Taylor and Marlyn Spare would assist Orrin in the development of this policy over the next few weeks. In the

coming weeks, Vijay Ramasamy, Special Advisor for Water to Governor Kelly, will be visiting the District office to discuss management objectives and get better acquainted with the concerns of the region. Tom Taylor and Marlyn Spare volunteered to attend this meeting to assist with the discussion. Orrin Feril provided another update on the progress of the Watershed Plan-EIS.

Jeff Lanterman, KDA-DWR, updated the board on a surface water diversion in RN county that was previously recommended for denial by the board previously. Jeff indicated that the total area had been reduced in a manner to fall under domestic use exemptions with KDA-DWR. Meanwhile, the downstream water users are working through the process to establish their preexisting domestic use rights.

Darrell Wood made the following motion at 10:30 a.m.: "I move that the board go into executive session for 30 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to a conduct performance review, and the open meeting will resume here in the meeting room at 11:00 a.m." Craig Zwick seconded. Motion carried 8-0. The board came out of executive session at 11:00 a.m.

The next District board meeting was tentatively set for December 14, 2023, at 9:00 a.m. at the District office.

With no further items to discuss the board adjourned at 11:05 a.m.

Attest by:  Dated 12-14-23