

**PROPOSED AGENDA
BOARD OF DIRECTORS MEETING
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

**Wednesday, August 18, 2021
9:30 a.m.**

**Note: Due to COVID-19, public seating is limited for in-person attendance.
A call-in number will be available for remote attendance.
Please contact the District for additional information.**

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1. APPROVAL OF MINUTES

- a) July 20, 2021 Board 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. Presentations are limited to five minutes.*

6. APPEAL REVIEW

- a) Nickerson - South Hutchinson USD 309, Appropriation Application No. 50403, Reno County

7. OLD BUSINESS

- a) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- b) Review of Board Representation District Standard & Policy D.S.P. 8103.1

8. NEW BUSINESS

- a) Certification of 2020 Land and Water Assessments to County Clerks

9. AGENCY & COMMITTEE REPORTS

- a) Division of Water Resources
- b) Kansas Water Authority
- c) Equus - Walnut Regional Advisory Committee

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

11. ADDITIONS TO THE AGENDA

12. BOARD ROUND TABLE DISCUSSION

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

AUGUST 18, 2021

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting August 18, 2021, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President Jeff Winter called the meeting to order at 9:34 a.m.

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

Jeff Winter, President
David Bogner, Secretary
Joe Bergkamp, Member
Dale Schmidt, Member
Tim Boese, Manager

Vin Kissick, Vice President
Mike McGinn, Treasurer
Alan Burghart, Member
Tom Adrian, District Attorney
Rebecca Wilson, Admin. Assistant

Directors absent: Bob Seiler, Member and David Stroberg, Member

Others attending the meeting or portions thereof were:

Suzanne Loomis, City of Newton
Michael Howell, USD 309 Nickerson/Hutchinson

Brett Wiens, Turf Solutions Inc.
Don Henry, City of Wichita

ITEM 1A -- APPROVAL OF JULY 20, 2021, BOARD MEETING MINUTES

Moved by Dale Schmidt and seconded by David Bogner to approve the July 20, 2021, meeting minutes. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Mike McGinn, Bob Seiler, and David Stroberg).

ITEM 1B -- APPROVAL OF JULY 20, 2021, BUDGET HEARING MINUTES

Vice President Vin Kissick asked that the Budget Hearing minutes be clarified and elaborated to reflect that Mr. Henry's questions were answered adequately. Moved by Vin Kissick and seconded by Alan Burghart to approve the July 20, 2021, Budget Hearing minutes with the recommended changes. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Mike McGinn, Bob Seiler, and David Stroberg).

ITEM 1C -- REVIEW OF ANNUAL MEETING MINUTES

Board Secretary David Bogner commented that Board member Joe Bergkamp was not present at the Annual Meeting, as reflected in the minutes. There were no additional changes to the Annual Meeting minutes.

ITEM 2 -- APPROVAL OF AGENDA

Manager Tim Boese recommended the addition of Agenda Item 1b – Approval of July 20, 2021, Budget Hearing minutes and to move the previous Agenda Item 1b – Annual Meeting Minutes Review to Agenda Item 1c. Moved by Vin Kissick and seconded by Mike McGinn to approve the Agenda with the recommended changes. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 3 -- FINANCIAL REPORT

July Financial Report

Manager Tim Boese reviewed the July Financial Report. Moved by Vin Kissick and seconded by Alan Burghart to approve the July Financial Report. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the August Approval of Expenditures. Moved by Mike McGinn and seconded by David Bogner to approve the August 2021 expenditures. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 5 -- PUBLIC FORUM – NONE

ITEM 6 -- APPEAL REVIEW

a) Nickerson – South Hutchinson USD 309, Appropriation Application No. 50403, Reno County

Manager Tim Boese presented information regarding Appropriation Application No. 50403. The applicant Mike Howell - USD 309, and the applicant's consultant - Brett Wiens of Turf Solutions, Inc. were present and provided information to the Board.

FINDINGS:

1. Application No. 50403 proposes 33.00 AF at 200 GPM for irrigation of 24.60 acres from an existing battery of two wells with a geographic center located in the Southeast quarter of the Northeast quarter of the Northeast quarter (4356'N & 511'W), Section 16, Township 22 South, Range 7 West, Reno County.
2. Application No. 50403 proposed point of diversion forms an identical overlap with Water Rights Nos. 44424 and 44425 authorized point of diversion.
3. Application No. 50403 proposed place of use partially overlaps the place of use authorized by Water Right Nos. 44424 and 44425. Change in place of use applications have been filed on Nos. 44424 and 44425 to create an identical place of use overlap with No. 50403.
4. The application does not comply with the "battery of wells" definition K.A.R. 5-22-1(n)(2)(B), as the individual wells are each located approximately 329 feet from the well battery geographic center, which exceeds the maximum allowable distance of 300 feet by 29 feet (9.7%).
5. Exceptions to the well battery definition were recommended by the District Board of Directors in 2001 for Nos. 44424 and 44425 and the applications were approved, subject to any change in point of diversion application(s) filed on Nos. 44424 and 44425 would comply with the battery of wells definition.
6. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(b), as the proposed point of diversion (battery of two wells) does not meet the minimum spacing requirements of 960 feet to several domestic wells and 1,620 feet to the groundwater pit authorized by Water Right No. 47931, and possibly to the municipal well authorized by Nos. RN-005, 2764, and 31246.
7. There are multiple possible domestic wells located within 960 feet of the proposed well battery geographic center. The applicant advised that USD 309 staff went door-to-door

to try to obtain signed spacing consent forms from owners that did have a domestic well. The applicant advised that some did not have a domestic well and the applicant provided four signed consent forms from those they were able to talk to that had a domestic well.

8. A review of Nos. 44424 and 44425 found that it appears that 12 signed spacing consent forms were submitted from domestic wells owners with domestic wells within 660 feet of the individual wells proposed by Nos. 44424 and 44425. Therefore, it does not appear that all of the domestic wells owners within 960 feet of No. 50403 submitted spacing consent forms.
9. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.
10. A public notice was published in the local newspaper (Sterling Kansas Bulletin) and no comments from domestic well owners were received by DWR.
11. The proposed well battery geo-graphic center is located closer than 1,620 feet to the edge of the groundwater pit authorized by Water Right No. 47931. The proposed well battery geographic center is located approximately 1,050 feet from the nearest edge of the groundwater pit.
12. No. 47931 was an existing unpermitted groundwater pit that was approved in 2014. No. 47931 did not meet the minimum 1,320 feet spacing requirement to the USD 309 wells authorized by Nos. 44424 and 44425 and USD 309 signed a spacing consent form in 2011 to allow the pit to be located closer than 1,320 feet to the wells authorized by Nos. 44424 and 44425.
13. Although the groundwater pit owner cannot simply grant consent to allow No. 50403 to be located less than 1,620 feet to the groundwater pit by signing a spacing consent form, Lakeside Recreation LLC, the owner of No. 47931, did sign a spacing consent form thereby indicating that they have no objection to the proposed well battery being located less than 1,620 feet to the groundwater pit.
14. The proposed well battery may be located closer than 1,620 feet to the City of Nickerson municipal well authorized by Water Right Nos. RN-005, 2764, and 31246. Based on the authorized footage measurements, the municipal well is located 1,652 feet from the No. 50403 proposed well battery geo-center. However, the spacing evaluation map indicates the municipal well appears to be located less than 1,620 feet away. The City of Nickerson submitted a letter dated June 21, 2021, indicating the City had no objection to No. 50403.
15. The application does not comply with the District's Maximum Reasonable Quantity for Beneficial Use Regulation K.A.R. 5-22-14(a)(1). Water Right Nos. 44424 and 44425 authorize a total of 27.24 AF on 12 acres, which is proposed to be changed to 24.6 acres. No. 50403 requests an additional 33 AF on 24.60 acres, resulting in a total of 60.24 AF on 24.6 acres. This equals a water to land ratio of 2.45 acre-feet per acre, which exceeds the maximum allowable for Reno County of 1.4 acre-feet per acre.
16. The applicant' turf grass consultant provided information (Exhibit B) showing the difference in irrigation needs between corn and turf grass using 2012 and the Sterling weather station as an example. The information showed corn required 14.77 inches (1.23 feet) of irrigation from June 1, 2012, through August 31, 2012, while turf grass required 34.17 inches (2.85 feet) from March 15, 2012, to November 30, 2012. The information also advised that sports turf grass requires more water and irrigation than home lawns and needs irrigation starting in March for seed establishment for repairs and continues until October or November for athlete safety.

17. The application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
18. Hydrologic data indicates that saturated thickness in the application area is approximately 50-75 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
19. Drawdown caused by the pumping of the well battery's proposed and existing authorized total quantity would be minimal and impairment of nearby points of diversion is not anticipated.
20. The Board of Directors has previously reviewed similar applications that did not meet either the "Battery of wells" definition K.A.R. definition K.A.R. 5-22-1(n); the Well Spacing Regulation K.A.R. 5-22-2(b); and/or the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), and recommended exception(s) and the application(s) for approval.

Moved by Vin Kissick and seconded by Alan Burghart that the Appropriation Application No. 50403 be granted exceptions to the "Battery of wells" definition K.A.R. 5-22-1(n); the Well Spacing Regulation K.A.R. 5-22-2(b); and the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), subject to any application to change the point of diversion authorized by No. 50403 shall comply with the definition of a battery of wells as set forth in K.A.R. 5-22-1, and the maximum rate of diversion is further limited to 200 GPM when combined with Nos. 44424 and 44425.

Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 7 -- OLD BUSINESS

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

Manager Tim Boese informed the Board that all four formal parties submitted Findings of Facts and Conclusions of Law legal briefs to the Hearing Officer on July 30, 2021. Tim forwarded the Board members a copy of each brief. Tim reminded the Board that each now has until the end of September 2021 to submit response briefs. The hearing officer will then review all the information and render a decision.

b) REVIEW OF BOARD REPRESENTATION DISTRICT STANDARD & POLICY D.S.P. 8103.1

Manager Tim Boese reviewed the April 2, 2021, letter the District sent to Regional Economic Area Partnership (REAP) in response to their January 8, 2021, letter, as well as the current Board Representation D.S.P. 8103.1, and a previously Board Representation policy considered by the Board in 2009. Discussion by the Board followed. District Attorney Tom Adrian provided information regarding District statutes as well as Board representation of other Groundwater Management Districts. Moved by Mike McGinn and seconded by Vin Kissick for District management to provide the Board with the Board Representation policies of the other GMDs at next month's Board meeting, provide the Board with a review of the previously recommended Board Representation policy change proposals, and appoint a committee of Board members Alan Burghart, Dale Schmidt, Jeff Winter, and Manager Tim Boese to further study the issue of Board representation. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 8 -- NEW BUSINESS

a) CERTIFICATION OF 2020 LAND AND WATER ASSESSMENTS TO COUNTY CLERKS

Manager Tim Boese provided the Board with information regarding the 2020 water use/land assessment totals. Discussion by the Board followed. Moved by Mike McGinn and seconded by Vin Kissick to certify the 2020 Land and Water Assessments and to send the

certified assessments to the four (4) counties in the District for collection. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg).

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

DWR staff was not in attendance and did not provide a report.

b) KANSAS WATER AUTHORITY

Board member David Stroberg was absent, so Manager Tim Boese provided the Board with an update. Tim informed the Board that he and David Stroberg attended the Kansas Water Authority (KWA) meeting on August 17, 2021, in Garden City, Kansas. Tim stated that the Kansas Water Office has been working on a draft Kansas Water Plan, and they will send it out for public comment soon. Tim also provided information to the Board regarding the five people were appointed/reappointed to the Equus Walnut RAC. Tim informed the Board that the KWA passed their FY2023 State Water Plan Funds Budget recommendations which included \$50,000 for the Equus Beds Chloride plume project.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner reported that he was unable to attend the August 3, 2021, meeting. Manager Tim Boese stated that he was not able to attend either, but that during that meeting it appeared that the committee recommended the \$50,000 for the Equus Beds Chloride plume project and recommended that existing funding for water technology farms and improved watershed practices remain in the FY2023 State Water Plan.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that Phase I Recharge for June was 97.89 acre-feet with 90% into Recharge Basin 2. Phase II in June was 55.82 acre-feet with 95% into Recharge Basin 36. Cheney Reservoir: Conservation pool is 92.99% full. No Cheney release. Flow today: Little Ark - Highway 50 is 12.4 CFS; Valley Center is 49.9 CFS. Tim reported that there were low flows for most of July except at the very beginning and end of July for short durations. Tim informed the Board that he received a response letter from Burns & McDonnell regarding the issues with the City of Wichita Aquifer Storage & Recovery (ASR) 2018 and 2019 Accounting Reports and he will review the letter.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in July, staff assisted with two applications, completed four application reviews, performed 25 water permit consultations, completed 15 preliminary safe yield reviews, conducted 476 water level measurements, collected 26 water samples, completed four meter inspections, repaired nine meters, and processed a total of 26 administrative files.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

Tim Boese, Manager, presented customer service requests for July.

Tim informed the Board that he attended the Kansas Water Congress meeting in Garden City on Monday and provided a presentation on behalf of the District. Tim stated that there was a good turnout at the meeting, and he answered several questions.

Tim informed the Board that the Chevrolet Equinox was picked up by the dealership for inspection and to determine the trade-in value and options.

Tim also informed the Board that he contacted several applicants who had previously applied for the open Hydrogeologist position and that he is waiting to hear from one individual regarding their interest in the position. If the individual declines, Tim will again advertise the open position online. Discussion by the Board followed, including a recommendation to contact local colleges and universities to possibly obtain an intern for the position.


ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – JEFF WINTER, PRESIDENT

District Attorney Tom Adrian introduced the Board to Reece Hiebert, who is a new attorney working for Adrian & Pankratz.

Vice President Vin Kissick commented that he is impressed by the talented group of Equus Walnut Regional Advisory Committee appointees.

Moved by David Bogner and seconded by Mike McGinn to adjourn the meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and David Stroberg). Jeff Winter, President, adjourned the Board meeting at 11:54 a.m.



David Bogner
Secretary
DB/TDB/rsw