MINUTES – NOVEMBER 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 District office in Stafford, Kansas on Thursday November 20, 2025. The board members present were Tom Taylor, Kent Moore, Fred Grunder, Darrell Wood, Gary Hornbaker, Kerry Froetschner, and Joe Schlessiger. The board members not present were Marlyn Spare and Craig Zwick. The District staffs present were Orrin Feril and Vanessa Marks. The guests present were Jeff Lanterman, Heidi Jo Burton (Zoom), and Chris Smith (Zoom).

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

A review of change applications for Vested Right No. RN007 and Water Right File No. 11988 was added to the agenda as item 5a.

Kerry Froetschner moved, and Kent Moore seconded to approve the October minutes as presented. Motion carried 7-0.

Orrin Feril provided the board and public with the November treasurer's report and highlighted the unique items for further board review. Darrell Wood moved, and Joe Schlessiger seconded to accept the November treasurer's report as presented. Motion carried 7-0.

The District received the engagement letter from Adams Brown LLC outlining services proposed to conduct the annual audit of the District. Following review, Kent Moore moved, and Kerry Froetschner seconded to approve having Adams Brown conduct the annual audit of 2025 financial statements in accordance with pertinent state statutes. Motion carried 7-0.

The District received a recommendation request for a change in place of use and use made of water application filed for water right file number 12143. The applicant is requesting to convert the irrigation water right to stockwater use and adjust the respective place of use to cover a proposed stockwater facility in 23-23S-16W. The applicant has applied K.A.R. 5-5-9 properly to account for the change in consumptive use (183 AF x 87.3% = 159.759 AF). Fred Grunder moved and Darrell Wood seconded to recommend approval as presented. Motion carried 7-0.

The District received a recommendation request for a change in place of use and use made of water application filed for water right file number 31428. The applicant is requesting to convert the irrigation water right to stockwater use and adjust the respective place of use to cover a proposed stockwater facility in 23-23S-16W. The applicant has applied K.A.R. 5-5-9 properly to account for the change in consumptive use (198 AF x 87.3% = 172.854 AF). The District received a recommendation request for a change in place of use and use made of water application filed for water right file number 31429. The applicant is requesting to convert the irrigation water right to stockwater use and adjust the respective place of use to cover a proposed stockwater facility in 23-23S-16W. The applicant has applied K.A.R. 5-5-9 properly to account for the change in consumptive use (198 AF x 87.3% = 172.854 AF). The District received a recommendation request for a change in place of use and use made of water application filed for water right file number 31430. The applicant is requesting to convert the irrigation water right to stockwater use and adjust the respective place of use to cover a proposed stockwater facility in 23-23S-16W. The applicant has applied K.A.R. 5-5-9 properly to account for the change in consumptive use (198 AF x 87.3% = 172.854 AF). Fred Grunder moved and Gary Hornbaker seconded to recommend approval of these three applications as presented. Motion carried 7-0.

The District received a recommendation request for a change in point of diversion and place of use application filed for water right file number 51284. The applicant is requesting to convert the single irrigation point of diversion to a battery of up to 4 wells and incorporate the proposed place of use of a new offset water right to the east (App# 51408). The conversion to a battery of wells meets the requirements of K.A.R. 5-25-14(a)(1). Kent Moore moved and Gary Hornbaker seconded to recommend approval of the application contingent of approval of Application # 51408. Motion carried 6-0-1 (Joe Schlessiger abstaining).

The District received four applications to appropriate water that would be utilizing K.A.R. 5-25-22 to offset their appropriation by retiring water rights 18925, 21117, 21776. The first offset application (App# 51405) is proposing to divert 165.56 AF for stockwater use, overlapping water rights 12143, 31428, 31429, and 31430 for a proposed stockwater facility in 23-23S-16W. The remaining three offset applications (App# 51407, 51408, 51494) are proposing to divert 139.67 AF each for irrigation use adjacent to the proposed stockwater facility. As presented, application 51405 does not meet K.A.R. 5-25-22(a)(7). As presented, applications 51407, 51408, and 51494 do not meet K.A.R. 5-25-22(a)(1), K.A.R. 5-25-22(a)(4), K.A.R. 5-25-22(a)(7) and K.A.R. 5-25-22(a)(8). KDA–DWR provided site specific assessment using the BBGMDMOD to assess the net cumulative impacts of these four offset water rights. The net cumulative change for Rattlesnake Creek at the Zenith gage is a gain of 121.62 AF (0.92%) and the Arkansas River at the Larned gage will lose 102.51 AF (-0.11%) following a 50-year model analysis. Following this discussion, Fred Grunder moved, Kent Moore seconded to recommend a waiver of K.A.R. 5-25-22 for application 51405 as presented. Motion carried 6-0-1 (Joe Schlessiger abstaining). Darrell Wood moved, Fred Grunder seconded to recommend a waiver of K.A.R. 5-25-22 for applications 51407, 51408, and 51494 as presented. Motion carried 6-0-1 (Joe Schlessiger abstaining).

The District received a recommendation request for a change in point of diversion applications for vested right RN007 and water right file number 11988 for the City of Sylvia. The applicant is requesting to move the current wells approximately 1750 feet northeast due to nitrate problems at their current location. The proposed locations do not meet K.A.R. 5-25-2(a) for proper spacing to existing domestic wells. The City has acquired Domestic Well Spacing Consent from the nearby domestic well. Kent Moore moved and Kerry Froetschner seconded to recommend approval as presented in public interest and in consideration of the consent form on file. Motion carried 7-0.

The District has been reviewing proposed new regulations K.A.R. 5-18-1, K.A.R. 5-18-2 and K.A.R. 5-5-17 and proposed revisions to K.A.R. 5-1-4 through K.A.R. 5-1-12 and K.A.R. 5-14-10 as presented by KDA–DWR. This proposed language relate to the methodology for the establishment of Water Conservation Areas in Kansas, changes in point of diversion, water flowmeter requirements, and civil penalties, respectively. These regulations will have a public hearing on January 8, 2026 in Manhattan, KS at KDA–DWR headquarters. Draft letters were presented to the board for consideration for each set of proposed regulations. Following a review of the draft letters, Kent Moore moved, and Darrell Wood seconded to finalize the letter and submit them to KDA–DWR as testimony in the public hearing and be presented by Orrin Feril on January 8, 2026. Motion carried 7-0.

The District has been reviewing the revised management program for the District for several months. Per District policy, the District actively solicited comments and feedback from the public. The District did not receive feedback. Currently, the District is awaiting hydrologic analysis by Balleau Groundwater Inc regarding the estimated usable lifetime in the western portions of the District. Kerry Froetschner moved, and Joe Schlessiger seconded to table the discussion on the management program until the December board meeting. Motion carried 7-0.

Tom Taylor and Darrell Wood left the board meeting at approximately 11:00 a.m. Fred Grunder stepped in to chair the remainder of the meeting.

The District also received proposed regulatory language drafts for K.A.R. 5-16-3 through K.A.R. 5-16-7, K.A.R. 5-5-3, and K.A.R 5-5-9 regarding Multi-Year Flex Accounts (MYFA) and consumptive use changes. The board reviewed conceptual comments from District staff. By consensus, the board requested those comments be submitted to KDA–DWR for consideration.

The five groundwater management districts received a letter from the Chief Engineer regarding implementation of K.S.A. 82a-1044. This is pertinent as the respective districts are actively compiling the action plans to address the previously identified areas of concern. The letter from the Chief Engineer was presented to the board for consideration with no additional action taken by the board.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The District hosted outreach meetings in each county for the action plans for the areas of concern. These were well attended considering the fall harvest was still going on in the area. The recent Governor's water conference was summarized for those in attendance, specifically highlighting presentations regarding water quality and the District's hydrologic model. The concept of expanding the District's monitoring well network was presented to the board for consideration. The expansion would assist the District in several ways including water quality and water quantity monitoring. There was general support for the idea and further details would need to be worked out before moving forward. At the Governor's water conference, Orrin was approached by FHSU to potentially host interns for water quality sampling in 2026. The board felt it was a good idea and requested further discussion in the matter.

Jeff Lanterman, KDA–DWR, raised concerns with pumping water on ground without crops with the idea of increasing historic water use in preparation for future programs. The consensus of those in the room was that the general practice was not done in this region specifically on sandy ground. The difficulty is determining whether the activity is beneficial or wasteful.

Vanessa Marks, CKWBA, provided an update the independent review of CKWBA activity as well as a summary of a recent board meeting.

The next District board meeting is tentatively set for December 11, 2025, at 9:00 a.m.

With no further items to discuss, the board adjourned at 11:55 a.m.

Attest by: Marilyn Spence Dated: 12-11-25