

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

**Tuesday, August 16, 2022
9:30 a.m.**

**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 6, 2022, Special Board Meeting
- b) July 13, 2022, Board Meeting
- c) 2023 Annual Budget Hearing

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 - None

7. OLD BUSINESS

- a) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- b) District Lobbyist – Discussion

8. NEW BUSINESS

- a) Certification of 2021 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
- d) REAP

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

AUGUST 16, 2022

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting August 16, 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 9:31 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, via phone
Michael Baalman, Member	Joe Bergkamp, Member
Alan Burghart, Member	Rodney Eggleston, Member
Ethan Reimer, Member, via phone	Dale Schmidt, Member
David Stroberg, Member	Tom Adrian, District Attorney
Tim Boese, Manager	Brad Barton, Hydrogeologist
Rebecca Wilson, Admin. Assistant	

Others attending the meeting or portions thereof were:

Jeff Lanterman, DWR - Stafford, via phone	Scott Macey, City of Wichita
Laura Rainwater, REAP, via phone	Don Koci, Colwich, via phone

ITEM 1 – APPROVAL OF MINUTES

a) APPROVAL OF JULY 6, 2022, SPECIAL BOARD MEETING MINUTES

Moved by David Stroberg and seconded by David Bogner to approve the July 6, 2022, Special Board meeting minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

b) APPROVAL OF JULY 13, 2022, BOARD MEETING MINUTES

Moved by Rodney Eggleston and seconded by David Stroberg to approve the July 13, 2022, meeting minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

c) APPROVAL OF 2023 ANNUAL BUDGET HEARING MINUTES

Moved by David Bogner and seconded by Joe Bergkamp to approve the 2023 Annual Budget Hearing minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

ITEM 2 -- APPROVAL OF AGENDA

Moved by Rodney Eggleston and seconded by David Bogner to approve the Agenda as presented. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

ITEM 3 -- FINANCIAL REPORT

July Financial Report

Manager Tim Boese reviewed the July Financial Report and answered questions from Board members. Moved by Dale Schmidt and seconded by David Stroberg to approve the July Financial Report. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the August 2022 Approval of Expenditures and answered questions from Board members. Moved by Dale Schmidt and seconded by Alan Burghart to approve the August 2022 expenditures. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (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 Attorney Tom Adrian reminded the Board that last month the District filed a Petition for Judicial Review to the District Court of Harvey County. The Chief Engineer of the Division of Water Resources (DWR), through his counsel, responded by filing a Motion to Dismiss and Memorandum in Support Thereof to the District's Petition for Judicial Review, citing that the District's "relief" cannot be granted. The District now has seven days to respond to the Chief Engineer's motion, which was filed at approximately 4:55 p.m. on Friday, August 12, 2022. Manager Tim Boese and the District attorneys discussed the matter yesterday and the District will file a response to the Chief Engineer's Motion to Dismiss within seven days. 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 – DISCUSSION

Manager Tim Boese informed the Board that GMD5 has not committed to hiring a shared lobbyist with the District at this time, as their District would like to wait and see how the House Interim Water Committee meeting goes later this month. Tim is unaware of what the committee will be covering, but he plans to attend the meeting. Tim contacted the proposed lobbyist to discuss a possible reduction of fees if their services are only for GMD2, and he reviewed the potential reduced rate adjustments with the Board. Tim informed the Board that funding for the lobbyist will come from the Professional Services line item of the District budget. Board discussion followed. Moved by Dale Schmidt and seconded by Alan Burghart for Manager Tim Boese to negotiate proposal fees for District-only services covered by Option A of the proposed lobbyist contract, with a beginning date of service of November 1, 2022. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Mike McGinn). Tim will bring the lobbyist contract to the September 2022 Board meeting for review and approval by the Board.

ITEM 8 -- NEW BUSINESS

a) CERTIFICATION OF 2021 LAND AND WATER ASSESSMENTS TO COUNTY CLERKS

Manager Tim Boese provided the Board with information regarding the 2021 water use/land assessment. Discussion by the Board followed. Moved by Michael Baalman and seconded by David Bogner to certify the 2021 Land and Water Assessments and to send the certified assessments to the four (4) counties in the District for collection. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Mike McGinn).

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 field office has been busier than ever due to the drought. Jeff stated that the Stafford field office has started over 450 Water Bank Savings Account Term Permits in GMD 5 since July. Their office has also been inundated with Multi-Year Flex Accounts requests, and Jeff has requested that overtime be approved for his staff to complete all the necessary paperwork. Manager Tim Boese thanked the DWR staff for their assistance with the District's numerous MYFA requests.

b) KANSAS WATER AUTHORITY

Board member David Stroberg informed the Board that he and Manager Tim Boese attended the Kansas Water Authority (KWA) Water Policy Discussion meeting on August 10, 2022, in Salina. David stated that the meeting included a diverse group of stakeholders involved in Kansas water related issues from across the state. David reported that topics discussed involved an overview of the Kansas Water Plan priorities, including the need for a sustainable water supply of quality and quantity for the Kansas economy, as well as stressing education and communication of water related issues throughout the state. The next KWA meeting is scheduled for August 17, 2022, in Manhattan. There is also a KWA meeting scheduled for October 19, 2022.

David informed the Board that he attended a presentation at GMD5 by Steve Frost regarding the Upper Arkansas River Conservation Reserve Enhancement Program (CREP). The program is a voluntary and incentive-based way to promote water conservation by allowing landowners in targeted areas to retire their water rights while receiving state and federal payments for up to 15 years. The payments are based per acre and the amounts vary by county. Additionally, GMD5 is offering an additional \$500 per water right enrolled in the program. Board discussion followed.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner informed the Board that he did not attend the Equus-Walnut Regional Advisory Committee (RAC) meeting on August 9, 2022, but he did review the notes. Manager Tim Boese reported that the meeting was basically a webinar regarding the Kansas Water Authority budget, with an opportunity for RACs to provide input all the way down to the individual level. Tim informed the Board that he made comments on his own behalf recommending an increase to the budget for the Burton Chloride Plume, as well as ensuring that the Arbuckle study was properly funded. Tim stated that he also commented on how the majority of the budget is spent on surface water projects with only a small percentage of the budget being identified for groundwater projects. The date of the next Equus-Walnut RAC meeting has not yet been set.

d) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS

Manager Tim Boese informed the Board that he virtually attended the Regional Economic Area Partnership of South Central Kansas (REAP) meeting on July 28, 2022. Tim reported that there were no water related topics discussed during the meeting. Tim stated that REAP is sending out Requests for Proposal for lobbyists for the upcoming legislative session. The next REAP meeting is scheduled for September 8, 2022.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that Phase I recharge for June was 183.87 acre-feet with 82% into Recharge Basin 2. Phase II recharge was 256.97 acre-feet with 56% into

Recharge Basin 36. The July Recharge report has not yet been received. Cheney Reservoir: Conservation pool is 93.23% full (100% in July, flood pool 0.35% full in July). Level is 1.10 feet below normal (0.03 feet above normal in July). No Cheney release. Flow today: Little Ark - Highway 50 is 4.2 CFS; Valley Center is 14.6 CFS. Tim reported that there were higher flows the first part of July, with low/decreasing flows since that time. Jeff Lanterman, Water Commissioner at Division of Water Resources (DWR) Stafford, informed the Board that DWR issued Minimum Desirable Streamflow (MDS) orders on the Little Arkansas River above the Alta Mills gage and may issue orders above the Valley Center gage as well.

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 July, staff completed four application reviews, performed 38 water permit consultations, completed nine preliminary safe yield evaluations, conducted 477 water level measurements, collected 14 water samples, and processed a total of 20 administrative files. Additionally, District staff assisted several District water right owners and tenants with determining water use and MYFA options.

Tim educated the Board on Multi-Year Flex Accounts (MYFA) details and requirements. Board discussion followed.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Board Secretary David Bogner informed the Board that his brother went to a meeting in Yoder regarding concerns about high nitrate levels in the area water, issues with the Reno County Rural Water District (RWD) wells, and what other entities could provide the city of Yoder with water. David stated that those at the meeting were told to contact the District or David Stroberg, Board member and Kansas Water Authority member, with their concerns. Tim stated that he has received a few calls from landowners in the area, but he has not been contacted by the Reno County RWD regarding any issues with their wells. Jeff Lanterman, Water Commissioner at Division of Water Resources (DWR) Stafford, stated that DWR is aware of the situation, but they have not been contacted by the Reno County RWD. Tim stated that he could contact the Reno County RWD to offer assistance and information.

Board Vice President Vin Kissick questioned Jeff Lanterman, Water Commissioner at Division of Water Resources (DWR) Stafford, regarding the approval process for new meters to qualify for the Certified Water Flowmeter List. Jeff stated that interested water flowmeter vendors apply through the DWR Technical Services department in Manhattan, which then reviews the water flowmeter specifications to ensure that it meets the necessary requirements before it is placed on the approved list. Vin commented that he imagines over the next 20 years that changes will be made regarding water flowmeter efficiency, which may involve getting away from mechanical water flowmeters. Jeff stated that he is not a fan of battery-operated water flowmeters, as the batteries do not seem to last as long as they

are supposed to, and DWR has had several cases where the battery has failed, and no water use has been recorded for an extended period of time. Vin thanked Jeff for the information and stated that he hopes there are some incentives for water flowmeter vendors to move forward and modernize over the next several years.

District Attorney Tom Adrian informed the Board that registration is open for the Governor's Conference on the Future of Water in Kansas, which will be held on November 16-17, 2022, in Manhattan. Manager Tim Boese will send out agenda and registration information to the Board.

ITEM 13 – EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY

Moved by Joe Bergkamp and seconded by Vin Kissick for the Board to go into Executive Session for consultation with the District Attorney 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 11:35 a.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 (Mike McGinn).

Time in Executive Session: 11:05 a.m.

Time out of Executive Session: 11:35 a.m.

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

Moved by David Stroberg and seconded by Joe Bergkamp to adjourn the meeting. Motion carried with 11 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Jeff Winter, President, adjourned the Board meeting at 11:37 a.m.



David Bogner
Secretary
DB/TDB/rsw