

**PROPOSED AGENDA
BOARD OF DIRECTORS MEETING**

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Conference room

6:00 p.m.

Tuesday, October 10, 2006

313 Spruce Street

Halstead, KS 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** – None Pending
7. **OLD BUSINESS**
 - a) City of Maize, Permit #45615 monitoring plan, NW 20-26S-1W, Sedgwick County
 - b) Change in point of diversion application #42989 update
 - c) Attorney General Opinion No. 2002-24
 - d) Status Manager position
8. **NEW BUSINESS**
 - a) Water Rights Conservation Contract #RN19, City of Hutchinson, NW & SW 17-23-5W, Reno Co.
 - b) Water Rights Conservation Contract #38496, City of Hutchinson, SW 17-23-5W, Reno Co.
 - c) Board of directors nominating committee
9. **MANAGER'S REPORT**
 - a) Administrative and field tasks
 - b) DWR/GMD2 Compliance Inspections joint effort
 - c) Monthly hydrologic condition report
 - d) Monthly information and service report
10. **ADDITIONS TO THE AGENDA**
11. **BOARD ROUND TABLE DISCUSSION** – Bob Seiler, President
12. **EXECUTIVE SESSION** – Personnel

Notice: All 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
October 10, 2006

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting October 10, 2006, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President Bob Seiler called the meeting to order at 6:04 p.m.

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

Robert Seiler, President	Kirk Larson, Member
Frank Harper, Vice-President	Fred Seiler, Member
Larry Jacob, Treasurer	Dennis Gruenbacher, Member
David Stroberg, Secretary	Tim Boese, Interim Manager
David Warren, Member	Dorinda Albrecht, Administrative Assistant
Nadine Stannard, Member (Via Conference Call)	Tom Adrian, Attorney (Via Conference Call)

Directors absent: None

Others attending the meeting or portions thereof were:

Don Koci, Hutchinson	M.S. Mitchell, Wichita
Stanley Berger, Burrton	

Item 1a -- Approval of September 12th Minutes

Moved by Larry Jacob and seconded by Kirk Larson to approve the September 12th, 2006, Board meeting minutes. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 2 Director(s) absent.

Item 1b -- Approval of October 2nd Minutes

Moved by Kirk Larson and seconded by Frank Harper to approve the October 2nd, 2006, Board meeting minutes. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 2 Director(s) absent.

Item 1c -- Approval of October 20th Minutes

Moved by Kirk Larson and seconded by Frank Harper to approve the October 20th, 2006, Board meeting minutes. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 2 Director(s) absent.

Item 2 -- Approval of Agenda

Moved by Kirk Larson and seconded by Larry Jacob to approve the October agenda as written. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 2 Director(s) absent.

Item 3 -- The Financial Report

a) The Financial Report for September was:

Cash Receipts	\$ 7,117.79
Beginning Balance	\$ 205,663.60
Money Market Account Interest	\$ 0.00
General Fund Interest	\$ 681.87
Grant Funds – Interest	\$ 93.27
Expenditures	\$ 16,186.29
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$ 197,370.24

Moved by Dennis Gruenbacher to approve the September financial report. Larry Jacob seconded the motion. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 2 Director(s) absent.

Item 4 -- Approval of Expenditures

Moved by Kirk Larson and seconded by Fred Seiler to approve the October expenditures. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 2 Director(s) absent.

Item 5 -- Public Forum

Bob Seiler, President, asked if any audience member wish to present any comments to the Board of Directors. Stanley Berger addressed the Board with his concern about a surface water drainage problem. The Board advised Mr. Berger's problem was not a groundwater issue, but rather a surface water issue and advised him to contact the Division of Water Resources and/or county officials for information.

Item 6 -- Appeal Review

There were none.

Item 7 -- Old Business

a) City of Maize, Permit #45615 Monitoring Plan, NW 20-26S-1W, Sedgwick County

Tim Boese, Interim Manager, advised the Board that he and David Warren met with the City of Maize personnel on September 28, 2006, to provide information and assistance in development of the required monitoring plan. At the meeting, David Warren offered to provide the service of the City of Wichita laboratory for plan development, including sample collection and inorganic analyses. Tim Boese advised that as of October 10, 2006, no monitoring plan had been submitted to the District by the City of Maize. David Warren advised the City of Wichita laboratory personnel would be providing the information to the City of Maize as soon as possible.

Dennis Gruenbacher made a motion authorizing Tim Boese to approve or deny the monitoring plan once submitted by the City of Maize so sampling could begin as soon as possible. Fred Seiler seconded the motion. Motion carried with 7 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 2 Director(s) absent.

b) Change in Point of Diversion Application #42989 Update

Tim Boese, Interim Manager, updated the Board as to the status of the change in point of diversion application #42989. As of October 10, 2006, the District had not received a reply from the Division of Water Resources to the September 5, 2006, letter from the District to DWR and after a discussion with Mary Rogers, applicant, it was determined that no further action by DWR had been taken. Tim Boese advised he would call DWR by the end of October 2006, if the District still had not received a reply from DWR in regard to this application.

c) Attorney General Opinion No. 2002-24

Tim Boese, Interim Manager, advised the Kansas Groundwater Management Districts Association members held a meeting on September 20, 2006, and it was the decision of the members to send a letter to the Chief Engineer, the Division of Water Resources, requesting clarification of the issue. A copy of the letter was in the Board booklets, which was then discussed by the Board.

d) Status Manager Position

The Board discussed the status of the Manager position and potential candidates for the position. The District had received no new applications or resumes. More discussion by the Board in regard to the Manager position would take place during executive session.

Item 8 -- New Business

a) Water Rights Conservation Contract #RN019, City of Hutchinson, NW & SW 17-23-5W, Reno County

Tim Boese, Interim Manager, presented background and staff recommendations for vested right no. RN019. Don Koci, City of Hutchinson, was present and provided information to the Board. The applicant filed a Water Rights Conservation Program (WRCP) application with the Division of Water Resources. Pursuant to rule and regulation K.S.A. 5-7-4, Water Rights Conservation Program, the Chief Engineer, DWR, shall take into consideration the recommendation of the Board of Directors.

FINDINGS:

1. The application is located in an area where existing appropriations exceed the maximum appropriations allowable under the Safe Yield Regulation K.A.R. 5-22-7;
2. Placement of the vested right into the WRCP is consistent with the groundwater management goal of the District by reducing appropriations in an over-appropriated area;
3. The water right or a portion of the water right was not abandoned prior to entry into the Water Rights Conservation Program;
4. Non-use of the authorized wells will assist in the remediation of the 4th and Carey Groundwater Remediation Project by not detrimentally affecting remediation wells' capture zones and contamination plume containment;
5. Placement of the vested right into the WRCP will provide for water appropriation offsets for future term permit remediation applications if needed for groundwater remediation;
6. The DWR advised that the right was in good standing;
7. The owner of the five authorized wells has submitted to the District signed and completed Abandoned Well Plugging Agreements for the five authorized wells, agreeing to properly abandon and plug the wells by December 31, 2006; and
8. Water use under the water right would be suspended until December 31, 2016.

Based on the findings, Kirk Larson made a motion to recommend to the Chief Engineer, DWR, that the WRCP application be approved. David Warren seconded the motion. The motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

b) Water Rights Conservation Contract #38496, City of Hutchinson, SW 17-23-5W, Reno County

Tim Boese, Interim Manager, presented background and staff recommendations for application no. 38496. Don Koci, City of Hutchinson, was present and provided information to the Board. The applicant filed a Water Rights Conservation Program (WRCP) application with the Division of Water Resources. Pursuant to rule and regulation K.S.A. 5-7-4, Water Rights Conservation Program, the Chief Engineer, DWR, shall take into consideration the recommendation of the Board of Directors.

FINDINGS:

1. The application is located in an area where existing appropriations exceed the maximum appropriations allowable under the Safe Yield Regulation K.A.R. 5-22-7;
2. Placement of the water right into the WRCP is consistent with the groundwater management goal of the District by reducing appropriations in an over-appropriated area;
3. The water right or a portion of the water right was not abandoned prior to entry into the Water Rights Conservation Program;
4. Non-use of the authorized well will assist in the remediation of the 4th and Carey Groundwater Remediation Project by not detrimentally affecting remediation wells' capture zones and contamination plume containment;
5. Placement of the water right into the WRCP will provide for water appropriation offsets for future term permit remediation applications if needed for groundwater remediation;
6. The DWR advised that the right was in good standing;
7. The owner of the authorized well has submitted to the District a signed and completed Abandoned Well Plugging Agreement for the authorized well, agreeing to properly abandon and plug the well by December 31, 2006; and
8. Water use under the water right would be suspended until December 31, 2016.

Based on the findings, Kirk Larson made a motion to recommend to the Chief Engineer, DWR, that the WRCP application be approved. David Warren seconded the motion. The motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

c) Board of Directors nominating committee

It was the consensus of the Board not to establish a nominating committee.

Item 9 -- Manager's Report

a) Status Administrative and Field Tasks

Tim Boese, Interim Manager, reviewed District staff's activities for the month of September.

b) DWR/GMD2 Compliance Inspections Joint Effort

Tim Boese, Interim Manager, provided the Board with the DWR/GMD2 compliance inspections joint effort procedure and advised that DWR staff (Stafford Field Office) have agreed to the procedure. Board discussion followed.

c) Monthly Hydrologic Condition Report

Tim Boese, Interim Manager, advised information regarding the monthly hydrologic condition report could be found in the Board booklets, and that all stations were functioning properly, except the Pretty Prairie station water-level transducer and advised the station manufacturer was continuing to work on the problem.

d) Monthly Information and Service Report

Tim Boese, Interim Manager, reviewed the customer service information for the month of September. Staff responded to 133 requests for information assistance in September, an average of 6.65 per day.

Item 10 -- Additions to the Agenda

There were none.

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

There was none.

Item 12 -- Executive Session – Personnel

It was moved by David Warren to recess into Executive Session at 7:15 p.m. for 1 hour to discuss perspective applicants for the Manager vacancy, for the purpose of protecting the privacy of that information. Those present during this executive session were the members of the Board, and Nadine Stannard, Member, and Tom Adrian, Legal Counsel, via conference call. The open meeting was to reconvene at 8:45 p.m. Kirk Larson seconded the motion. The motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

The Board returned to regular session at 8:15 p.m.

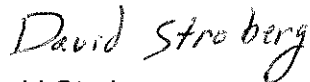
It was moved by David Warren to recess into Executive Session at 8:15 p.m. for 15 minutes to discuss perspective applicants for the Manager vacancy, for the purpose of protecting the privacy of that information. Those present during this executive session were the members of the Board, and Nadine Stannard, Member, and Tom Adrian, Legal Counsel, via conference call. The open meeting was to reconvene at 8:30 p.m. David Stroberg seconded the motion. The motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

The Board returned to regular session at 8:30 p.m.

Moved by David Warren and seconded by Kirk Larson to adjourn the meeting. Motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 1 Director(s) absent.

Bob Seiler, President, adjourned the Board meeting at 8:33 p.m.

Respectfully submitted,



David Stroberg
Secretary

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