

MINUTES – DECEMBER 18, 2024
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 18, 2024. The board members present were Tom Taylor, John Janssen, Marlyn Spare, Kerry Froetschner, Joe Schlessiger, and Craig Zwick. The board members Darrell Wood, Fred Grunder, and Gary Hornbaker were not present. The District staffs present were Orrin Feril and Vanessa Marks. The guests present were Pat Janssen, Jeff Lanterman, Alan Crane, and Carmen Schmitt. The guests present via Zoom were Aimee Davenport, Sarah Struby, Dave Romero, Riley Vande Ven, Keadron Pearson, Jeff Crispin, and Chris Smith.

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

A review of a change application for water right 45520 and applications for permits (51043 and 51044) were added to the agenda as items 4a and 4b, respectively.

Kerry Froetschner moved, and Craig Zwick seconded to approve the November minutes as presented. Motion carried 6-0.

Orrin Feril provided the board and public with the December treasurer's report and highlighted the unique items for further board review. Kerry Froetschner moved, and John Janssen seconded to accept the December treasurer's report as presented. Motion carried 6-0.

The District received a recommendation request for a change in point of diversion application filed for water right file number 28799. The applicant is requesting to adjust the authorized rate and quantities between the two wells authorized for this water right file. As presented, the application does not meet the requirements per K.A.R. 5-25-2a as the two wells are over 2640 feet apart. These two wells are normally operated together so adjusting the authorized quantities between these two wells would not result in a change to the local aquifer. Based on the information presented in the board meeting, Craig Zwick moved, and John Janssen seconded to recommend a waiver of K.A.R. 5-25-2a and recommend approval of the application as presented. Motion carried 6-0.

The District received a recommendation request for a change in place of use for water right file 45520. Currently, the water right is authorized for irrigating 126 acres in the SW¼ of section 29-29S-13W in Pratt county. The applicant would like to increase these acres to cover the entire W½ of the section. To do this, the applicant would need to enter into a monitoring agreement with the District and receive a 5-year allocation of water so as to mitigate the potential for increasing the consumptive use through the change. Following discussion, John Janssen moved, and Craig Zwick seconded to enter into monitoring agreement with the applicant and to recommend approval of the application as presented. Motion carried 6-0.

The District received two applications to appropriate water that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring water right 33483. Over the past few months, KDA–DWR has been working, in consultation with Balleau GW, to establish a process for streamlining the analysis for such applications and there are more of these applications working their way through KDA–DWR currently. The KDA–DWR analysis is based on analysis conducted by BGW for previous applications utilizing K.A.R. 5-25-22. Dave Romero, BGW, provided the board with additional perspective regarding the hydrology involved in these applications. For these offset applications the net cumulative change for Rattlesnake Creek is a gain of 20 AF (0.15%) and the

Arkansas River will lose 52 AF (-0.05%) following a 50-year model analysis. Following this discussion, Joe Schlessiger moved, Craig Zwick seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 6-0. The board had discussion regarding the cumulative impacts of offset applications. Following this discussion, Marlyn Spare moved, and John Janssen seconded to have BGW, KDA–DWR and Orrin Feril to determine the reasonable changes within various regions of the District so as to mitigate creating a water supply issue through the utilization of K.A.R. 5-25-22. Additionally, this evaluation will help the board to gain a better understanding of the supply and demand dynamic within the District. Motion carried 6-0.

The District received the first proposed Water Conservation Area (WCA) in the region at the end of October. Per K.S.A. 82a-745(h), the District has 45 days to review the WCA and provide written recommendation to the Chief Engineer. The WCA was discussed thoroughly by the board regarding the potential impact the WCA may have on the District’s management of the region in the November board meeting. Since that meeting, Orrin Feril has been working with legal counsel to clarify the issues raised by the board in the November meeting and to identify additional impacts the proposed WCA may have on the District’s management of the region. Aimee Davenport and Sarah Struby (Stinson) and Orrin Feril walked the board through the comment letter and answered questions from the board. Following this discussion, Craig Zwick moved, Kerry Froetschner moved to approve and submit the recommendations and comments to the Chief Engineer before the applicable deadline. Motion carried 6-0.

The District received an invoice from Stinson LLC today after the treasurer’s report was reviewed and approved. Marlyn Spare moved, John Janssen seconded to transfer the appropriate amount and pay the invoice prior to the end of the calendar year. Motion carried 6-0.

The District received the engagement letter from Adams Brown LLC outlining services proposed to conduct the annual audit of the District. Orrin Feril sought additional quotations for similar services from other firms with experience with entities like the District. Following consideration of each of these quotations, Marlyn Spare moved, and Craig Zwick seconded to approve having Adams Brown conduct the annual audit of 2024 financial statements in accordance with pertinent state statutes. Motion carried 6-0.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The upcoming legislative retreat will be held on February 4 and 5 in Topeka. All board members were encouraged to attend the meeting. The District’s water lab is updated, and staff is able to analyze water for nitrates with high confidence. The board was provided with a brief update on the Watershed Plan-EIS. The District’s annual meeting will be held on February 20, 2025, at the Stafford county annex.

Jeff Lanterman, KDA–DWR, provided an update on KDA’s pilot augmentation project on Rattlesnake Creek, noting the direct response seen at the Zenith gage following initiation of the project. Questions were addressed by Jeff Lanterman regarding the monitoring of water quality in the project. Riley Vande Ven, KWO, noted a recent meeting held in Parsons to finalize the annual report to the legislature. The KWA will be meeting in Topeka in late January to meet with the legislators as well. Pat Janssen, WaterPACK, stated their annual meeting is scheduled for February 26 at 1:00 pm. Vanessa Marks, CKWBA, provided an update on the CAMP project.

John Janssen made the following motion at 11:00 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 reviews, and the open meeting will resume here

in the meeting room at 11:30 a.m.” Craig Zwick seconded. Motion carried 6-0. The board came out of the executive session at 11:30 a.m.

In other business, Marlyn Spare moved, and John Janssen seconded to follow the manager’s discretion for salary changes for District staff effective January 1, 2025. Motion carried 6-0.

Craig Zwick moved, and John Janssen seconded to increase the manager’s salary by 14% effective January 1, 2025. Motion carried 6-0.

John Janssen and Vanessa Marks noted a recent bid proposal for a \$200,000 award to review the CKWBA’s activities and report back by February 16 with a final report by mid-April 2025.

The next District board meeting was tentatively set for January 09, 2025, at 9:00 a.m. at the District office.

With no further items to discuss the board adjourned at 11:50 a.m.

Attest by: Marlyn Spare Dated: 01-09-25