

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2
August 12, 2008

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting August 12, 2008, 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 6:03 p.m.

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

Robert Seiler, President	Fred Seiler, Member
Frank Harper, Vice-President	Dennis Gruenbacher, Member
David Stroberg, Secretary	Tom Adrian, Attorney
Don Koci, Member	Tim Boese, Manager
Kirk Larson, Member	Dorinda Albrecht, Administrative Assistant

Directors absent: Larry Jacob, Treasurer; David Warren, Member

Others attending the meeting or portions thereof were:

Jeff Lanterman, DWR – Stafford	M.S. Mitchell, Wichita
Angela Buzard, REAP	Rick Rivera, Colwich
Bill McKinley, City of Maize	Richard LaMunyon, City of Maize

Item 1 -- Approval of July 8th Meeting Minutes

Moved by Fred Seiler to approve the minutes as written. Kirk Larson seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Item 2 -- Approval of Agenda

Moved by Kirk Larson and seconded by Don Koci approve the August agenda as written. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Item 3 -- Financial Report

The Financial Report for July was:

Cash Receipts	\$ 934.89
Beginning Balance	\$ 365,730.12
General Fund – Interest	\$ 453.54
Grant Funds – Interest	\$ 77.41
Expenditures	\$ 14,499.58
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$ 352,696.38

Moved by Kirk Larson to approve the July financial report. Dennis Gruenbacher seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Item 4 -- Approval of Expenditures

Moved by Kirk Larson and seconded by Frank Harper to approve the August expenditures. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 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) Ricky R. Rivera, Application #47037, SE 02-26-2W, Sedgwick County

Tim Boese, Manager, reviewed with the Board information regarding application #47037. The applicant was present and provided information to the Board.

FINDINGS:

1. The groundwater pit proposed by the application is located closer than the minimum spacing requirements to the applicant's two domestic wells and the groundwater pit authorized by Water Right No. 41563;
2. In compliance with K.A.R. 5-22-2 (e)(5), the applicant submitted written consent signed by the domestic wells owner and by Water Right No. 41563 owner granting permission for the groundwater pit to be located less than the minimum required distance to the domestic wells and groundwater pit;
3. The application does not comply with the Safe Yield Rule and Regulation 5-22-7;
4. Existing and proposed consumptive appropriations exceed the safe-yield allowable by 2521.13 AF/Y;
5. The application does not comply with Safe Yield Rule and Regulation 5-22-7(b) exemption criteria, as the proposed quantity of 17.29 acre-feet exceeds the maximum exemption quantity of 15 acre-feet per application, by 2.29 acre-feet;
6. The proposed groundwater pit is an existing groundwater pit which was constructed as a borrow pit in the late 1960s for the construction of the K-96 Highway;
7. While it is not to be interpreted as a basis in law or fact supporting the Board of Directors' decision, it is noted that the Division of Water Resources did not administratively require sand and gravel operations (groundwater pits) to be authorized by approved water permit applications until September 17, 1986;
8. The application does not propose any expansion or modification in size or shape of the existing groundwater pit;
9. For proper management of the Equus Beds Aquifer, all non-domestic groundwater use in the District, including evaporative loss from un-permitted groundwater pits, should be accounted for; and
10. The District Board of Directors previously reviewed a similar application for an existing groundwater pit constructed prior to September 17, 1986, and recommended the application for approval, subject to certain conditions.

Moved by Frank Harper to recommend to the Chief Engineer that the application is granted an exception to the Safe Yield Rule and Regulation K.A.R. 5-22-7, and the application is recommended for approval, subject to the following conditions and limitations:

1. A permit condition be added requiring the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit;
2. Treated surface water may enter the pit only if the quality of water entering the groundwater pit does not degrade the groundwater quality, and appropriately engineered, constructed and maintained water treatment practices are utilized including best management practices such as grass filter strips, aeration, de-silting basins or filtration basins; and
3. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction.

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

Item 7 -- Old Business

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

Tim Boese, Manager, reviewed water permit #45615 and water and sediment quality data collected as a component of the permit's required water monitoring plan. Bill McKinley and Richard LaMunyon, City of Maize, were present and provided information to the Board.

Information presented and discussed at the meeting included the City of Maize advising that a proposed Maize Road reconstruction project would modify existing drainage into the authorized groundwater pit.

Moved by Don Koci to table the issue for up to 90 days to allow the City of Maize and its engineering consultant, TranSystems, to develop a plan to address compliance with water permit conditions by diverting surface drainage away from entering the pit and/or implementing acceptably engineered best management practices designed for treatment of stormwater runoff. Additionally, the plan shall be presented to the Board of Directors by representatives of the City of Maize and TranSystems no later than the November 10, 2008, Board of Directors' meeting.

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

b) Board Representation

Moved by Fred Seiler to table the discussion until the September meeting. Don Koci seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

c) IGUCA Issue Draft Regulations – Update

Tim Boese, Manager, advised the most recent updates to the IGUCA draft regulations could be found in the Board booklets. He further advised that it was his understanding this draft was the final draft to be submitted to the Department of

Administration to start the review process. Board discussion followed. No motion was made.

Item 8 -- Manager's Report

a) Status Hydrologist Position

Tim Boese, Manager, advised a candidate had been hired as the Hydrologist but due to unforeseen circumstances, was no longer employed by the District. He reported that, as a result, District staff was contacting other applicants regarding the vacant position. He also advised he hoped to conduct interviews in the upcoming weeks and hire a qualified candidate as soon as pre-employment testing had been completed.

b) Stormwater Management Advisory Board Appointment / Groundwater Pit BMP's

Tim Boese, Manager, discussed with the Board his appointment to the Wichita-Sedgwick County Stormwater Management Advisory Board. He also advised he attended a meeting with the Wichita Area Builders Association to discuss BMP's for groundwater pits.

c) ASR Project Report

Tim Boese, Manager, advised the July report had been received and distributed to the Board for review. He advised the Phase II applications had been received but had not yet been reviewed. The Board discussed setting up a special meeting in order to discuss the Phase II applications. It was the consensus of the Board to schedule a special meeting on Tuesday, September 23, 2008 at 6:00 p.m. to review the applications. He also advised that he attended the first meeting of the Executive Oversight Committee and provided information about the meeting.

d) Administrative and Field Tasks

Tim Boese, Manager, advised that the November 2008 Board meeting would fall on Veteran's Day and the District office would be closed. It was the consensus of the Board to change the meeting to Monday, November 10, 2008 at 1:00 p.m.

He also reviewed District staff activity for the month of July, including website updates, assisting customers with applications and various changes to current permits, water meter repairs, application processing, completing and mailing all assessment lists, waste of water investigations, water level measurements, and field inspection activities.

e) Monthly Hydrologic Condition Report

Tim Boese, Manager, advised the monthly hydrologic condition reports could be found in the Board booklets, and were available online, via the District's website or the K-State Weather Data Library website.

f) Monthly Information and Service Report

For the month of July, District staff responded to 137 requests, an average of 6.23 per day.

Item 9 -- Additions to the Agenda

There were none.

Item 10 -- Board Round Table Discussion – Bob Seiler, President

The Board discussed the Kansas Water Congress Summer Conference, which Tim Boese, Manager, and Don Koci, Member, attended on behalf of the District.

The Board also discussed topics to be addressed by the Chief Engineer at the upcoming September meeting.

Item 11 -- Executive Session – Personnel

Moved by Dennis Gruenbacher and seconded by David Stroberg to recess into Executive Session at 8:45 p.m. for 30 minutes 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; Tim Boese, Manager; and Tom Adrian, Legal Counsel.

The open meeting was to reconvene at 9:15 p.m. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

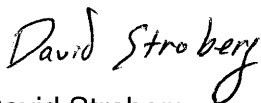
The Board returned to regular session at 9:08 p.m.

Moved by Kirk Larson to increase the annual salary for Dorinda Albrecht, Administrative Assistant, by \$4,000 per year, effective September 1, 2008. Dennis Gruenbacher seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Moved by Kirk Larson and seconded by David Stroberg to adjourn the meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Bob Seiler, President, adjourned the Board meeting at 9:09 p.m.

Respectfully submitted,



David Stroberg
Secretary

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