

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

**Wednesday, March 10, 2021
9:30 a.m.**

**Note: Due to COVID-19, the public is encouraged to not attend the meeting in-person.
A call in number will be available for the public.
Please contact the District for additional information**

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1. APPROVAL OF MINUTES

2. APPROVAL OF AGENDA

3. FINANCIAL REPORT

- a) Annual Financial Audit – Amy Elliott – Knudsen Monroe & Co., LLC
- b) February 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) Woodard, LLC, Appropriation Application No. 50310, Sedgwick County
- b) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- c) Review of Change Applications – Water Permit Nos. 40518 & 48676
- d) Review of Board Representation District Standard & Policy D.S.P. 8103.1
- e) KDA/DWR Draft Legislation and Regulations

8. NEW BUSINESS

- a) Vehicle Bids Review

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

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

MARCH 10, 2021

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting March 10, 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 9:31 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
Joe Bergkamp, Member	Alan Burghart, Member, via phone
Bob Seiler, Member	David Stroberg, Member
Tom Adrian, District Attorney	Tim Boese, Manager
Rebecca Wilson, Admin. Assistant	

Directors absent: Dale Schmidt, Member

Others attending the meeting or portions thereof were:

Jeff Lanterman, DWR-Stafford, via phone	Scott Macey, City of Wichita, via phone
Brian Meier, Burns & McDonnell, via phone	Daniel Clement, Burns & McDonnell, via phone
Amy Elliott, Knudsen & Monroe Co.	Laura Rainwater, REAP, via phone
Kathy Sexton, City of Derby, via phone	Eric Goering, via phone
Tessa Wendling, Halstead, via phone	Nadine Stannard, via phone
Ted Saranchuk, Hutchinson, via phone	

ITEM 1 -- APPROVAL OF MINUTES

Board Vice President Vin Kissick asked that the minutes pertaining to Item 12 – Board Round Table Discussion be modified to reflect the interest in saving water shown by District members. Moved by Vin Kissick and seconded by David Bogner to approve the February 10, 2021, meeting minutes with the recommended changes. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and Dale Schmidt).

ITEM 2 -- APPROVAL OF AGENDA

Manager Tim Boese recommended that Item 13 – Executive Session - Consultation with Attorney be changed to Executive Session - Personnel. Moved by David Stroberg and seconded by David Bogner to approve the Agenda with the recommended change. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Bob Seiler and Dale Schmidt).

ITEM 3 -- FINANCIAL REPORT

a) Annual Financial Audit – Amy Elliott – Knudsen, Monroe & Co., LLC

Amy Elliott reviewed the 2020 Annual Financial Audit, including the Financial Statement. Amy recommended that District staff coordinate with the bank regarding the District's pledged securities to ensure sufficient securities are always pledged to the District. Amy answered questions from the Board. Moved by Joe Bergkamp and seconded by Mike McGinn to accept the 2020 Annual Financial Audit as presented. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

b) February Financial Report

Manager Tim Boese reviewed the February Financial Report. Moved by David Stroberg and seconded by Vin Kissick to approve the February Financial Report. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the March Approval of Expenditures. Discussion by the Board regarding McCrometer and meters. Moved by Vin Kissick and seconded by David Stroberg to approve the March 2021 expenditures. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

ITEM 5 -- PUBLIC FORUM – NONE

ITEM 6 -- APPEAL REVIEW – NONE

ITEM 7 -- OLD BUSINESS

a) WOODARD, LLC, APPROPRIATION APPLICATION No. 50310, SEDGWICK COUNTY

Manager Tim Boese reviewed information regarding Appropriation Application No. 50310. The applicant's consultant, Brian Meier of Burns & McDonnell, was present and provided information to the Board. Discussion by the Board followed.

FINDINGS:

1. Application No. 50310, as modified, proposes 18.67 acre-feet for the evaporation loss from three proposed groundwater pits totaling 11.2 acres with a geo-graphic center located in the Southwest quarter of the Northeast quarter of the Northwest quarter (4331N & 3800'W), Section 29, Township 26 South, Range 1 West, Sedgwick County.
2. The modified application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the proposed point of diversion (groundwater pits) does not meet the minimum spacing requirement of 1,320 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033, and to the edge of the groundwater pit authorized by Water Permit No. 47565.
3. The edge of the proposed groundwater pit is located approximately 550 feet to the irrigation well authorized by Water Right Nos. 38514 & 39033 and is located approximately 960 feet to the closest edge of the groundwater pit authorized by No. 47565.
4. The application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), as the edge of the proposed groundwater pit does not meet the minimum spacing requirement of 330 feet to four potential domestic wells.
5. In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition a signed spacing consent form signed by the owner's representative for the irrigation well authorized by Water Right Nos. 38514 & 39033.
6. No signed spacing consent forms were submitted with the appeal petition for Water Permit No. 47565, or for any of the domestic wells.
7. Water Permit No. 47565 is now owned by multiple lot owners in the Carriage Crossing housing addition.
8. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.

9. The modified proposed groundwater pits locations does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), but the modified location did decrease the number of potential domestic lawn-watering wells to four, and did increase the spacing distance to the other domestic lawn-watering wells and to the Carriage Crossing groundwater pit authorized by Water Permit No. 47565
10. The applicant's consultant mailed notification letters to the domestic well owners located within 330 feet of the proposed groundwater pits and to all the apparent owners of Water Permit No. 47565.
11. The District received two calls, and the applicant's consultant received one email, from some of the owners of Water Permit No. 47565 groundwater pit. The inquiries were informational and did not appear to be for or against the application.
12. No spacing consent forms were submitted from the nearby well owners and Water Permit No. 47565 owners as a result of the notification.
13. The modified application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
14. Hydrologic data indicates that saturated thickness in the application area is approximately 70 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
15. Drawdown caused by the proposed groundwater pits would be minimal and impairment of nearby points of diversion is not anticipated.
16. Groundwater flow direction at the proposed groundwater pit appears to be to the southeast and away from the existing senior points of diversion that are closer than the minimum spacing requirements.
17. The Board of Directors has previously reviewed similar applications that did not meet spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c) and recommended the application(s) for approval.

Moved by Vin Kissick and seconded by David Stroberg to recommend that the application be granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c), and that the application be recommended for approval, subject to:

1. Application No. 50310 is modified as described by the applicant's consultant to 18.67 acre-feet for a total groundwater pit area of 11.2 acres with a geo-center located 4331' North and 3800' West of the southeast corner of Section 29-26S-1W, Sedgwick County;
2. A permit condition be added requiring the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit;
3. Treated surface water may enter the pit only if the quality of water entering the groundwater pit does not degrade the groundwater quality, and appropriately engineered, constructed and maintained water treatment best management practices (BMPs) are utilized, including at a minimum that the SNOUT stormwater management systems with Bio-Skirts are installed at the most downstream street curb inlets as described by the applicant's consultant, or alternative BMPs are installed as provided for in the City of Maize stormwater regulations and approved by the Equus Beds Groundwater Management District prior to installation; and
4. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit, and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction.

Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

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

Manager Tim Boese informed the Board that the hearing finished on February 19, 2021. Tim stated that each party will have 90 days to submit their Findings of Facts and Conclusion and legal briefs which can be up to 100 pages in length. Tim also stated that each party then has up to 45 days after that to submit response briefs. The hearing officer will then review all the information and make a ruling.

c) REVIEW OF CHANGE APPLICATIONS – WATER PERMIT Nos. 40518 AND 48676

Manager Tim Boese and District Attorney Tom Adrian provided, and reviewed with the Board, a copy of the District's response letter submitted to the Division of Water Resources.

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

Manager Tim Boese reviewed for the Board the draft District response letter to the Regional Economic Area Partnership of South Central Kansas (REAP). Moved by Bob Seiler and seconded by Mike McGinn to send the letter. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

e) KDA/DWR DRAFT LEGISLATION AND REGULATIONS

Manager Tim Boese reviewed for the Board the District response letter submitted to DWR regarding concerns with the Water Conservation Area (WCA) draft regulations. Tim informed the Board that other GMDs and stakeholders submitted similar concerns. Tim stated that the Chief Engineer acknowledged the concerns and advised that the draft WCA regulations would not move forward at this time and further discussions with the GMDs and other stakeholders will continue. Tim will continue to update the Board as he receives additional information from the Chief Engineer. Tim continues to monitor all other proposed water-related regulations and legislation.

Tim also informed the Board that it was decided that the GMDs can each present to the House Water Committee on March 17, 2021. Details continue to be determined, but Tim plans to present and represent GMD2 in person.

ITEM 8 -- NEW BUSINESS

a) VEHICLE BIDS REVIEW

Manager Tim Boese reviewed for the Board the vehicle bids received by the District. Discussion by the Board followed. Moved by Bob Seiler and seconded by Mike McGinn to purchase the 2021 Ford F-150 XL 4x4 half ton regular cab truck option #2 (trade-in of 2011 Ford F-250) from Mel Hambleton Ford. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR-Stafford, reminded the Board that the Stafford office is still closed to the public, but that they are taking appointments. Jeff informed the Board that DWR has a large backlog of water permit compliance inspections, including several in GMD2, which they are going to begin working to complete.

b) KANSAS WATER AUTHORITY

Board member David Stroberg informed the Board that the Kansas Water Authority continues to work on the 2022 budget.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner reported that the next meeting is scheduled for March 17, 2021, at 9:30 a.m. Additional information about the meeting is available on the Kansas Water Office website.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that Phase I Recharge for January was 11.85 acre-feet, with 68% into Recharge Basin 2. There was no recharge in Phase II in January. Tim reported that he has not received the February report. Cheney Reservoir: Conservation pool is 94.98% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 18.6 CFS; Valley Center is 45 CFS. Tim reported that the flow has been low for most of February, except a spike at the end of January and beginning of February. Tim informed the Board that he has received the City of Wichita Aquifer Storage & Recovery (ASR) 2018 and 2019 Accounting Reports and he will schedule them both for Board review when the staff review is completed.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in February, staff aided with 16 applications, completed five application reviews, performed 17 water permit consultations, completed 27 preliminary safe yield reviews and two information requests, assisted with completing 33 online water use reports in the District office, conducted 52 water level measurements, assisted with the plugging of three abandoned wells, and processed a total of 72 administrative files and verified claims.

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 February.

d) MONTHLY INFORMATION & SERVICE REPORT

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

Tim informed the Board that he is still coordinating with the Kansas Corporation Commission (KCC) regarding installation of new and replacement of old monitoring wells in the Burton area.

Tim informed the Board that Kansas State University (KSU) installed new portable weather stations at the Mt. Hope and Pretty Prairie sites to compare with the data from the existing stations.

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – JEFF WINTER, PRESIDENT – NONE

ITEM 13 -- EXECUTIVE SESSION

Moved by David Stroberg and seconded by Vin Kissick to recess into Executive Session to discuss personnel matters relating to non-elected personnel regarding the District Manager's employment 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 12:00 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 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Dale Schmidt).

Time in Executive Session: 11:45 a.m.
Time out of Executive Session: 12:00 p.m.

Moved by Mike McGinn and seconded by Bob Seiler to extend the Executive Session for ten minutes and to resume the open meeting at 12:13 p.m. Motion carried with 7 Directors for, 0 Directors against, 0 Director abstained, and 2 Directors absent (Dale Schmidt and David Stroberg).

Time in Executive Session: 12:03 p.m.
Time out of Executive Session: 12:13 p.m.

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

Moved by Bob Seiler and seconded by Vin Kissick to adjourn the meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Dale Schmidt and David Stroberg). Jeff Winter, President, adjourned the Board meeting at 12:25 p.m.



David Bogner
Secretary
DB/TDB/rsw