

MINUTES – MAY 13, 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, May 13, 2021. Board members present were Darrell Wood, John Janssen, Marlyn Spare, Craig Zwick, Kerry Froetschner, Fred Grunder, and Phil Martin. Board members Tom Taylor and Justin Gatz were absent. District staffs present were Orrin Feril and Devan Cooper. Guests present were David Stroberg, James Pfister, Bonnie Sarff, and Dale Wood. Guests present via Zoom video conferencing were Jeff Crispin, Keadron Pearson, Josh Nicolay, Cameron Conant, Lisa Moore, and Kent Moore.

The May regular board meeting was called to order at 7:00 p.m. by Darrell Wood.

A review and discussion on the Statement of Work for Preparation of a Watershed Plan-Environmental Assessment was added to the agenda as item 8a.

John Janssen moved, and Kerry Froetschner seconded to approve the April minutes as presented. Motion carried 6-0-1.

Orrin Feril provided the board and public with the May treasurer's report and highlighted the unique items for further board review. Fred Grunder moved, and Craig Zwick seconded to accept the May treasurer's report as presented. Following discussion, the motion carried 6-0-1.

In preparation for publishing legal notice for the FY2022 proposed budget in area newspapers, the current draft of the budget was presented to the board and public for comment and revision. Following a brief discussion, Fred Grunder moved, and Craig Zwick seconded to publish the draft FY2022 budget as presented in the area newspapers. Motion carried 6-0-1.

The District received a change application for Water Right file numbers 7009 & 18058 to increase the place of use to add a half pivot to the existing place of use. The proposed additional 60 acres are needed to help with crop rotation. Currently, these water rights are actively a part of the District's monitoring program. This requires enhanced monitoring and compliance of the place of use and water quantity applied in a five-year period. Phil Martin moved, and Fred Grunder seconded to recommend approval of the application if this is to facilitate crop rotation. Motion carried 6-0-1.

A change application for Water Right file number 26257-DB was presented to the board for review. The applicant is requesting to move the authorized point of diversion, place of use and use made of water approximately 3.5 miles Northwest. The intended use for this permit will be for recreation to supplement natural surface water flows for a 23.82-acre pond. As presented, the application does not meet the requirements for long moves within Rattlesnake Creek subbasin per K.A.R. 5-25-18. Fred Grunder moved, and Marlyn Spare seconded to recommend a waiver of K.A.R. 5-25-18 (a)(2) and recommend approval of the application as presented. Following discussion, the motion carried 6-0-1.

The District received a change application for Water Right file number 17939 to move the authorized point of diversion. In 2019, the applicant moved the authorized point of diversion to overlap onto Water Right file number 22579. Now the applicant is proposing to move the point back to the point previously authorized. The proposed change does not meet minimum spacing requirements to Water Right 22579. Cameron Conant provided further clarification on the application. Craig Zwick moved, and Kerry Froetschner seconded to recommend a waiver of

K.A.R. 5-25-2 and recommend approval of the application as presented. Following discussion, the motion carried 6-0-1.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. Staff has been working through the annual water bank accounting to be able to finalize the annual statements that are sent to participants. The weather stations that were purchased for the CIG project are now installed and have begun collecting data. A brief update on the status of the Watershed planning project with NRCS was provided.

The final Statement of Work for the Preparation of a Watershed Plan-Environmental Assessment (the “Statement of Work”) is now ready for board review and consideration. Orrin Feril provided a brief overview of the document. Lisa Moore, Cultivating Conservation, provided additional details and background on the Watershed Planning process. Following this description, Craig Zwick moved, and John Janssen seconded to table the discussion on the Statement of Work until Tuesday May 18, at 7:00 p.m. via conference call to allow more time to review the document. Motion carried 6-0-1.

Cameron Conant, KDA–DWR, stated that the field office is finalizing the list of water rights that exceeded the authorized quantity of water in 2020 within their portion of the state. Of the fifty-five water rights, approximately forty are being drafted for a civil penalty. The remaining fifteen water rights will receive a notice of non-compliance letter. Keadron Pearson, KWO, stated that the KWA will be holding their next meeting on May 18. Dave Stroberg, KWA, highlighted the upcoming Kansas Governor’s Conference in Manhattan in November. Kent Moore, WaterPACK, noted that the ACRES Initiative is collecting commitment letters for financial support from area businesses and financial institutions.

The next District board meeting was tentatively set for June 10, 2021 at 9:00 a.m. the District office.

At 7:55 p.m., Craig Zwick moved, and John Janssen seconded to recess the remainder of the board meeting until 7:00 p.m. on May 18, 2021 in the conference room and via conference call to further discuss and consider the Statement of Work for the Preparation of a Watershed Plan-Environmental Assessment. Motion carried 6-0-1.

The monthly board meeting of the Big Bend Groundwater Management District #5 was reconvened at the District office in Stafford, Kansas on Tuesday, May 18, 2021. Board members present were Darrell Wood, Fred Grunder, John Janssen, Marlyn Spare, Craig Zwick, Phil Martin, and Tom Taylor. Board members Kerry Froetschner and Justin Gatz attended the meeting via Zoom conferencing. District staffs present were Orrin Feril and Devan Cooper. Guests present via Zoom conferencing were Keadron Pearson, Jeff Crispin, Lisa Moore, Mike Oldham, Jeff Lanterman, and Earl Lewis.

The May regular board meeting was reconvened at 7:00 p.m. by Darrell Wood.

A review of application file number 50546 was added to the agenda as item 2a.

Craig Zwick moved, and Marlyn Spare seconded to take from the table the discussion on the Statement of Work for the Preparation of a Watershed Plan-Environmental Assessment. Motion carried 6-0-1.

Justin Gatz & Kerry Froetschner joined the meeting via Zoom conferencing at approximately 7:05 p.m.

Orrin Feril presented the final Statement of Work for the Preparation of a Watershed Plan-Environmental Assessment to the Board of Directors and public present. Lisa Moore provided additional detail regarding the potential timeline and process going forward. Following a thorough discussion, John Janssen moved, and Tom Taylor seconded to approve the statement of work and move forward and accelerate the process where possible. Darrell Wood requested input from guests present via Zoom, with no comments received, the motion carried 7-1-1.

The District recently received an application for Water Right file number 50546 for industrial use in Rice county. The applicant is proposing to utilize a portion of Water Right file numbers 33055 & 33735 as an offset of the evaporation from the proposed 22.87 acre borrow pit. Jeff Lanterman provided additional details regarding the evaporation amounts for Rice county. This offset does not meet the requirement per K.A.R. 5-13-7 (d)(1)(C) to offset evaporation of a groundwater pit within 3.5 mile of the geocenter of the pit. Phil Martin moved, and John Janssen seconded to recommend a waiver of K.A.R. 5-13-7 (d)(1)(C) to recommend approval of the application as presented. Motion carried 7-0-2.

With no further items to discuss the board adjourned at 7:20 p.m.

Attest by:  Dated 6.10.2021