

MINUTES – OCTOBER 13, 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 October 13, 2016. Board members present were Darrell Wood, Kent Lamb, John Janssen, Curtis Tobias, Tom Taylor, Bob Standish. Board members Fred Grunder and Phil Martin were not present. District staff present was Orrin Feril. Guests present were Jeff Lanterman, Patrick Janssen, Aaron Popelka, Frank Mercurio, Berry Bortz, Susan Metzger, and Richard Wenstrom.

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

The agenda was amended to include a discussion KDA and KLA regarding three topics as agenda item 3a.

The September minutes were amended as follows:

*Fred Grunder moved and John Janssen seconded to update the access authorization for St John National Bank to remove Jenny Newell and add Regan Harris. Motion carried 6-0-1.*

Bob Standish moved and John Janssen seconded to accept the September minutes as amended. Motion carried 5-0-1.

Bob Standish moved and John Janssen seconded to accept the October treasurer's report as presented. Following discussion, the motion carried 5-0-1.

Assistant Kansas Secretary of Agriculture Susan Metzger and Aaron Popelka (Kansas Livestock Association) were present to discuss a few items with the District board. The first item is a proposed legislative amendment to K.S.A. 82a745 (Water Conservation Areas). Currently, the Water Conservation Area (WCA) statute allows for an individual(s) to enter into a term permit with the Chief Engineer to allow water flexibility and conservation across multiple water rights files. The proposed amendments and potential impacts the amendments might have to the Great Bend Prairie aquifer were discussed thoroughly by the board. No action was taken by the board at this time. The next item for discussion was the proposed modification to the consumptive use calculation in processing applications to change the type of use for water. Following thorough discussion, it was the consensus of the board to have Balleau GW review the estimated return flows to the aquifer for each quarter section in the District. Manager Feril stated that he would take a look into the model report for this information as well. The third item discussed was the potential amendment to K.S.A. 82a-717a regarding diversions by common-law claimants and others. The amendment would require a water user to pursue the administrative process (impairment) prior to pursuing the judicial process (injunction). There were concerns expressed by the board about potential unforeseen outcomes of a change like this to the statute. No action was taken by the board.

Manager Feril discussed staff activities for the past month and upcoming months. The upcoming GMD roundtable with KDA meeting will be held in November in Great Bend. Further details are still pending, but all board members were encouraged to attend. The board was shown potential amendments to K.S.A. 82a-1030 (GMD Act) in regards to the maximum water use assessment each District could charge. No action was taken by the board. Recently, the District has been

notified that the health benefit package offered by the District would no longer comply with the Affordable Care Act. As a result, Mr. Feril has received information on the State Employee Health Plan. Following thorough discussion, John Janssen moved and Bob Standish seconded to enter into the three-year contract with the State of Kansas for the State Employee Health Plan. Motion carried 5-0-1.

Jeff Lanterman, representing KDA–DWR noted the field office is reviewing the change applications for the Cities of Hays & Russell for compliance to existing rules and regulations. No further information was provided.

Berry Bortz, Great Bend Prairie RAC Chair, stated that the RAC has finalized the five action plans for the region. These action plans were provided to the board for review and comment. The action plans are going to be presented to the KWA for approval at Milford soon.

Patrick Janssen stated that WaterPACK will be hosting a discussion at the Hilton Garden Inn at the Governor’s Conference for water users to discuss water issues with state and federal legislators.

In other business, the upcoming GMDA annual meeting will be held in Fort Worth, TX in January 2017. The information about this meeting was provided to the board for consideration.

Kent Lamb moved and Bob Standish seconded to go into executive session at 10:12 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 5-0-1. The board came out of executive session at 10:17 p.m.

The next District board meeting was tentatively set for November 10, 2016 at 10:00 a.m.

With no further items to discuss the board adjourned at 10:18 p.m.

Attest by: Curtis J. Tobias Dated 11-10-2016