

MINUTES – FEBRUARY 20, 2025  
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 Stafford County Annex in St John, Kansas on Thursday February 20, 2025. The board members present were Tom Taylor, Fred Grunder, John Janssen, Marlyn Spare, Darrell Wood, Gary Hornbaker, Joe Schlessiger (zoom), and Craig Zwick. The board member Kerry Froetschner was not present. The District staffs present were Orrin Feril, John Hildebrand, Fay Reed, and Vanessa Marks. The guests present were Aimee Davenport, Weston Koehn, Jim Schneider, Aaron Koehn, Jeff Lanterman, Earl Lewis, Lane Letourneau. The guests present via Zoom were Micah Schwalb, Riley Vande Ven, Lisa Moore, Dave Romero, Chris Smith, Jeff Crispin, Kelsy Stremel, Brandon Thompson, and Christa Anhold.

The February regular board meeting was called to order at 3:30 p.m. by Tom Taylor.

Darrell Wood moved, and Gary Hornbaker seconded to approve the January minutes as presented. Motion carried 8-0.

Orrin Feril provided the board and public with the February treasurer's report and highlighted the unique items for further board review. Craig Zwick moved, and John Janssen seconded to accept the February treasurer's report as presented. Motion carried 8-0.

Aaron Koehn, Adams Brown, presented the audit report to the board for fiscal year 2024. A few questions were answered before Darrell Wood moved, and Marlyn Spare seconded to accept the audit report as presented. Motion carried 8-0.

John Janssen moved, and Craig Zwick seconded to adopt Resolution 2025-1 to conduct the 2025 audit using the cash basis and budget laws of Kansas. Motion carried 8-0.

RESOLUTION NO. 2025-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2025 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Big Bend Groundwater Management District No. 5 and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) (as amended) for the year ended 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Big Bend Groundwater Management District No. 5, Stafford, Kansas, in the regular meeting duly assembled this 20th day of February 2025 that the Board of Directors waives the requirements of K.S.A. 75-1120a(a) (as amended) as they apply to the Big Bend Groundwater Management District No. 5 for the year ended 2025.

BE IT FURTHER RESOLVED THAT THE Board of Directors shall cause the financial statements and financial reports of the Big Bend Groundwater Management District No. 5 to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

The District has recently received several applications to offset appropriations by retiring water rights in the Rattlesnake Creek region. KDA–DWR has evaluated the cumulative streamflow and groundwater impacts of these offset applications. In December, the board requested to have BGW, KDA–DWR and Orrin Feril coordinate 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. From KDA–DWR’s perspective, using the cumulative percent change in average streamflow and setting a two-percent threshold is reasonable at this time. Further discussion was held between KDA–DWR, BGW and the board regarding further logistics of this approach. Following this discussion, Craig Zwick moved, and Darrell Wood seconded to utilize a two-percent impact of the average streamflow as an initial threshold for evaluating applications utilizing K.A.R. 5-25-22. Motion carried 7-0-1 (Joe Schlessiger abstaining).

The District received a set of five applications to appropriate water (Application file numbers 51281, 51282, 51283, 51284, and 51343) that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring six water right files (35675, 35676, 35677, 32028, 27419, and 19937). These applications were discussed by the board in light of reasonability previous discussion. For these offset applications the cumulative change for Rattlesnake Creek is a gain of 0.79% and the Arkansas River a -0.02% following a 50-year model analysis. Following this discussion, Darrell Wood moved, and Craig Zwick seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 7-0-1 (Joe Schlessiger abstaining).

The District received a set of two applications to appropriate water (Application file numbers 51241 and 51242) that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring one water right file (35140). For these offset applications the cumulative change for Rattlesnake Creek is a gain of 0.15% and the N F Ninescah River a -0.21% following a 50-year model analysis. Following this discussion, Marlyn Spare moved, and Fred Grunder seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 8-0.

The District received an application to appropriate water (Application file number 51277) that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring one water right file (38136). For this offset application the cumulative change for Rattlesnake Creek is a gain of 2.27% and the Arkansas River a -0.01% following a 50-year model analysis. Following this discussion, Marlyn Spare moved, and Fred Grunder seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 7-0-1 (Darrell Wood abstaining).

The District received an application to appropriate water (Application file number 51310) that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring one water right file (38922). For this offset application the cumulative change for Rattlesnake Creek is a gain of 2.23% and the Arkansas River a -0.02% following a 50-year model analysis. Following this discussion, Craig Zwick moved, and John Janssen seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 7-0-1 (Darrell Wood abstaining).

The District received an application to appropriate water (Application file number 51254) that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring one water right file (17516). For this offset application the cumulative change for Rattlesnake Creek is a gain of 0.22% and the N F Ninescah River a -0.02% following a 50-year model analysis. Following this

discussion, Darrell Wood moved, and Marlyn Spare seconded to recommend a waiver of K.A.R. 5-25-22 and recommend approval of these applications as presented. Motion carried 8-0.

KDA-DOC has received state funding to implement an irrigation technology initiative in coordination with the five groundwater management districts. The goal of this initiative is to provide funding to assess existing irrigation system efficiencies and identify areas of improvement. The first draft agreement between the KDA-DOC and the District was provided to the board but cautioned that it is still subject to change. The board discussed the benefits of the initiative and potential impacts to District staff. In light of the agreement being revised, it was the consensus of the for the District manager to work with legal counsel to review the agreement for further consideration in a future board meeting. No further action was taken by the board.

Orrin Feril provided an update on the legislative activity in Topeka. The District is currently tracking several water-related bills. It was the consensus of the board to continue monitoring these bills and as necessary provide pertinent testimony.


Orrin Feril presented the draft budget for FY2026 for board input. This draft budget will be presented at the annual meeting for public input. The proposed FY2026 budget will be presented at the budget hearing that is held in July.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. District staff has provided pertinent information to the accountant to conduct the annual audit. The annual water level measurements have also been gathered and compiled for presentation at the annual meeting. The current status of the RCPP and the Watershed Plan-EIS was provided to all those present in the meeting.

Jeff Lanterman, KDA-DWR, indicated that the orders for administration of minimum desirable streamflow (MDS) for the Rattlesnake Creek at the Macksville gage were recently mailed to the landowners. All water users were reminded to submit their water use report before the quickly approaching deadline (March 1). KDA's pilot augmentation project on Rattlesnake Creek has been shut down temporarily due to the weather to protect the equipment. Vanessa Marks, CKWBA, provided an update on the CAMP project. The MOA between CKWBA, KDA and Kansas Corn has been signed and the CKWBA is processing the water use reports for each CAMP contract.

The next District board meeting is tentatively set for March 13, 2025, at 9:00 a.m.

With no further items to discuss the board adjourned at 5:15 p.m.

Attest by:  Dated: 3-13-25  
~~5-25~~