

PROPOSED AGENDA
BOARD OF DIRECTORS MEETING

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Tuesday, January 23, 2024
9:30 a.m.

**A call-in number will be available for remote attendance.
Please contact the District for additional information.**

313 Spruce Street • Halstead, KS 67056-1925
Phone: (316) 835-2224 • Fax: (316) 835-2225 • E-mail: equusbeds@qmd2.org

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. Presentations are limited to five minutes.*

6. APPEAL REVIEW

7. OLD BUSINESS

- a) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- b) Annual GMD Legislative Retreat, Topeka – February 6-7, 2024

8. NEW BUSINESS

- a) Draft DWR Change in Point of Diversion Regulations K.A.R. 5-5-17
- b) Draft DWR Water Conservation Area Regulations K.A.R. 5-18-1 & 5-18-2
- c) High Plains Aquifer RCPP Update
- d) GMD2 Legislative Report
- e) February Board Meeting Date, March Board Meeting and Annual Meeting Date

9. AGENCY & COMMITTEE REPORTS

- a) Division of Water Resources
- b) Kansas Water Authority
- c) Equus - Walnut Regional Advisory Committee
- d) Regional Economic Area Partnership of South-Central Kansas

10. MANAGER'S REPORT

- a) ASR Project Report
- b) Administrative and Field Tasks
- c) Review of Term Permit Applications
- d) Monthly Information and Service Report
- e) Legislative Update

11. ADDITIONS TO THE AGENDA

12. BOARD ROUND TABLE DISCUSSION

13. 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

JANUARY 23, 2024

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting January 23, 2024, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President Dale Schmidt called the meeting to order at 9:31 a.m.

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

Dale Schmidt, President	Vin Kissick, Vice President
Mike McGinn, Treasurer	Michael Baalmann, Member, via phone
Joe Bergkamp, Member	Alan Burghart, Member
Rodney Eggleston, Member	Jake Martin, Member
Ethan Reimer, Member	David Stroberg, Member
Tom Adrian, District Attorney	Tim Boese, Manager
Brad Barton, Hydrogeologist	Rebecca Wilson, Admin. Assistant

Directors absent: David Bogner, Secretary

Others attending the meeting or portions thereof were:

Scott Macey, City of Wichita	Don Koci, Burns & McDonnell
Jeff Lanterman, DWR, via phone	Dr. Marcy Aycock, REAP, via phone

ITEM 1-- APPROVAL OF DECEMBER 21, 2023, BOARD MEETING MINUTES

Moved by David Stroberg and seconded by Jake Martin to approve the December 21, 2023, Board meeting minutes as presented. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 4 Directors absent (Joe Bergkamp, David Bogner, Rodney Eggleston, and Mike McGinn).

ITEM 2 -- APPROVAL OF AGENDA

Manager Tim Boese recommended amending Agenda Item 8a to: Draft DWR Change in Point of Diversion Regulations K.A.R. 5-5-17/House Bill 2459, to move the current Agenda Item 13: Executive Session - Personnel to Agenda Item 14, and to add Executive Session - Consultation with Attorney to Agenda Item 13. Moved by Ethan Reimer and seconded by Alan Burghart to accept Tim's recommendations and to approve the Agenda as amended. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Joe Bergkamp, David Bogner, and Mike McGinn).

ITEM 3 -- FINANCIAL REPORT

December Financial Report

Manager Tim Boese reviewed the December 2023 Financial Report and answered questions from the Board. Moved by Alan Burghart and seconded by Joe Bergkamp to approve the December 2023 Financial Report. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (David Bogner and Mike McGinn).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the January 2024 Expenditures to Approve and answered questions from the Board. Moved by Jake Martin and seconded by Rodney Eggleston to approve the January 2024 expenditures. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (David Bogner and Mike McGinn).

ITEM 5 -- PUBLIC FORUM - NONE

ITEM 6 -- APPEAL REVIEW - NONE

ITEM 7 -- OLD BUSINESS

a) CITY OF WICHITA AQUIFER STORAGE & RECOVERY (ASR) PROPOSED PERMIT MODIFICATIONS

District Manager Tim Boese informed the Board that Harvey County District Court Judge Lane signed an order on Friday, January 19, 2024, granting the Motion to Dismiss filed by Division of Water Resources (DWR). District Attorney Tom Adrian stated that the matter would be discussed at length later during an Executive Session.

b) ANNUAL GMD LEGISLATIVE RETREAT, TOPEKA – FEB. 6-7, 2024

Manager Tim Boese reminded the Board of the Annual GMD Legislative Retreat being held in Topeka on February 6-7, 2024. Tim and David Stroberg plan to attend both days, and Dale Schmidt and Vin Kissick will each plan to attend one day. Tim asked that any additional Board members interested in attending please contact him or District staff to register and secure hotel accommodations, if needed.

ITEM 8 -- NEW BUSINESS

a) DRAFT DWR CHANGE IN POINT OF DIVERSION REGULATIONS K.A.R. 5-5-17/HOUSE BILL 2459

Manager Tim Boese reviewed the background information and GMD2 proposed comments for the draft DWR Change in Point of Diversion Regulations K.A.R. 5-5-17. Tim informed the Board that feedback is due to DWR by February 9, 2024, and Tim provided the Board with examples from within the District to justify the proposed comments. Tim then reviewed the language in House Bill 2459, which is scheduled for hearing on February 1, 2024. Tim recommended that the District oppose the bill due to the problematic language and potential negative implications to District members. Discussion by the Board followed, and Tim answered questions from the Board. If approved by the Board, Tim will send a letter to DWR with the proposed comments regarding the draft Change in Point of Diversion regulations, draft written testimony for House Bill 2459, and testify in person at the hearing for House Bill 2459. Moved by Joe Bergkamp and seconded by Alan Burghart for Tim to send the letter to DWR regarding the draft Change in Point of Diversion regulations, and for Tim to draft written testimony in opposition of House Bill 2459, unless he is notified that the language of the bill is different than it reads in its current state, in which case Tim should testify as neutral to the bill. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (David Bogner).

b) DRAFT DWR WATER CONSERVATION AREA REGULATIONS K.A.R. 5-18-1 & 5-18-2

Manager Tim Boese reviewed the background information and findings, as well as the staff comments and recommendation regarding the draft DWR Water Conservation Area (WCA) Regulations K.A.R. 5-18-1 and 5-18-2. Tim informed the Board that feedback is due to DWR by February 9, 2024. Jeff Lanterman, Water Commissioner at DWR Stafford, provided the Board with additional information regarding WCAs, including a WCA website on the Kansas Department of Agriculture website that he recommended the Board visit. Discussion by the Board followed, and Tim answered questions from the Board. Moved by Mike McGinn and seconded by Rodney Eggleston to give Tim latitude to use the provided staff comments and recommendations regarding the draft DWR Water Conservation Area Regulations as he sees appropriate to provide feedback to DWR. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (David Bogner).

c) HIGH PLAINS AQUIFER RCPP UPDATE

Manager Tim Boese informed the Board that he participated in the kickoff call for the Kansas Department of Agriculture (KDA) Division of Conservation/Kansas Water Office (KWO) High Plains Aquifer RCPP grant on January 19, 2024. The grant provides \$24.9 million for irrigation efficiency upgrades for the five Groundwater Management Districts (GMDs) in the state. Tim reported that the details of the proposal are preliminary and ongoing, including the potential start date. Discussion by the Board followed, and Tim answered questions from the Board. Tim will update the Board as new information is received.

d) GMD2 LEGISLATIVE REPORT

Manager Tim Boese reviewed for the Board the draft GMD2 Legislative Report. Discussion by the Board followed, and Tim answered questions from the Board. Moved by Rodney Eggleston and seconded by Ethan Reimer to approve the GMD2 Legislative Report as presented. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (David Bogner)

e) FEBRUARY BOARD MEETING DATE, MARCH BOARD MEETING DATE, AND ANNUAL MEETING DATE

Manager Tim Boese informed the Board that he will be in Topeka and Manhattan for three days the week before the scheduled February 2024 Board meeting, which will make it difficult to prepare the Board booklets for the Board meeting. Discussion by the Board followed. Board consensus was to move the February Board meeting to February 21, 2024, at 9:30 a.m., to move the March Board meeting to March 21, 2024, at 3:00 p.m., and to schedule the Annual Meeting for March 21, 2024, at 7:00 p.m. in the Halstead High School auditorium, pending availability of the school and speaker. Tim asked that the current incumbent Board members who are up for reelection, David Bogner, Vin Kissick, Mike McGinn, and Ethan Reimer, let Tim know if they will be running for reelection to the Board.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, Water Commissioner at Division of Water Resources (DWR) Stafford, reported that the DWR Stafford field office is currently holding interviews for the two open positions at their office. Jeff informed the Board that his staff have been conducting their annual Kansas Geological Survey (KGS)/DWR cooperative water-level measurements, but that they have been delayed due to the recent weather. Jeff anticipates that the measurements will be completed by the end of this week. Jeff reminded the Board that annual Water Use Reports are due by March 1, 2024, and he reported that 21% of all reports have been completed online so far this year.

b) KANSAS WATER AUTHORITY

David Stroberg informed the Board that the Kansas Water Authority (KWA) is meeting tomorrow in Topeka, and David reviewed the agenda for the Board. The next KWA meeting is scheduled for April 17, 2024, in Garden City.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Manager Tim Boese informed the Board that the next Equus-Walnut Regional Advisory Committee (RAC) meeting is scheduled for February 21, 2024, at 2:00 p.m. at McPherson BPU. Tim anticipates that the committee will continue to review their 2024 goals and priorities.

d) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS

Manager Tim Boese informed the Board that the next Regional Economic Area Partnership of South Central Kansas (REAP) meeting is scheduled for January 25, 2024. Tim will be in Topeka on that day, but he will attempt to participate in the meeting via phone. Dr. Marcy Aycock of REAP informed the Board that the 2024 REAP Legislative Priorities document is available if any Board members would like to review it. Dr. Aycock also informed the Board that REAP will now hold their meetings on the fourth Thursday of each month at 11:30 a.m. and that the locations may vary, as she is attempting to get out into more of the REAP communities to increase participation and visibility. Dr. Aycock stated that she is excited about the future of REAP and she is looking forward to continuing to work with GMD2.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Manager Tim Boese advised that Phase I recharge for December was 13.2 acre feet into Recharge Basin 2. There was no Phase II recharge in December. Cheney Reservoir: Conservation pool is 68.17% full (66.20% full in December). The level is 5.64 feet below normal (6.04 feet below normal in December). No Cheney release. Flow today: Little Ark - Highway 50 is 5.75 CFS (5.35 CFS in December); Valley Center reading was unavailable due to ice (12.6 CFS in December). Tim reported that there were low flows for most of December, with a spike the last week of December.

b) ADMINISTRATIVE FIELD TASKS

Manager Tim Boese reported that in December, staff completed eight application reviews, assisted with 34 applications (change applications, extensions, MYFA applications, new applications, temporary applications, and notices of completion), performed 23 water permit consultations, completed 10 preliminary safe yield evaluations, repaired four meters, conducted 52 water level measurements, assisted with two abandoned well inspections/pluggings, and processed a total of 60 administrative files.

c) REVIEW OF TERM PERMIT APPLICATIONS

Manager Tim Boese advised that there were no term permit replacement/renewal applications reviewed by District staff in December.

d) MONTHLY INFORMATION & SERVICE REPORT

Manager Tim Boese presented customer service requests for December.

Tim reminded the Board that the GMD Managers will be presenting their Legislative Reports to the House Water Committee next week. Tim informed the Board that the Sedgwick County Conservation District Annual Meeting is scheduled for February 22, 2024, in Wichita. Tim will be a participant on the water quality panel at the meeting. Any Board members wanting to attend the meeting should RSVP by February 15, 2024. Tim reminded the Board that he was asked to be a presenter and to participate in a panel at the Kansas Natural Resource Conference in Manhattan on February 8, 2024. Additionally, Tim informed the Board of a housing addition planned for an area south of Andale, which is within the District boundaries. Tim reported that he has received multiple calls from the developer, as well as current residents of the area who are concerned about water availability for a new housing addition. District staff are compiling basic information including graphs and logs to provide additional information to those interested parties.

e) LEGISLATIVE UPDATE

Manager Tim Boese reported that the only water-related legislative item at this time is House Bill 2459, which was previously discussed. Tim will continue to send the Board the weekly legislative updates provided by the District lobbyist.

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

ITEM 12 -- BOARD ROUND TABLE DISCUSSION

Board Vice President Vin Kissick informed the Board that he and Manager Tim Boese attended a lunch with legislators hosted by Farm Bureau. Vin and Tim both felt the lunch was well attended and was a good opportunity to visit with legislators.

ITEM 13 – EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY

Moved by David Stroberg and seconded by Alan Burghart for the Board to go into Executive Session for consultation with the District Attorney regarding the ASR court case for the public body which would be deemed privileged in the attorney-client relationship pursuant to the attorney consultation exception under the Kansas Open Meeting Act, and the open meeting will resume in the conference room at 12:05 p.m. Those present in Executive Session are: Members of the Board, District Manager Tim Boese, and District Attorney Tom Adrian. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (David Bogner).

Time in Executive Session: 11:45 a.m.
Time out of Executive Session: 12:05 p.m.

Moved by David Stroberg and seconded by Ethan Reimer to extend the Executive Session for an additional 10 minutes. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (David Bogner).

Time in Executive Session: 12:05 p.m.
Time out of Executive Session: 12:15 p.m.

Moved by Rodney Eggleston and seconded by Alan Burghart for the District Attorney to not take any further legal action on the ASR matter. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Michael Baalmann and David Bogner).

ITEM 14 – EXECUTIVE SESSION – PERSONNEL

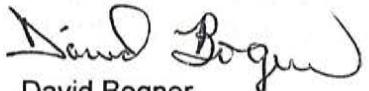
Moved by David Stroberg and seconded by Ethan Reimer for the Board to go into Executive Session to discuss personnel matters relating to non-elected personnel regarding the manager's contract which would be deemed privileged in the non-elected personnel exception under the Kansas Open Meeting Act, and the open meeting will resume in the conference room at 12:25 p.m. Those present in Executive Session are: Members of the Board, District Manager Tim Boese, and District Attorney Tom Adrian. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Michael Baalmann and David Bogner).

Time in Executive Session: 12:18 p.m.
Time out of Executive Session: 12:25 p.m.

Moved by Ethan Reimer and seconded by Rodney Eggleston to ratify the District Manager's employment contract with an amendment that the District Manager provide the Board with

90 days' notice of resignation if the District Manager plans to terminate the employment contract ahead of expiration. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Michael Baalmann and David Bogner).

Moved by David Stroberg and seconded by Alan Burghart to adjourn the meeting. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Michael Baalmann and David Bogner). Dale Schmidt, President, adjourned the Board meeting at 12:28 p.m.



David Bogner
Secretary
DB/TDB/rsw