

MINUTES – JUNE 11, 2020
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 on Thursday, June 11, 2020. Board members present were Darrell Wood, Fred Grunder, John Janssen, Phil Martin, Kerry Froetschner, and Marlyn Spare. Tom Taylor, Craig Zwick, and Justin Gatz were not present. District staffs present were Orrin Feril and Devan Cooper. Guests present were Josh Roe, David Stroberg, John Niemann, Matt Goodson, Kent Moore, Keith Miller, Jeff Lanterman, Lisa Moore, and Jonathan Lehman.

The June regular board meeting was called to order at 7:00 p.m. by Darrell Wood and introductions were conducted to assist with maintaining a record of those in attendance.

A board review for application number 50193 was added to the agenda as item #3a and an executive session for the preliminary discussion regarding acquisition of real property as agenda item #10a.

Phil Martin moved, and John Janssen seconded to approve the May minutes as presented. Motion carried 4-0-1.

Fred Grunder joined the meeting at approximately 7:05 p.m.

Orrin Feril provided the board and public with the treasurer's report and highlighted the unique items for further board review. Phil Martin moved, and Kerry Froetschner seconded to accept the treasurer's report as presented. Following discussion, the motion carried 5-0-1.

A new application (App # 50193) to appropriate water in Reno county was presented to the board for consideration in the May board meeting. The applicant is requested a further discussion with the board to clarify an issue that has arose in the time since the board meeting. In the May meeting, a map was presented to the board with an error that may have influenced the board to make the recommendation in error. Following further discussion regarding this error and the possible pathways available for remedy, Marlyn Spare moved, and Fred Grunder seconded to recommend a waiver of K.A.R. 5-25-15 (a)(1) and K.A.R. 5-25-15 (d)(4) and recommend approval of this application as presented. This motion is based on the understanding that the proposed use of water is downstream from and having minimal impact to Quivira NWR, the applicant is willing to retire additional water in addition to the amount required for offset per K.A.R. 5-25-15 (d)(3), and the applicant is willing to reduce the rate of diversion from 580 gpm to 275 gpm from the proposed points of diversion. Motion carried 3-1-2.

Lisa Moore and Jonathan Lehman joined the meeting at approximately 7:30 p.m. via conference phone.

Lisa Moore (Cultivating Conservation) provided the board with an overview of the scope of work to pursue funding opportunities available through the Watershed Protection and Flood Prevention Act. Lisa answered several questions regarding the proposed scope of work. Following this discussion, Fred Grunder moved, and John Janssen seconded to accept the proposed scope of work as presented with the understanding that the services of Cultivating Conservation would be retained until the completion of the Watershed plan process as outlined in the scope of work for \$65,000. Motion carried 6-0-0.

Orrin Feril discussed staff activities for the past few months and upcoming months including a brief update on the current status of discussions with USFWS regarding the Quivira NWR impairment complaint. The progress is going well and there are meetings to continue these discussions weekly. Devan is preparing to start the assessment review process with the eight counties. This project is complicated and will take time to complete properly. John is continuing his field activities including water quality sampling, water level measurements, and ultrasonic flowmeter testing.

Jeff Lanterman, KDA-DWR Stafford field office, provided an update on the activities in their office. Over the past few months their staff have predominantly been working from home and they are hoping to be phasing back into the office after July 4.

David Stroberg, KWA representative, stated that the KWA would be holding their next meeting via web conferencing on Wednesday June 17. All were encouraged to attend.

Kent Moore, WaterPACK, commended the District board for taking the prudent steps to secure a workable solution to the Quivira NWR impairment complaint. Micah Schwalb is continuing his work on the ACRES Initiative. Recently, WaterPACK filed their legal brief in the City of Hays water right issue with the court. This brief and appendices are available on KDA-DWR's website.

Kerry Froetschner made the following motion at 8:10 p.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 8:30 p.m." John Janssen seconded. Motion carried 5-0-1. The board came out of executive session at 8:30 p.m.

The next District board meeting was tentatively set for July 9, 2020 at 7:00 p.m. with the budget hearing following at 8:00 p.m.

With no further items to discuss the board adjourned at 8:45 p.m.

Attest by:  Dated 7.9.2020