

MINUTES - FEBRUARY 19, 2009
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, February 19, 2008. Board members present were Kent Lamb, John Janssen, Curtis Tobias, Kraig Froetschner, Kevin Schultz, Darrell Wood and Phillip Martin. Vernon Hirt and Ed Shultz were absent. District staff present was Sharon Falk, Juan Uribe and Orrin Feril. Guests present were Jeff Lanterman, Lisa Allen, Pete Balleau, Mark Bauer and Andy Lyon.

President Kent Lamb called the meeting to order at 1:50 p.m.

Mark Bauer, accountant for VonFeldt, Bauer and VonFeldt Chtd, gave the board an overview of the annual audit for fiscal year 2008. Questions and comments from the board followed the presentation. John Janssen made a motion and Kraig Froetschner seconded to accept the 2008 audit report. Motion carried 7-0

Curtis Tobias moved and Darrell Wood seconded to adopt the following resolution to conduct the 2009 audit using the cash basis and budget laws of Kansas. Motion carried 7-0.

RESOLUTION NO. 2009-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2009 to be prepared inconformity 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 2009.

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 19th day of February, 2009, 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 2009.

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

Darrell Wood made a motion and John Janssen seconded to approve the January minutes as mailed. Motion carried 7-0.

John Janssen moved, Darrell Wood seconded to accept the treasurer's report. Motion carried 7-0.

The Board reviewed the Rattlesnake Creek Management Plan, 8-year update for final changes. It was board consensus to agree to the 10-year rolling average language in the report for the corridor, groundwater unit #5 and #7, but the numbers will be compared to the figures approved in the 2000 report. It was also board consensus that the surface rights be eliminated from the review if they were not originally included in the 2000 report.

The Board again reviewed draft regulation K.A.R. 5-25-15 – applications for 15 acre feet or less. Manager Falk explained the problem with the current language on restrictions moving closer to a stream. Kevin Schultz moved and John Janssen seconded to accept the current proposed wording to limit moving closer to the stream when the offset well is within three miles of the stream. The draft regulation as currently written would not allow any offset to be closer to the stream than the location of the well proposed to be reduced. Motion carried 7-0.

The Board discussed an application for the Agriculture Water Enhancement Program (AWEP) through NRCS. After considerable discussion, it was the consensus to apply for funding to purchase the water on acres covered by the end gun. After further discussion, Darrell Wood moved and Phil Martin seconded to leverage funding for the program in the amount of \$50.00/acre for the first 2000 acres retired from irrigation. Motion carried 7-0.

After further discussion on the AWEP, Kevin Schultz moved and Darrell Wood seconded to allow President Lamb the discretion to address any changes in the proposal. Motion carried 7-0.

The board discussed a draft "conflict of interest" policy. Kevin Schultz made a motion and John Janssen seconded to accept the policy. The policy will be added the District's By-laws after being presented at the annual meeting. Motion carried 7-0. The new policy is as follows:

CONFLICT OF INTEREST POLICY

No member of the Board of Directors shall participate in any discussion or vote on a matter where an exception to a District rule and regulation is required in which he or she or a member of his or her immediate family having direct involvement has a potential conflict of interest. When such a situation presents itself, the director must announce his or her potential conflict, disqualify him or herself, and be excused from the meeting until discussion is over on the matter involved. The President of the Board is expected to make inquiry if such conflict appears to exist and the board member has not made it known.

With no further business to discuss, the meeting adjourned at 5:35 p.m.

Attest by: _____ Dated _____