

PROPOSED AGENDA
BOARD OF DIRECTORS MEETING

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Wednesday, September 14, 2022
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
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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

- a) City of South Hutchinson, Appropriation Application No. 50,662, Reno County

7. OLD BUSINESS

- a) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- b) District Lobbyist
- c) Kansas Legislative Post-Audit of GMDs

8. NEW BUSINESS

- a) Harvey County Wind Energy Farm – Discussion
- b) 2022 Governor's Water Conference – November 16 & 17, Manhattan

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

11. ADDITIONS TO THE AGENDA

12. BOARD ROUND TABLE DISCUSSION

13. EXECUTIVE SESSION - Consultation with Attorney

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

SEPTEMBER 14, 2022

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting September 14, 2022, 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 9:33 a.m.

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

| | |
|----------------------------------|-------------------------------|
| Jeff Winter, President | Vin Kissick, Vice President |
| David Bogner, Secretary | Mike McGinn, Treasurer |
| Michael Baalmann, Member | Alan Burghart, Member |
| Rodney Eggleston, Member | Ethan Reimer, Member |
| David Stroberg, Member | Tom Adrian, District Attorney |
| Tim Boese, Manager | Brad Barton, Hydrogeologist |
| Rebecca Wilson, Admin. Assistant | |

Board Members Absent: Joe Bergkamp and Dale Schmidt

Others attending the meeting or portions thereof were:

| | |
|---|---|
| Jeff Lanterman, DWR - Stafford, via phone | Scott Macey, City of Wichita |
| Don Koci, Burns & McDonnell & Colwich | Brian Meier, Burns & McDonnell |
| Trevor Kaufman, PEC, South Hutchinson | Joe Turner, City of South Hutchinson |
| Ronnie Pederson, City of South Hutchinson | David Barfield, KWR Consulting |
| Cyndi Howerton, Kansas State Rep | Brenda Mattson, SG Co. Conservation Dist. |
| Ron Dietzel, Newton | Saundra Traywich, Luther, OK |
| Ken Umholtz, Burton | Ted Saranchuk, Hutchinson |

ITEM 1 – APPROVAL OF AUGUST 16, 2022, BOARD MEETING MINUTES

Moved by David Stroberg and seconded by Alan Burghart to approve the August 16, 2022, Board meeting minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Joe Bergkamp and Dale Schmidt).

ITEM 2 -- APPROVAL OF AGENDA

Moved by Rodney Eggleston and seconded by Ethan Reimer to approve the Agenda as presented. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Joe Bergkamp and Dale Schmidt).

ITEM 3 -- FINANCIAL REPORT

August Financial Report

Manager Tim Boese reviewed the August 2022 Financial Report and answered questions from Board members. Moved by Vin Kissick and seconded by David Bogner to approve the August Financial Report. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Joe Bergkamp and Dale Schmidt).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the September 2022 Expenditures to Approve and answered questions from Board members. Moved by Mike McGinn and seconded by David Bogner to

approve the September 2022 expenditures. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Joe Bergkamp and Dale Schmidt).

ITEM 5 -- PUBLIC FORUM

David Barfield of Kansas Water Resources Consulting provided the Board with a handout regarding Groundwater Management District No. 1's Proposed Four County Local Enhanced Management Area (LEMA).

ITEM 6 -- APPEAL REVIEW

a) CITY OF SOUTH HUTCHINSON, APPROPRIATION APPLICATION No. 50662, RENO COUNTY

Manager Tim Boese presented information regarding Appropriation Application No. 50662. The applicant was represented by City of South Hutchinson City Administrator Joe Turner, David Barfield of Kansas Water Resources Consulting, and Trevor Kaufman of Professional Engineering Consultants, all of whom answered questions and provided additional information to the Board. Discussion by the Board followed.

Moved by Vin Kissick and seconded by David Stroberg to follow District staff recommendations to table the appeal until the November 2022 Board meeting to allow District staff, as well as the applicant and their consultants, additional time to discuss potential considerations including term permit, water quality, data collection, and monitoring alternatives. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Joe Bergkamp, Rodney Eggleston, and Dale Schmidt).

ITEM 7 -- OLD BUSINESS

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

Manager Tim Boese and District Attorney Tom Adrian reminded the Board that the District previously filed a Petition for Judicial Review to the District Court of Harvey County. The Chief Engineer of the Division of Water Resources (DWR) then responded by filing a Motion to Dismiss and Memorandum in Support Thereof. The District responded by filing a Response to Motion to Dismiss, to which DWR responded by filing a Reply to the District's Response. The District then filed Additional Comments to DWR's Reply, and is currently waiting to receive a response from the District Court. The next step in the legal review will most likely be the hearing of oral arguments in front of a district judge in Harvey County. Tom and Tim will continue to update the Board as new information is received.

b) DISTRICT LOBBYIST

Manager Tim Boese reviewed for the Board the draft Memorandum of Agreement (MoA) with Braden Heidner Lowe & Associates (BHL) for monitoring and lobbying services on behalf of the District, with an effective date of December 1, 2022, through November 30, 2023. Board discussion followed. Moved by Mike McGinn and seconded by Alan Burghart to approve the Memorandum of Agreement following additional review by the District Manager and District Attorney. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Joe Bergkamp, Rodney Eggleston, and Dale Schmidt).

c) KANSAS LEGISLATIVE POST-AUDIT OF GMDs

Manager Tim Boese informed the Board that he attended a Zoom meeting last week with the Kansas Legislative Post-Audit Team, which consisted of a lead auditor and three staff members. The first deadline to submit documents is today, with District staff and possible Board member interviews to follow at later dates. Board discussion followed. Tim will continue working with the Post-Audit Team to ensure that the audit is completed thoroughly.

ITEM 8 -- NEW BUSINESS

a) HARVEY COUNTY WIND ENERGY FARM - DISCUSSION

Manager Tim Boese informed the Board that the Harvey County Planning and Zoning Department is holding a public meeting tonight in Newton to discuss a potential wind energy farm in Harvey County and proposed Harvey County Commercial Renewable Energy Project (CREP) regulations. Tim provided the Board with a handout including some of the language of the proposed Harvey County CREP regulations to be discussed in consideration of groundwater protections. Local resident Ken Umholtz and his daughter, Saundra Traywich, both spoke to the Board to convey their concerns about the possibility of chemicals from the wind turbines contaminating the air and water, as well as possible erosion and the overall effect on local geology. Discussion by the Board followed. Board consensus was for Tim and District Attorney Tom Adrian to write a letter to the Harvey County Planning and Zoning Department regarding the District's interest in protecting groundwater and including District recommendations regarding the proposed CREP regulations related to groundwater protection.

b) 2022 GOVERNOR'S WATER CONFERENCE – NOVEMBER 16 & 17, MANHATTAN

Manager Tim Boese reviewed with the Board the agenda for the 2022 Governor's Conference on the Future of Water in Kansas, which will be held on November 16-17, 2022, in Manhattan. Tim is planning to attend, and he asked that any interested Board members contact the District office to complete registration and hotel accommodations, if needed.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, Water Commissioner at Division of Water Resources (DWR) Stafford, informed the Board that the Stafford field office has received 950 Water Bank Savings Account Term Permit applications in GMD5 which equates to almost 24,000 acre-feet total, of which 10,500 acre-feet are in the Rattlesnake Creek area. Jeff reported that overtime was approved for Stafford field office staff to complete drought related work.

b) KANSAS WATER AUTHORITY

Board member David Stroberg informed the Board that he attended the Kansas Water Authority (KWA) meeting on August 17, 2022, in Manhattan. David stated that the meeting involved reviewing water purchase contracts for the City of Independence, as well as a lengthy review and approval discussion of the Kansas Water Plan 2022. The meeting also included discussions regarding the State Water Plan Fund and Fund Expenditure Recommendations, which include \$50,000 for the Equus Beds Chloride Plume Project and \$150,000 for the Arbuckle Study. David reported that there was some discussion regarding the Chloride Plume project and possible attempts to authorize additional funds for the project through other expenditure line items. Additionally, the meeting included a review and discussion of state employee salaries, as many state employees appear to be leaving their public positions for more lucrative positions within the private sector. The next KWA meeting is scheduled for October 19, 2022, at the farm of Senator Carolyn McGinn.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner informed the Board that he has not yet been advised of the date of the next Equus-Walnut Regional Advisory Committee (RAC) meeting. Brian Meier, Chair of the RAC, informed the Board that the next meeting will most likely be held in November.

d) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS

Manager Tim Boese informed the Board that he did not attend the Regional Economic Area Partnership of South Central Kansas (REAP) meeting on September 8, 2022, due to a scheduling conflict. Tim reported that he will review the minutes, but he did not think that there were any water related topics discussed during the meeting. The next REAP meeting is scheduled for October 20, 2022.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that Phase I recharge for July was 20.24 acre-feet with 53% into Recharge Basin 2. Phase II: No recharge. There was no recharge in August. Cheney Reservoir: Conservation pool is 87.78% full (93.23% full in August). Level is 2.02 feet below normal (1.10 feet below normal in August). No Cheney release. Flow today: Little Ark - Highway 50 is 3.42 CFS; Valley Center is 14.1 CFS. Tim reported that there were low flows the entire month of August.

The 2020 Annual report was received on May 27, 2022. District staff will compare water quality data with the 2018 and 2019 reports and try to schedule Board review of the reports soon.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in August, staff completed three application reviews, assisted with 29 applications including 18 Multi-Year Flex Account applications, nine new applications, and two cathodic protection borehole applications, performed 63 water permit consultations and 27 water use calculations, completed 23 preliminary safe yield evaluations, conducted 182 water level measurements, collected 163 water samples, inspected 19 water meters, and processed a total of 25 administrative files. Additionally, District staff assisted many District water right owners and tenants with determining water use and MYFA options.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Board Secretary David Bogner shared with the Board an article from the Hutchinson News outlining how Kansas is running out of water due in part to the aquifers being depleted, reservoirs filling with sediment, and fertilizer runoff feeding toxic algae.

Board member David Stroberg informed the Board that during the recent House Interim Water Committee meeting, an attorney who spoke to the committee made several inaccurate statements regarding Kansas Groundwater Management Districts (GMDs). Unfortunately, neither David nor District Manager Tim Boese were allowed to speak to the committee to correct the inaccuracies. David stated that in general, he would like to see the roles and responsibilities of Kansas GMDs explained more thoroughly to the public. Manager Tim Boese acknowledged that too often, all five of the Kansas GMDs are grouped together, despite their differences and unique water concerns. Tim informed the Board that

he offered to present at the Kansas Water Authority meeting to provide specific information to the KWA members regarding the Equus Beds GMD.

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 Hearing 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 12:25 p.m. Those present in Executive Session are: Members of the Board, District Manager Tim Boese, and District Attorney Tom Adrian. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Joe Bergkamp, Rodney Eggleston, and Dale Schmidt).

Time in Executive Session: 12:15 p.m.
Time out of Executive Session: 12:25 p.m.

No action was taken as a result of the Executive Session.

Moved by David Bogner and seconded by Ethan Reimer to adjourn the meeting. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (Joe Bergkamp, Rodney Eggleston, and Dale Schmidt). Jeff Winter, President, adjourned the Board meeting at 12:26 p.m.



David Bogner
Secretary
DB/TDB/rsw