

PROPOSED AGENDA  
BOARD OF DIRECTORS MEETING  
**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**  
TUESDAY, FEBRUARY 13, 2007  
1:00 P.M.  
CONFERENCE ROOM  
313 SPRUCE STREET  
HALSTEAD, KS 67056-1925  
PHONE: (316) 835-2224 • FAX: (316) 835-2225 • E-MAIL: EQUUSBED@INK.ORG

1. APPROVAL OF MINUTES
  - A) JANUARY 9TH MEETING
  - B) ANNUAL MEETING - REVIEW
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, NON-COMPLIANCE WATER PERMIT #45615, NW 20-26S-1W, SEDGWICK COUNTY
  - B) ATTORNEY GENERAL OPINION NO. 2002-24 UPDATE
  - C) CHANGE IN POINT OF DIVERSION APPLICATION #42989 UPDATE
8. NEW BUSINESS
  - A) WATER RIGHTS CONSERVATION CONTRACT #SG09, MATT ECK REAL ESTATE, SE 26-25S-1W, SG Co.
  - B) LITTLE ARKANSAS WRAPS 2006, IMPLEMENTATION RESULTS SUMMARY, BY RON GRABER
  - C) ELECTION OF BOARD OFFICERS
  - D) NEED FOR OATH OF OFFICE FOR NEW DIRECTORS AND EMPLOYEES
  - E) WATER QUALITY STANDARD FOR CITY OF WICHITA ASR PROJECT
  - F) INFORMATION UPDATE BY CITY OF WICHITA ON FUTURE PHASES OF ASR PROJECT
  - G) HB 2070 SUNSET LAW FOR IGUCA'S
  - H) UPDATE GROUNDWATER PIT STUDY 2006 RAW DATA
  - I) WESTAR ENERGY REPLACEMENT OF TRANSMISSION LINE, HALSTEAD/BENTLEY ADVOCACY FOR WATER USERS
9. MANAGER'S REPORT
  - A) STATUS ADMINISTRATIVE AND FIELD TASKS
  - B) STAFF ANNUAL PLANNING RETREAT REPORT
  - C) MONTHLY INFORMATION AND SERVICE REPORT
10. ADDITIONS TO THE AGENDA
11. BOARD ROUND TABLE DISCUSSION – BOB SEILER, PRESIDENT

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. IF YOU WISH TO BE NOTIFIED OF BOARD OF DIRECTORS MEETINGS, HEARINGS, WORK SESSIONS OR OTHER BUSINESS MEETINGS, PLEASE COMPLETE A MEETINGS NOTICE FORM. FORMS MAY BE OBTAINED FROM THE EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2.

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

February 13, 2007

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting February 13, 2007, 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 1:01 p.m.

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

Robert Seiler, President	David Warren, Member
Frank Harper, Vice-President	Dennis Gruenbacher, Member
David Stroberg, Secretary	Lee Wheeler, Manager
Kirk Larson, Member	Dorinda Albrecht, Administrative Assistant
Don Koci, Member	Tim Boese, Hydrologist

Directors absent: Fred Seiler, Member; and Larry Jacob, Treasurer

Others attending the meeting or portions thereof were:

M.S. Mitchell, Wichita	Steve Bond, DWR – Stafford
Jerry Blain, City of Wichita	Rich Robinson, City of Wichita
Mike Hughes, Wichita	Nadine Stannard, Wichita
Bill McKinley, Maize	Ron Graber, Wichita
Brian Meier, Wichita	Tim Schauf, Wichita

### Item 1 -- Approval of January 9<sup>th</sup> Minutes

Moved by David Warren and seconded by Kirk Larson to approve the January 9<sup>th</sup>, 2007, 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

It was the consensus of the Board to add an Executive Session to the agenda. Moved by Frank Harper and seconded by Dennis Gruenbacher to approve the February agenda as amended. 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 January was:

Cash Receipts	\$ 194,059.14
Beginning Balance	\$ 143,273.88
General Fund Interest	\$ 739.88
Grant Funds – Interest	\$ 145.03
Expenditures	\$ 33,920.98
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$ 324,297.22

Dorinda Albrecht, Administrative Assistant, referred the Board to the handouts showing the amended financial reports from December 2006 and January 2007 to correct line item 101, and also the amended January 2007 list of expenditures. Moved by Kirk Larson to approve the January financial report as amended. David Stroberg 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 David Warren to approve the February 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. There was none.

#### **Item 6 -- Appeal Review**

There were none.

#### **Item 7 -- Old Business**

##### **a) City of Maize, Non-Compliance Water Permit #45615, NW 20-26S-1W, Sedgwick County**

Tim Boese, Hydrologist, reviewed information regarding the City of Maize non-compliance with water permit #45615. Bill McKinley, City of Maize, was present and provided information to the Board.

##### **FINDINGS:**

1. The groundwater pit is incorrectly identified in the plan as a detention pond;
2. No time frame is identified for sample collections or water quality analysis reporting;
3. The inorganic analysis parameters to be performed by the City of Wichita laboratory were not identified;
4. The plan does not properly identify or reference the analysis parameters to be performed by the private laboratory for the sediment sample, run-off samples, and groundwater pit samples; and
5. The plan was essentially unchanged from the plan submitted to the Board of Directors by the City at the December 12, 2006, meeting, other than the wording concerning the second sample collection from the groundwater pit.

Based on the findings, David Warren moved that:

1. The City of Maize staff meet with District staff no later than February 23, 2007, for assistance in completion of the monitoring plan acceptable to District staff; and
2. The final monitoring plan is submitted to the District by March 1, 2007, for review by the Board of Directors at the March 13, 2007, meeting.

Dennis Gruenbacher seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

##### **b) Attorney General Opinion No. 2002-24 Update**

Lee Wheeler, Manager, referred the Board to the letter in the Board booklets regarding the Attorney General Opinion written to Sharon Falk, Manager, GMD #5, by the Chief Engineer, Division of Water Resources. Board discussion followed.

**c) Change in Point of Diversion Application #42989 Update**

Tim Boese, Hydrologist, advised the Board that the applicant for change application #42989 had chosen to withdraw her request for an appeal with the Division of Water Resources. He advised that no further action had been taken, as of the date of the Board meeting.

**Item 8 -- New Business**

**a) Water Rights Conservation Contract #SG09, Matt Eck Real Estate, SE 26-22S-1W, Sedgwick County**

Tim Boese, Hydrologist, presented background and staff recommendations for Vested Right No. SG 009. 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. The DWR advised that the right was in good standing;
5. Physical status of the authorized south well is unknown; and
6. Water use under the water right would be suspended until December 31, 2016.

Based on the findings, Frank Harper made a motion to recommend to the Chief Engineer, DWR, that the WRCP application be approved, subject to the following conditions:

1. Pending the results of a District inspection of the authorized south well, in accordance with K.A.R. 28-30-200 through K.A.R. 28-30-207, the authorized well(s) (north well only if south well no longer exists) are either properly plugged or the pumping equipment removed and the well(s) are properly placed in inactive status during the WRCP contract; and
2. Pending the results of a District inspection of the authorized south well, the WRCP application is accompanied by either completed Groundwater Management District Abandoned Well Plugging Agreement(s) or Inactive Well Capping Agreement(s) for both authorized wells (north well only if south well no longer exists).

Dennis Gruenbacher seconded the motion. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

**b) Little Arkansas WRAPS 2006, Implementation Results Summary – Ron Graber**

Lee Wheeler, Manager, advised he attended the WRAPS conference in Wichita on January 17<sup>th</sup> and 18<sup>th</sup>. He introduced Ron Graber who gave a presentation to the Board to summarize WRAPS activities in our area. Board discussion followed.

**c) Election of Board Officers**

Bob Seiler, President, opened the floor for discussion and nominations for Board officers.

Frank Harper made a motion to nominate Bob Seiler as President. David Warren seconded the motion. Kirk Larson made a motion to cease nominations. Frank Harper seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

David Stroberg made a motion to nominate Frank Harper as Vice President. Kirk Larson seconded the motion and moved nominations cease. David Warren seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Kirk Larson made a motion to nominate David Stroberg as Secretary. Don Koci seconded the motion and moved nominations cease. David Warren seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Kirk Larson made a motion to nominate Larry Jacob as Treasurer. David Warren seconded the motion and moved nominations cease. Don Koci seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

**d) Need for Oath of Office for New Directors and Employees**

Lee Wheeler, Manager, advised the Board of his review of the District's oaths of office for Board members and staff. He advised the last oath of office was in January 2004, leaving 4 Board members and 4 staff members without an oath on file. He also advised that Tim Boese had an oath on file, however, it was established when he was employed at the District as the Hydrologic Technician and had not been updated since his change in position to Hydrologist. It was the consensus of the Board to establish the oaths of office at the March meeting for Board members and District staff without one already on file.

**e) Water Quality Standard for City of Wichita ASR Project**

Tim Boese, Hydrologist, introduced representatives for the City of Wichita's ASR Project to summarize the water quality standard. Jerry Blain, Richard Robinson, and Tim Schauf, all from the City of Wichita and Brian Meier, Burns & McDonnell provided information to and answered questions from the Board.

**f) Information Update by City of Wichita on Future Phases of ASR Project**

Jerry Blain, Tim Schauf and Richard Robinson, City of Wichita, and Brian Meier, Burns & McDonnell, provided information to the Board regarding the future phases of the ASR Project. Board discussion followed.

**g) HB 2070 Sunset Law for IGUCA's**

Lee Wheeler, Manager, advised a copy of House Bill 2070 was in the Board booklets for review. The Board was concerned of the bill's affect on the District. Board discussion followed.

**h) Update Groundwater Pit Study 2006 Raw Data**

Lee Wheeler, Manager, advised the raw data for the Groundwater Pit Study had been compiled and was being reviewed by the U.S. Geological Survey, but results were not yet available for review by the public. Board discussion followed.

**i) Westar Energy Replacement of Transmission Line, Halstead/Bentley Advocacy for Water Users**

Lee Wheeler, Manager, gave a summary of a meeting he attended with the Harvey County Commissioners regarding the replacement of a transmission line by Westar Energy. He reviewed a letter in the Board booklets that the District sent to Westar Energy on behalf of the water users in the area of the line replacement. Board discussion followed.

**Item 9 -- Manager's Report**

**a) Status Administrative and Field Tasks**

Lee Wheeler, Manager, reviewed District staff's activities for the month of January.

**b) Staff Annual Planning Retreat Report**

Lee Wheeler, Manager, reviewed District staff's annual planning retreat and the plan for staff productivity for the year of 2007.

**c) Monthly Information and Service Report**

Lee Wheeler, Manager, reviewed the customer service information for the month of December. Staff responded to 172 requests in January, an average of 7.82 per day.

**Item 10-- Additions to the Agenda**

There were none.

**Item 11 -- Executive Session – Personnel**

Moved by Kirk Larson to recess into Executive Session at 5:10 p.m. for 30 minutes to discuss personnel matters and for the purpose of protecting the privacy of that information. Those present during this executive session were the members of the Board and Tom Adrian, Legal Counsel. The open meeting was to reconvene at 5:40 p.m. Dennis Gruenbacher seconded the motion. The motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

The Board returned to regular session at 5:40 p.m.

Moved by Kirk Larson to recess into Executive Session at 5:40 p.m. for 30 minutes to discuss personnel matters and for the purpose of protecting the privacy of that information. Those present during this executive session were the members of the Board; Lee Wheeler, Manager; and Tom Adrian, Legal Counsel. The open meeting was to reconvene at 6:10 p.m. David Stroberg seconded the motion. The motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

The Board returned to regular session at 6:10 p.m.

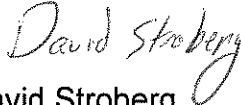
**Item 11 -- Board Round Table Discussion -- Bob Seiler, President**

There was none.

Moved by Kirk Larson and seconded by David Stroberg to adjourn the meeting. Motion carried with 6 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 3 Director(s) absent.

Bob Seiler, President, adjourned the Board meeting at 6:10 p.m.

Respectfully submitted,

  
David Stroberg  
Secretary

DS/DDA/da