

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

April 10, 2007

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting April 10, 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 6:01 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
Larry Jacob, Treasurer	Tom Adrian, Attorney
David Stroberg, Secretary	Lee Wheeler, Manager
Fred Seiler, Member	Dorinda Albrecht, Administrative Assistant
Don Koci, Member	Tim Boese, Hydrologist
Kirk Larson, Member	

Directors absent: None

Others attending the meeting or portions thereof were:

Steve Bond, DWR – Stafford	Steve Marshall, Hutchinson
Jerry Spitzer, Hutchinson	Harry & Sheila DeGarmo, Hutchinson
Jeanene Price, Hutchinson	Leonard & Vivian Williams, Hutchinson
Mary Anne Wright, Hutchinson	Jerry Blain, City of Wichita
Brian Meier, Wichita	Rich Robinson, City of Wichita

### Item 1 -- Approval of March 13<sup>th</sup> Minutes

Moved by Larry Jacob to approve the March 13, 2007, minutes. David Stroberg seconded the motion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

### Item 2 -- Approval of Agenda

Lee Wheeler, Manager, advised agenda item 9b would not be discussed during the meeting and should be removed from the agenda. Moved by Frank Harper and seconded by Don Koci to approve the April agenda as amended. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

### Item 3 -- Financial Report

#### a) The Financial Report for March was:

Cash Receipts	\$ 34,700.88
Beginning Balance	\$ 289,133.60
General Fund Interest	\$ 1,043.36
Grant Funds – Interest	\$ 143.29
Expenditures	\$ 21,873.38
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$ 303,147.75

Moved by Frank Harper to approve the March financial report. David Stroberg seconded the motion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

#### **Item 4 -- Approval of Expenditures**

Moved by Kirk Larson and seconded by Larry Jacob to approve the April expenditures. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

#### **Item 5 -- Public Forum**

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

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

##### **a) Meadowlake H.O.A., Application #46551, NE 04-23S-5W, Reno County**

Tim Boese, Hydrologist, presented background information on permit application #46551. Applicants Steve Marshall and Jerry Spitzer, Meadowlake H.O.A., were present and provided information to the Board. Also in attendance were homeowners from neighboring homes. Harry and Sheila DeGarmo, Jeanene Price, Leonard and Vivian Williams, and Mary Anne Wright provided information to the Board.

##### **FINDINGS:**

1. The application does not comply with the Well Spacing Rule and Regulation 5-22-2(a)(2);
2. The proposed well is located within the minimum spacing distance requirement of 660 feet to numerous domestic wells;
3. In compliance with K.A.R. 5-22-2(e)(4), the applicant submitted domestic well spacing permission forms signed by three of the domestic well owners granting permission for the proposed well to be located closer than 660 feet to the domestic wells. However, no consent forms were submitted from the remaining well owners with domestic wells within 660 feet of the proposed well;
4. The Division of Water Resources received numerous concern and opposition comments from nearby domestic well owners;
5. The proposed well meets minimum spacing requirements to non-domestic points of diversion;
6. The application does not comply with the Safe Yield Rule and Regulation 5-22-7(a), as existing and proposed consumptive appropriations exceed the maximum allowable by 7267.82 AF/Y;
7. The application complies with the Safe Yield Rule and Regulation exemption provision K.A.R. 5-22-7(b)(1) criteria, except for K.A.R. 5-22-7(b)(1)(D), which requires the application to comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2;
8. The proposed quantity of 15 acre-feet per year and reduced proposed pumping rate of less than 100 gallons per minute are minimal, creating a limited cone of depression;
9. The application is subject to the metering regulation 5-22-4(a); and
10. Recommending an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2) would significantly impair the ability of the District to apply and enforce the District's rules and regulations and management program.

Based on the findings, David Warren made a motion to recommend that the application is not granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), and a recommendation of denial is affirmed to the Chief Engineer, Division of Water Resources.

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

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

### **a) KPERS, Financing Prior Service Liability, Resolution to Approve Affiliation for 2008**

Prior to discussion, Don Koci, member, removed himself from the meeting to avoid any appearance of impropriety. Lee Wheeler, Manager, reviewed options for funding the past service liability with KPERS. Board discussion followed.

David Warren made a motion for District staff to research with KPERS the details of the District paying half of the liability up-front and financing the second half with KPERS, and also to ask KPERS about any penalties for early payoff.

Kirk Larson seconded the motion. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

## **Item 8 -- New Business**

### **a) Water Use and Reporting Agreements – District Authority**

Tim Boese, Hydrologist, reviewed the background of existing water use and reporting agreements with the Board and advised that the District may not have the ability to enforce the conditions of the agreements as D.S.P. 9705.1, is no longer in effect. Board discussion followed.

It was the consensus of the Board to have District staff draft a letter to the Chief Engineer, DWR, requesting an opinion and options for enforcing the conditions of the WURA, and to present the draft letter for Board review at the May meeting.

### **b) KANSCHED K-State Irrigation Scheduling Software Demo**

Lee Wheeler, Manager, gave a demonstration of the KANSCHED irrigation scheduling software and answered questions from the Board.

### **c) Consideration of Student Summer Intern – GIS Assistance/City of Wichita ASR Project**

Lee Wheeler, Manager, presented a proposal to the Board a job description for hiring an intern to work for the District during the summer months. He advised that the intern would be necessary for assisting in the development of a computer application to process upcoming data from the City of Wichita ASR Project and also to assist in training staff on other GIS applications.

David Warren made a motion to approve the Manager's proposal to hire a summer intern to work for the District. Fred Seiler seconded the motion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent

**d) City of Wichita, ASR Project Phase I, Monitoring & Operational Plan**

Lee Wheeler, Manager, reviewed with the Board the City of Wichita ASR Project Phase I monitoring and operational plan. Jerry Blain and Rich Robinson, City of Wichita, and Brian Meier, Burns & McDonnell, were present and provided information to the Board. An update to the operation of the project was provided to the Board. Board discussion followed.

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

**a) Customer Survey Report**

The customer survey report for the last quarter of 2006 and the first quarter of 2007 was included in the Board booklets.

**b) Monthly Information and Service Report – Administrative & Field Tasks**

For the month of March, District staff responded to 222 requests, an average of 10.09 per day.

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

There were none.

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

There were none.

**Item 12 -- Executive Session – Personnel**

Moved by Kirk Larson and seconded by Fred Seiler to recess into Executive Session at 9:26 p.m. until 10:00 p.m. to discuss personnel matters 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 10:00 p.m.

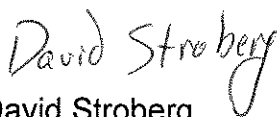
Fred Seiler seconded the motion. The motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

The Board returned to regular session at 10:05 p.m.

Moved by Kirk Larson and seconded by David Stroberg to adjourn the meeting. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

Bob Seiler, President, adjourned the Board meeting at 10:06 p.m.

Respectfully submitted,



David Stroberg  
Secretary

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