

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**  
**NOVEMBER 7, 2018**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting November 7, 2018, 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 9:30 a.m.

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

Jeff Winter, President	Vin Kissick, Vice President
Alan Burghart, Secretary	Mike McGinn, Treasurer
David Bogner, Member	Joe Pajor, Member
Dale Schmidt, Member	Bob Seiler, Member
David Stroberg, Member	Tom Adrian, Attorney
Tim Boese, Manager	Rebecca Wilson, Admin. Assistant

Others attending the meeting or portions thereof were:

Cameron Conant, KDA – DWR Stafford	Brian Meier, Burns & McDonnell
Daniel Clement, Burns & McDonnell	Scott Macey, City of Wichita
Brian Klager, USGS	David Brenn, Kansas Water Congress
Ron Graber, KSRE	Byron Warta, Equus Walnut RAC
Doug Mick, CHS	Ray Flickner, Public
Ted Saranchuk, Public	

**ITEM 1A -- APPROVAL OF OCTOBER 17, 2018 MEETING MINUTES**

Moved by Vin Kissick and seconded by David Bogner to approve the Minutes. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

**ITEM 1B -- APPROVAL OF OCTOBER 29, 2018 MEETING MINUTES**

Moved by Vin Kissick and seconded by David Bogner to approve the Minutes. Motion carried with 7 Directors for, 0 Directors against, 1 Directors abstained (Dale Schmidt), and 1 Director absent.

**ITEM 2 -- APPROVAL OF AGENDA**

Moved by David Bogner and seconded by Alan Burghart to add an Executive Session following Item 3 – Financial Report, for consultation with the District Attorney regarding personnel matters, and approve the Agenda as amended. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

**ITEM 3 -- FINANCIAL REPORT**

**October Financial Report**

Moved by Joe Pajor and seconded by David Stroberg to approve the October Financial Report. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

**ITEM 4 – EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Bob Seiler to recess into Executive Session to discuss personnel matters relating to non-elected personnel regarding the resignation

of the hydrogeologist, 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 9:50 a.m. Those present in Executive Session are: Members of the Board, the District Manager Tim Boese, and the District Attorney Tom Adrian. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Director absent.

Time in Executive Session: 9:36 a.m.

Time out of Executive Session: 9:50 a.m.

There was no action by the Board as a result of the Executive Session.

#### **ITEM 5 -- APPROVAL OF EXPENDITURES**

Moved by Vin Kissick and seconded by Mike McGinn to approve the November expenditures except the payment in the amount of \$500 for Kansas Water Congress membership dues. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

#### **ITEM 6 -- PUBLIC FORUM – NONE**

#### **ITEM 7 -- APPEAL REVIEW – NONE**

#### **ITEM 8 -- EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Alan Burghart to recess 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 10:25 a.m. Those present in Executive Session are: Members of the Board (except Joe Pajor), the District Manager Tim Boese, and the District Attorney Tom Adrian. Board member Joe Pajor objected to Board members Mike McGinn and Bob Seiler being present in the Executive Session, as they were previously on record as being members of the Interveners group hearing party regarding the City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications. District Attorney Tom Adrian noted Joe's objection. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

Time in Executive Session: 9:54 a.m.

Time out of Executive Session: 10:25 a.m.

Moved by David Stroberg and seconded by Bob Seiler to extend the Executive Session for 10 minutes and to resume the open meeting at 10:35 a.m. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

Time in Executive Session: 10:26 a.m.

Time out of Executive Session: 10:35 a.m.

There was no action by the Board as a result of the Executive Session.

#### **ITEM 9 -- OLD BUSINESS**

##### **a) Kansas Water Congress Annual Membership – David Brenn**

Kansas Water Congress President David Brenn provided the Board with a history of and the draft Strategic Plan for the Kansas Water Congress. Discussion by the Board

followed regarding the District retaining membership in the Kansas Water Congress. Moved by Bob Seiler and seconded by Vin Kissick for the District to retain membership in the Kansas Water Congress and to put a member on the State Affairs Committee, as well as request the Kansas Water Congress advocate on behalf of the District regarding the City of Wichita ASR Proposed Permit Modifications. Motion carried with 8 Directors for, 1 Director against (Joe Pajor), 0 Directors abstained, and 0 Directors absent.

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

Manager Tim Boese provided the Board with an update regarding the City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications. Tim stated that District staff and attorneys are reviewing the discovery responses submitted by the City of Wichita and DWR and have asked that the close of discovery and other hearing deadlines, including the hearing date, be extended 60 days. Tim reminded the Board that the Public Hearing regarding the proposed permit modifications is scheduled for December 11, 2018, and continued to December 12, 2018, if needed. Tim recommended that the Board schedule a Special Board meeting to review the information and formulate a formal opinion, in the case that an extension is not granted by the Chief Engineer. Moved by Bob Seiler and seconded by Alan Burghart to schedule a Special Board meeting on Wednesday, November 28, 2018, at 9:30 a.m. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Board member Bob Seiler questioned the feasibility of asking other entities for funding and support regarding the City of Wichita ASR Proposed Permit Modifications. Discussion by the Board followed. Moved by Bob Seiler and seconded by Alan Burghart to direct the District Manager to search for outside financial assistance and support to review the ASR information, model, and proposal. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

**c) DECEMBER BOARD MEETING**

Manager Tim Boese suggested moving the December Board Meeting due to the City of Wichita Aquifer Storage & Recovery (ASR) Hearing being held on December 11, 2018, and continuing to December 12, 2018, if needed. Moved by Vin Kissick and seconded by Bob Seiler to move the December Board meeting to December 5, 2018, at 8:00 a.m. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

**ITEM 10 -- NEW BUSINESS – NONE**

**ITEM 11 -- AGENCY & COMMITTEE REPORTS**

**a) DIVISION OF WATER RESOURCES**

Cameron Conant, DWR – Stafford Field Office, informed the Board that DWR is planning a press release to inform the public of a new online water use reporting policy. Starting with the 2018 water use reporting period, KDA-DWR will implement a \$20 per water right paper filing fee on each water use report when that report is submitted in paper form. Cameron stated that the fee could be avoided if the report is completed online. Discussion by the Board followed. Board member Mike McGinn suggested that DWR staff could come to the District Annual Meeting to train water right owners how to complete the report online, which Cameron agreed would be beneficial. Cameron also informed the Board that DWR plans to put an instructional video on how to complete the report online on their website. Moved by Bob Seiler and seconded by Mike McGinn for

Manager Tim Boese to send a letter to the Chief Engineer in opposition of the new policy. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Board member Bob Seiler questioned Cameron about any leniency by DWR regarding the recent over pumping penalties. Cameron suggested that Bob encourage those individuals who have received penalties to utilize the settlement conference as an opportunity to explain their specific situation to DWR.

**b) KANSAS WATER AUTHORITY**

Board Vice President Vin Kissick reminded the Board that the next Kansas Water Authority (KWA) meeting is scheduled for December 18, 2018, at the American AgCredit building in Wichita. Vin also reminded the Board that Kansas Water Office (KWO) Director Tracy Streeter will be retiring on December 14, 2018, and Earl Lewis, KWO Assistant Director, will be the Interim Director until a new Director is appointed next year.

**c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE**

Bob Seiler informed the Board that there is nothing new to report for the Equus-Walnut RAC.

**ITEM 12 -- MANAGER'S REPORT**

**a) ASR Project Report**

Tim Boese, Manager, advised the he has not received the October recharge report. Cheney Reservoir: Conservation pool is 100.00% full and the flood pool is 14.94% full. Cheney release is 1477 CFS. Flow today: Little Ark - Highway 50 is 51.4 CFS; Valley Center is at 105 CFS. Tim reported that the river was above baseflow most of October.

**b) ADMINISTRATIVE FIELD TASKS**

Tim Boese, Manager, reported that in October, staff assisted completing one new/change/division application and three notice of completions and extensions, conducted four application reviews, performed 19 water permit consultations (many related to over-pumping and MYFAs), completed 3 preliminary safe yields, fielded 9 ASR questions, and processed a total of 189 files including VI cards, new applications, dismissals, ownership changes, certificates, DWR compliance investigations, compliance orders/civil penalties, service contract and meter repair invoices, and notices to complete and perfect. Additionally, David Randolph, District Hydrologic Technician, collected 27 water samples in the oil field contamination areas and completed 519 quarterly water level measurements.

**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 October.

**d) MONTHLY INFORMATION & SERVICE REPORT**

Tim Boese, Manager, presented customer service requests for the month of October.

**ITEM 13 -- ADDITIONS TO THE AGENDA – NONE**

**ITEM 14 -- BOARD ROUND TABLE DISCUSSION – JEFF WINTER, PRESIDENT**

Manager Tim Boese reminded the Board that the Groundwater Management Districts Association (GMDA) Winter Conference will be held in Phoenix, Arizona January 7-9, 2019, followed by the National Water Resources Association (NWRA) Conference January 10-11, 2019, also in Phoenix, Arizona.



Tim also informed the Board that there is a meeting scheduled for November 12, 2018, in Manhattan and via teleconference to discuss the scope of the remediation of the Burrton Chloride Plume.

Vin asked for clarification regarding the use of a Multi-Year Flex Account (MYFA) in regard to an over pumping reduction or suspension. Manager Tim Boese clarified that MYFAs are not guaranteed to help mitigate the over-pumping penalty, but that discussing a MYFA as an option could be part of the settlement conference with DWR.

Board member Bob Seiler questioned Joe Pajor regarding the City of Wichita's current pumping process now that Cheney Reservoir is full. Joe confirmed that the City of Wichita continues to pump the maximum quantity out of the aquifer subject to treatment plant requirements. Manager Tim Boese asked Joe if the City of Wichita could furnish the District with an updated report showing the amounts being pumped from the aquifer and from Cheney Reservoir for the year, similar to the reports that were previously sent by the City to the District.

#### **ITEM 15 – EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Alan Burghart to recess into executive session for consultation with the District attorney regarding pending litigation 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, the District Manager Tim Boese, and the District Attorney Tom Adrian. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Time in Executive Session: 11:57 p.m.

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

There was no action by the Board as a result of the Executive Session.

#### **ITEM 16 – EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Alan Burghart to recess into executive session for consultation with the District attorney regarding pending litigation 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 12:10 p.m. Those present in Executive Session are: Members of the Board (except Joe Pajor), the District Manager Tim Boese, and the District Attorney Tom Adrian. Motion carried with 8 Directors for, 0 Directors against, 1 Directors abstained (Joe Pajor), and 0 Directors absent. Board member Joe Pajor objected to Board members Mike McGinn and Bob Seiler being present in the Executive Session, as they were previously on record as being members of the Interveners group regarding the City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications. District Attorney Tom Adrian noted Joe's objection. David Stroberg amended, and Mike McGinn seconded the motion to change the time the open meeting would resume following the Executive Session to 12:15 p.m. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

Time in Executive Session: 12:10 p.m.

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

There was no action by the Board as a result of the Executive Session.

Moved by David Bogner and seconded by Joe Pajor to adjourn the meeting. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Jeff Winter, President, adjourned the Board meeting at 12:16 p.m.



Alan Burghart  
Secretary  
AB/TDB/rsw