

MINUTES – DECEMBER 15, 2016  
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 December 15, 2016. Board members present were Darrell Wood, Fred Grunder, John Janssen, Justin Gatz, Phillip Martin, Curtis Tobias, Kent Lamb, Bob Standish and Tom Taylor. District staffs present were Orrin Feril and John Hildebrand. Guests present were Lynn Preheim, Derek Martin, Keven Schultz, Tyler Schultz, Richard Wenstrom, John Donley, Chris Beightel, Alan Crane, Mike Lamb, Keith Miller, Kent Moore, Justin Vosburgh, Jeff Lanterman, Lane Letourneau, Matt Unruh, Andy Zwick, Robert Neeland, Frank Mercurio, David Barfield, and Ken Hammeke.

The December regular board meeting was called to order at 10:00 a.m. by Darrell Wood.

Two items were added to the agenda as Items 3a) Discussion with KDA–DWR staff and 5a) Kinsley Feeders.

Bob Standish moved and John Janssen seconded to accept the November minutes as mailed. Motion carried 7-0-1.

Manager Feril noted the board mileage checks were not included in the treasurer’s report. Bob Standish moved and John Janssen seconded to accept the December treasurer’s report as presented including the mileage checks for the board members. Following discussion, the motion carried 7-0-1.

Justin Gatz joined the meeting at approximately 10:05 a.m.

Chief Engineer for KDA–DWR and staff were present to discuss the current status of the Rattlesnake Creek impairment and the Hays/R9 change applications. In September, the District submitted a conceptual augmentation proposal to USFWS for review. The USFWS declined this initial proposal, but did not close the door to further remedy discussions. Several items were discussed that need to be resolved before all parties involved can be in agreement. The Chief Engineer noted that he could support an augmentation plan that provided up to 15 cubic feet per second of instantaneous rate. Additionally, the Chief Engineer stated that KDA–DWR is willing to provide a new appropriation of water for augmentation if that appropriation meets existing rules and regulations and is sustainable. No action was taken by the board.

The Chief Engineer stated that his office is working on drafting an order for the Hays/R9 transfer change applications currently. This order will be provided along with supporting documentation and model files soon to the District and area stakeholders. No time frame was provided for comments, but it was noted that KDA–DWR intends to hold a meeting(s) with the stakeholders to discuss this draft order and the supporting data. No action was taken by the board.

The board took a ten minute break following this discussion.

Application for Appropriation No. 48670 / Water Right File No. 41388 – The District received a reduction request for Water Right File No. 41388 that would restore 159.6 AF to irrigation use under a new appropriation (App No. 48670). Water Right File No. 41388 would still be authorized for 2.92 AF for industrial use to cover the evaporative loss of the 1.3 acre sandpit. The application for appropriation no. 48670 does not meet K.A.R. 5-25-2 (Well Spacing)

between the center pivot well and the sandpit geocenter. Following discussion, Kent Lamb moved and Bob Standish seconded to waive K.A.R. 5-25-2 and recommend approval of the application for appropriation no. 48670 conditional on approval of the reduction request for water right file no. 41388. Motion carried 8-0-1.

Application for Appropriation No. 49645 – The District received this application to appropriate up to 15 AF for industrial use for Paul’s Oilfield Service near Stafford. Historically, this well has been operated by term permit for industrial use and the District has encouraged the user to pursue an appropriation of water in lieu of term permits. The application for appropriation does not meet K.A.R. 5-25-2 (Well Spacing) between the current well and the applicant’s domestic well. Kent Lamb moved and Fred Grunder seconded to waive K.A.R. 5-25-2 and recommend approval of the application. Motion carried 8-0-1.

Frank Mercurio, KLA – Environmental Services, and Derek Martin, Kinsley Feeders, requested a discussion with the board regarding the operations in Edwards County. The point of concern is the operation has exceeded the total authorized appropriation for the facility and has applied for a term permit from KDA–DWR to authorize this extra water use. The term permits are not yet processed by KDA–DWR however. As such, the board is not yet in a position to provide formal recommendation for or against the term permit applications. Following a thorough discussion, it was the consensus of the board to recommend approval with the knowledge that the existing water rights will be formally modified in the coming months to reflect the current facility operations. No further action was taken by the board.

Bob Standish moved and John Janssen seconded to go into executive session at 12:20 p.m. for 15 minutes for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship. Executive session is required to protect the privacy interests of the parties involved. Motion carried 8-0-1. The board came out of executive session at 12:35 p.m.

Recently, the District’s ultrasonic flow meter was determined to be unrepairable by the repair facility (Instruments Direct). A quotation for a replacement meter was presented to the board for consideration. The activities of the Central Kansas Water Bank Association and the increased scrutiny on meter compliance have made it important for the District to continue offering meter testing services. Following discussion, Justin Gatz moved and Kent Lamb seconded approve up to 50% payment of the quotation provided that CKWBA will commit to pay the remaining portion. Motion carried 8-0-1.

In November, the board requested scopes of work and pricing for lobbyist services, due to the potential legislative activity in Topeka this session that will have an impact on groundwater management in central Kansas. Two scopes of work were presented to the board for discussion. Following that discussion, John Janssen moved and Bob Standish seconded enter into an agreement with Devine, Donley, and Murray Governmental Affairs for lobbyist services for calendar year 2017 and a quantity not to exceed \$18,000 for 2017. Motion carried 7-1-1.

Manager Feril noted potential legislation being discussed by Equus Beds GMD2 to modify K.S.A. 82a-1030. The intent of the proposal is to adjust the maximum amount each GMD would be able to assess both land and water within District boundaries. There has not been any proposed language for these amendments at this point. Following a discussion amongst the board and public present, Fred Grunder moved and Bob Standish seconded to take a neutral stance on the proposal at this point in time. Motion carried 8-0-1.



In November, the board tabled an offer from Double S Farms to sell Water Right File No. 13812. The offer is for 190 acre-feet at \$2,200 per acre-foot for a total purchase price of \$418,000.00. The board discussed the offer thoroughly while considering the other financial obligations of the District. Tom Taylor moved and Curtis Tobias seconded to formally decline the offer at this time. Motion carried 8-0-1.

Mr. Feril relayed to the board the DWR report. KDA-DWR is working on adjusting the penalty for failing to file the required water use report with the Chief Engineer. If the report is not received on or before March 1 the penalty will be \$250 and if not received by June 1 the penalty will be \$1000 and a year suspension. No action was taken by the board.

<sup>^</sup> OF WATER USE UNTIL THE REPORT IS RECEIVED.

The Great Bend Prairie RAC will be meeting in January to get started on the action plan that was recently approved by the KWA.

The next District board meeting was tentatively set for January 19, 2017 at 10:00 a.m.

Bob Standish moved and John Janssen seconded to go into executive session at 1:15 p.m. for 15 minutes for the purpose of discussing personnel matters of non-elected personnel. Executive session is required to protect the privacy interests of the parties involved. Motion carried 8-0-1. The board came out of executive session at 1:30 p.m.

Richard Wenstrom stated that WaterPACK has been meeting with the Nature Conservancy (TNC) to bring them up to speed with the issues of Central Kansas. TNC has focused on getting Rattlesnake Creek on a phreatophyte removal project. WaterPACK held a special meeting with state and federal legislators at the Governor's Conference to provide local perspective on several issues affecting this area of the state.

Bob Standish moved and John Janssen seconded to go into executive session at 1:45 p.m. for 5 minutes for the purpose of discussing personnel matters of non-elected personnel. Executive session is required to protect the privacy interests of the parties involved. Motion carried 8-0-1. The board came out of executive session at 1:50 p.m.

Fred Grunder moved and Bob Standish seconded to not adjust staff salaries for 2017. Motion carried 8-0-1.

With no further items to discuss the board adjourned at 1:50 p.m.

Attest by: Curtis J Tobias Dated 1-19-2017