

**PROPOSED AGENDA
BOARD OF DIRECTORS MEETING
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

Conference room
6:00 p.m.
Tuesday May 10, 2005

313 Spruce Street
Halstead, Kansas, 67056-1925

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1. APPROVAL OF MINUTES
2. APPROVAL OF AGENDA
3. FINANCIAL REPORT
4. APPROVAL OF EXPENDITURES
5. PUBLIC FORUM - *Persons may present written or verbal comments concerning non-agenda business. Please limit presentation to five minutes.*
6. APPEAL REVIEW
 - a. 6:10 p.m. – McPherson County Feeders, Application #46110, SE 20-18-4W, McPherson, County
7. OLD BUSINESS
 - a) Arsenic concerns aquifer storage and recovery program
 - b) Health insurance review
8. NEW BUSINESS
 - a) Review draft FY 2006 budget
9. MANAGER'S REPORT
 - a) Status GMD-KDHE abandoned and inactive well regulations
 - b) Status administrative assistant position
 - c) KDHE quarterly plugging and inactive well report
 - d) Monthly hydrologic condition report
 - e) Monthly information and service report
10. ADDITIONS TO THE AGENDA
11. BOARD ROUND TABLE DISCUSSION – Bob Sellar, President
12. EXECUTIVE SESSION - Personnel

Notice: A Board of Directors meeting and any portion thereof are open to the public, except for closed or executive meetings, as prescribed by K.S.A. 75-4319.

Please complete a meeting notice form, if you wish to be notified of Board of Directors meetings, hearings, work sessions or other business meetings. Notice forms may be obtained by contacting the Equus Beds Groundwater Management District No. 2.

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

May 10, 2005

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting May 10, 2005, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. Bob Seiler, President, called the meeting to order at 6:03 P.M.

Directors and staff present during all or portions of the meeting:

Robert Seiler, President	Fred Seiler, Member
Frank Harper, Vice President	Nadine Stannard, Member
David Stroberg, Secretary	David Warren, Member
Clarke Dixon, Treasurer	Tom Adrian, Attorney
Larry Jacob, Member	Mike Dealy, Manager
Kirk Larson, Member	Tim Boese, Hydrologic Technician and meeting recorder

Directors absent: None

Others attending the meeting or portions thereof were:

Steve Bond, DWR, Stafford	Kathy Hanes, Hutchinson
Allan Sents, Marquette	John A. Young, Burrton
M.S. Mitchell, Wichita	Brian Meier, Wichita
Anita McQueen, Burrton	Darlene Dixon, Kansas City
Eugene Wendling, Halstead	

Item 1 -- Approval of Minutes

Moved by Kirk Larson and seconded by Larry Jacob to approve the April 12, 2005, Board minutes. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

Item 2 -- Approval of Agenda

Moved by Kirk Larson and seconded by David Stroberg to approve the May agenda. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Director absent.

Item 3 -- Financial Report

a) April Financial Report

The Financial Report for April was:

Cash Receipts	\$ 723.33
Beginning Balance	\$197,862.04
Money Market Account Interest	\$ 375.94
General Fund Interest	\$ 20.38
Grant Funds – Interest	\$ 11.99
Expenditures	\$ 17,183.56
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$181,810.12

Moved by Frank Harper and seconded by Fred Seiler to approve the April financial report. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

Item 4 -- Approval of Expenditures

Moved by Kirk Larson and seconded by David Stroberg to approve the May expenditures. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

Item 5 -- Public Forum

Bob Seiler, President, asked if any audience member had comments to present to the Board of Directors. There were none.

Item 6 – Appeal Review

a) McPherson County Feeders, Application #46110, SE 20-18S-4W, McPherson County

Mike Dealy, Manager, presented background information and staff recommendations for Application No. 46110. The application does not comply with the Safe Yield rule and Regulation 5-22-7(a), and the Well Spacing Rule and Regulation 5-22-2(a). The applicant, Mr. Allan Sents, requested exceptions to the regulations. Mr. Sents was present and provided information to the Board.

FINDINGS: The application was reviewed using the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

The application was filed for a proposed quantity of 184.8 AF/Y, to be diverted at a maximum rate of 200 GPM from well located in the Southeast quarter of Section 20, Township 18 South, Range 4 West, McPherson County.

The application was subject to the metering regulation K.A.R. 5-22-4(a).

The applicant presently maintains existing water appropriations permit nos. 39371 and 39372, for stockwatering use and are authorized for 64.04 AF/Y and 9.62 AF/Y respectively. A limiting clause would further limit the quantity when combined with the quantities of water authorized by permit nos. 39371 and 39372, to a maximum total quantity of 184.8 AF/Y.

The proposed use of water was for stockwatering for a confined feeding facility with a total capacity of 11,000 head. The proposed quantity of 184.8 AF/Y was based on a head capacity of 11,000 and the maximum quantity per head of 15 GPD times 365 days.

The application complies with the maximum quantity of 15 gallons per day per head, as set forth in Maximum Quantity Regulation 5-22-14(b).

Hydrologic data indicate that depth to bedrock was approximately 50 feet or less below land surface (bls). The site was located along the western flank of a bedrock channel, known as the McPherson Channel. Bedrock dips sharply to the east towards the channel axis. Depth to static water level at the site ranges from 5 feet bls to 10 feet bls and the saturated thickness was calculated at 40 feet to 45 feet. A driller's log of a test hole drilled at the proposed well site indicates depth to bedrock greater than 50 feet bls.

The water table gradient at the proposed site slopes to the east-northeast and was influenced by Sharps Creek located less than 0.5 mile east of the proposed well.

The application does not comply with the Safe Yield Regulation 5-22-7(a) (figure 3). The existing and proposed appropriations total 1,148.84 AF/Y in the application's area of consideration (two-mile radius circle). The maximum allowable appropriation for the area of consideration was 988.84 AF/Y.

A portion of the Safe Yield two-mile radius circle extended outside the District boundary (figure 3). The area outside the District was not included in the evaluation pursuant to 5-22-7(a)(5)(B).

U. S. Geological Survey, Water Resources Investigations Report 85-4336, and Kansas Geological Survey Bulletin 79, indicate that the Equus Beds Aquifer extends outside District boundaries.

In similar appeal cases, the Board has recommended to the Chief Engineer

1. the application be granted an exception to Kansas Administrative Regulation 5-22-7(a)(5)(B), which requires the area outside the District boundary to be excluded from Safe Yield calculations;
2. the Chief Engineer evaluate the application using K.A.R. 5-22-7(a), and an area of consideration consisting of the areas both inside and outside of the District boundaries that overlies the Equus Beds aquifer as indicated by U. S. Geological Survey report WRIR 85-4336, Kansas Geological Survey Bulletin 79, or other published data;
3. based on the Chief Engineer's evaluation results and the exception to 5-22-7(a)(5)(B), the application was subject to and complies with 5-22-7(a);

Two existing water rights nos. 39371 and 39372, owned by the applicant, presently supply the confined feeding facility with water. Permit no. 39371, authorizes a battery of three wells located in the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 18 South, Range 4 West (figure 2) to withdraw 64.04 AF/Y at a maximum diversion rate of 140 GPM. Permit no. 39372 authorizes one well located in the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 20, Township 18 South, Range 4 West (figure 2) to withdraw 9.62 AF/Y at a maximum diversion rate of 40 GPM.

The combined quantities of the facilities existing water rights total 73.66 AF/Y with a combined pumping rate of 180 GPM.

The application does not comply with the Well Spacing Regulation 5-22-2(a), as the proposed well did not comply with spacing to the battery of wells authorized by water permit no. 39371. The proposed well was located 790 feet from the battery's north well, 670 feet from the east well, and 1,079 feet from the south well. The application would comply with the spacing regulation by relocating the proposed well about 850 feet northeast of the proposed location.

The District did not receive any comments from area well owners concerning the application.

Mr. Sents advised he was informed by the Division of Water Resources' Stockton Field office that the application would meet the Safe Yield Rule and Regulation 5-22-7(a) if he reduced the requested quantity to 136 acre-feet. Mr. Sents further advised he did not want to move the proposed location due to potential flooding from Sharps Creek.

Fred Seiler made a motion to recommend to the Chief Engineer, Division of Water Resources, that exceptions to the Well Spacing Regulation 5-22-2(a) and the Safe Yield

regulation 5-22-7(a)(5)(B) be granted and the application be approved. Mr. Seiler's motion was made based on:

- 1 The low (200 GPM) pumping rate of application no. 46110 would cause a minimal drawdown; and
- 2 The possibility of impairment was low and any impairment would be to the applicant's existing wells;

The motion was subject to the following:

1. The Chief Engineer evaluate the application using K.A.R. 5-22-7(a), and an area of consideration consisting of the areas both inside and outside of the District boundaries that overlies the Equus Beds aquifer as indicated by U. S. Geological Survey report WRIR 85-4336, Kansas Geological Survey Bulletin 79, or other published data;
2. Based on the Chief Engineer's evaluation results and the exception to 5-22-7(a)(5)(B), the application was subject to and complies with 5-22-7(a);
3. If the Chief Engineer's safe yield evaluation is not beneficial to the applicant, the applicant would reduce the application quantity to meet K.A.R. 5-22-2(a).
4. The dismissal of water permit no. 39372 and submission to the District of a completed abandoned well plugging agreement for water permit no. 39372 point of division;
5. The total maximum quantity was limited to 184.8 acre-feet per year when application no. 46110 was combined with permit no. 37371; and
6. The installation of water flowmeters on the wells authorized by water permits 39371 and 46110 and the flowmeters and installations comply with the District metering regulation K.A.R. 5-22-4(a).

David Warren seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

Item 7 – Old Business

a) Arsenic concerns aquifer storage and recovery program

Clarke Dixon, Treasurer, presented information concerning arsenic in drinking water. David Warren, member, advised that the City of Wichita moved the proposed location of two bank storage withdrawal wells to areas with better quality and less arsenic.

The Board discussed requiring a more stringent level than the drinking water standard for arsenic in the water being recharged. David Warren advised that the City of Wichita was committed to protecting the people who could be impacted by the project.

The Board directed District staff, with the City of Wichita's cooperation and financial assistance, collect and have analyzed water samples from domestic wells located in IW2 and IW9 sub units.

b) Health insurance review

Mike Dealy, Manager, provided the Board information concerning: 1) flexible spending accounts/cafeteria plans, including costs and administrative details, 2) plans and deductibles available from the current vendor, and 3) difference between current employee benefits and proposed employee only benefits. Board discussion followed.

Nadine Stannard made a motion for the District to pay 100% of the employee only medical and dental coverage and pay \$40.00 of the family insurance plan, with the employee paying the rest. Larry Jacob seconded the motion. Board discussion followed. Nadine Stannard withdrew her motion. Larry Jacob withdrew his second.

It was the consensus of the Board to have District staff present an insurance coverage plan to the Board at the June 14, 2005, meeting.

Item 8 – New Business

a) Review draft FY 2006 budget

Mike Dealy, Manager, reviewed the draft of the District's FY 2006 budget. Board discussion followed. The Board directed Mike Dealy to contact the United States Geological Survey (USGS) and inquire if any funds were available for the water quality sampling of the Ark River monitoring well network. Mike Dealy advised the budget hearing would be June 14, 2005, at 7:00 p.m. and would coincide with the June Board meeting.

Item 9 – Manager's Report

a) Status GMD-KDHE abandoned and inactive well regulations

Mike Dealy, Manager, advised the public hearing for the proposed regulations would be at the District office on June 14, 2005, at 7:30 p.m. The hearing would coincide with the June Board meeting. Mike Dealy also reviewed with the Board comments and suggestions from the Joint Committee on Administrative Rules and Regulations concerning certain proposed regulations.

b) Status administrative assistant position

Mike Dealy, Manager, advised the position opening announcements would be sent out soon.

c) KDHE quarterly plugging and inactive well report

Mike Dealy, Manager, reviewed with the Board the quarterly plugging and inactive well report and advised that only one plugging report was received during the first quarter of 2005.

District staff witnessed many more wells being plugged during that time, but the plugging reports had not been received before the end of the first quarter and would appear on next quarter's report.

d) Monthly Hydrologic Condition Report

Mike Dealy, Manager, reviewed the Hydrologic Condition Reports. He advised that all stations were operating normally except for the Pretty Prairie Station's water-level transducer, which is scheduled for replacement.

e) Monthly Information and Service Report

Mike Dealy, Manager, advised that District staff responded to 252 requests for information or assistance in April for an average of 12 per day.

Item 10-- Additions to the Agenda

There were no additions to the agenda.

Item 11 --Board Round Table Discussion – Bob Seiler, President

Mike Dealy, Manager, at the request of Bob Seiler, President, provided the Board a summary of the votes cast during the January, 2005, Board of Directors election. The summary included a breakdown of the votes cast by county by landowners and water users.

The Board discussed reports of a few individuals who had requested, but did not receive, the meeting agenda. Mike Dealy advised he would look into the matter and verify they were added to the meeting notice list.

Clarke Dixon, Treasurer, requested that his Board booklet be mailed to him by Express (overnight) mail due to him not receiving his booklet in a timely manner.

Nadine Stannard requested that Mike Dealy, Manager, forward water-related meeting notices to her so she could possibly attend the meetings.

Item 12 – Executive Session – Personnel

a) Personnel

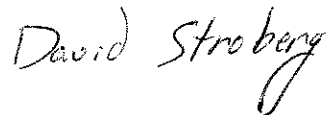
It was moved by David Warren to recess into executive session at 9:20 p.m. for 25 minutes to discuss personnel matters of non-elected personnel, for the purpose of protecting the privacy of that information. Those present during the executive session would be the members of the Board, and Tom Adrian, Legal Counsel. The open meeting was to reconvene at 9:45 p.m. Clarke Dixon seconded the motion. The motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

The Board returned to regular session at 9:45 p.m.

Moved by Nadine Stannard and seconded by David Warren to adjourn the meeting. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

Bob Seiler, President, adjourned the Board meeting at 9:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Stroberg". The signature is written in black ink and is positioned above the typed name.

David Stroberg

Secretary

DS/MTD/tdb