

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

**Wednesday, December 5, 2018**  
**8:00 a.m.**

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 - None**
- 7. EXECUTIVE SESSION – Consultation with Attorney**
- 8. OLD BUSINESS**
  - a) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- 9. NEW BUSINESS**
  - a) Burrton IGUCA Application Review - No. 50026, Mary S. McCurry, SW/4 Sec. 35-23-4W
  - b) GMDA Winter Conference – Phoenix, January 7-9, 2019
  - c) January Board Meeting
- 10. AGENCY & COMMITTEE REPORTS**
  - a) Division of Water Resources
  - b) Kansas Water Authority
  - c) Equus - Walnut Regional Advisory Committee
- 11. MANAGER'S REPORT**
  - a) ASR Project Report
  - b) Administrative and Field Tasks
  - c) Review of Term Permit Applications
  - d) Monthly Information and Service Report
- 12. ADDITIONS TO THE AGENDA**
- 13. BOARD ROUND TABLE DISCUSSION**
- 14. EXECUTIVE SESSION – Consultation with Attorney**
- 15. EXECUTIVE SESSION – Consultation with Attorney**
- 16. EXECUTIVE SESSION – Personnel**

**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**

### **DECEMBER 5, 2018**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting December 5, 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 8:02 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:

Daniel Clement, Burns & McDonnell	Scott Macey, City of Wichita
Gina Bell, Harvey County	Doug Mick, CHS McPherson
John McCurry, Public	Mary McCurry, Public
Ted Saranchuk, Public	

#### **ITEM 1A -- APPROVAL OF NOVEMBER 7, 2018 MEETING MINUTES**

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

#### **ITEM 2 -- APPROVAL OF AGENDA**

Moved by Vin Kissick and seconded by Alan Burghart to approve the Agenda. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

#### **ITEM 3 -- FINANCIAL REPORT**

##### **November Financial Report**

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

#### **ITEM 4 -- APPROVAL OF EXPENDITURES**

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

#### **ITEM 5 -- PUBLIC FORUM – NONE**

#### **ITEM 6 -- APPEAL REVIEW – NONE**

#### **ITEM 7 – EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Vin Kissick 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 8:40 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. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 1 Director absent.

Time in Executive Session: 8:10 a.m.

Time out of Executive Session: 8:40 a.m.

Moved by David Stroberg and seconded by Mike McGinn to extend the Executive Session for 15 minutes and to resume the open meeting at 8:56 a.m. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 1 Director absent.

Time in Executive Session: 8:41 a.m.

Time out of Executive Session: 8:56 a.m.

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

#### **ITEM 8 -- OLD BUSINESS**

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

Manager Tim Boese provided the Board with an update regarding the hearing schedule for the City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications. 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 stated that the formal hearing will tentatively occur on February 13, 2019, and February 14, 2019. A conference call with the Chief Engineer and the other parties is scheduled for February 7, 2019, to settle on a date, which will depend on when the consultants and expert witnesses will be available and will have their work completed. Tim informed the Board that the District newsletter is going out tomorrow with additional information regarding the upcoming hearing. Tim also stated that District staff felt it was important that the well owners within one-half mile of the existing ASR Phase II permits were notified of the hearing, so staff sent direct mailings to all those owners, which was a total of 160 letters. District staff continues to review the proposal.

Moved by Alan Burghart and seconded by David Bogner to authorize the District Manager to spend an additional \$40,000 of District funds on existing and additional consultants and experts relating to the ASR Proposed Permit Modifications. Motion carried with 7 Directors for, 1 Director against (Joe Pajor), 0 Directors abstained, and 1 Director absent.

#### **ITEM 9 -- NEW BUSINESS**

##### **a) Burrton IGUCA Application Review – No. 50026, Mary S. McCurry, SW/4 Sec. 35-23-4W**

Tim Boese, Manager, presented information regarding application No. 50026. The applicant and her son, John McCurry, were both present and provided information regarding the application.

Based on the following District findings that:

- 1) The application complies with the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17;
- 2) The application is subject to District metering regulation K.A.R. 5-22-4a;
- 3) The well proposed by the application is the irrigation well authorized by Water Permit No. 48417. The proposed place of use identically overlaps the place of use proposed by the change application filed on Water Permit No. 48417.
- 4) The District Board of Directors reviewed Application No. 48417 on May 13, 2014, and recommended it for approval, subject to several conditions.
- 5) Current hydrologic conditions, including chloride concentrations, in the area of the application are similar to the hydrologic conditions when the Board reviewed Application No. 48417.
- 6) Water quality data obtained from water samples collected from the proposed irrigation well authorized by Water Permit No. 48417 indicates a decreasing trend in chloride concentrations at the well site.

Moved by Joe Pajor and seconded by David Bogner that the application be recommended for approval subject to:

1. The proposed well shall comply with the well construction standards adopted by the Kansas Department of Health and Environment for the Burrton Intensive Groundwater Use Control Area.
2. The constructed well be equipped with a sample port or ports for water sample collection.
3. The point of diversion be restricted to the aquifer's uppermost zone with the lower screen limit of the proposed well to be set at or above the first encountered significant clay layer (approximately 40 feet below land surface).
4. The applicant submit biannual water samples collected from the point of diversion to be collected at the start and end of each pumping season and analyzed by a State accredited water quality laboratory for chloride and specific conductance.
5. Water sample collection shall be conducted by trained and qualified persons as determined by the Division of Water Resources and the Equus Beds Groundwater Management District. The collection and water quality analysis of each sample shall be completed at the applicant's expense.
6. Any application for change in point of diversion to modify the well to a depth greater than the first encountered significant clay layer (approximately 40 feet below land surface), shall be subject to District Board review.
7. The permit shall be subject to Board review if chloride concentrations from the point of diversion equal or exceed 250 mg/L;
8. The approved water permit is subject to the provisions of the June 1, 1984, Burrton Intensive Groundwater Use Control Area order or any revisions thereof.

Additionally, the motion included that the change in place of use application filed on Water Permit No. 48417 be approved, subject to the approval of Application No. 50026.

Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

**b) GMDA WINTER CONFERENCE – PHOENIX, JANUARY 7-9, 2019**

Manager Tim Boese reminded the Board of the GMDA Winter Conference in Phoenix, Arizona, January 7-9, 2019. Tim is on the Board of the GMDA, but he stated that due to District budget constraints, as well as possible scheduling conflicts with the ongoing ASR hearings, he does not plan to attend the conference in person. Tim stated that he could join the conference via teleconference, as needed. Moved by Mike McGinn and seconded by Bob Seiler for the District Manager to attend the GMDA Winter Conference at his discretion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

**c) JANUARY BOARD MEETING**

Board discussion regarding the January Board meeting and the potential conflict with the GMDA Winter Conference. Moved by Joe Pajor and seconded by Alan Burghart to move the January Board meeting to January 16, 2019, at 9:30 a.m. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

**ITEM 10 -- AGENCY & COMMITTEE REPORTS**

**a) DIVISION OF WATER RESOURCES**

State offices are closed today, so staff from DWR – Stafford Field Office did not attend the meeting. Tim provided the Board with an update on the new DWR policy for filing annual Water Use Reports online and filing by paper was subject to a \$20 fee per water right file. Tim advised that DWR is moving forward with the policy starting with the 2018 water use reports, despite opposition. Board discussion followed.

**b) KANSAS WATER AUTHORITY**

Board Vice President Vin Kissick reminded the Board that the next Kansas Water Authority (KWA) meeting is scheduled for December 19, 2018, at the American AgCredit building in Wichita. Vin also stated that there have been several questions raised regarding the status of members of the KWA Board in regard to the new administration. Vin stated that positions are typically held until their term is up, and he discovered that his term was up last year. District Manager Tim Boese received clarification that Vin will continue to serve on the KWA Board until reappointed or replaced and stated that he will discuss this appointment with the GMD5 Manager, as GMD2 and GMD5 are jointly represented on KWA by one member.

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

Bob Seiler informed the Board that there is nothing new to report for the Equus-Walnut RAC. Board Vice President Vin Kissick informed the Board that an agenda item at the last Kansas Water Authority meeting was making recommendations for structural guidelines for Regional Advisory Committees. Vin feels that additional structure and guidelines are necessary, and he intends to continue to address this issue.

**ITEM 11 -- MANAGER'S REPORT**

**a) ASR Project Report**

Tim Boese, Manager, advised the he has not received the November recharge report. October Recharge: Phase I recharge is 347.7 AF (73.2% into RB2); Phase II recharge is 641.1 AF (59.3% into RB36). October report indicated no water sample collected and analyzed for Phase I recharge operations. No explanation on the report was given. GMD2 staff will look into issue of non-compliance with the Class V injection permit. Cheney Reservoir: Conservation pool is 100.00% full and the flood pool is 7.75% full.

Cheney release is 124 CFS. Flow today: Little Ark - Highway 50 is 307 CFS; Valley Center is at 509 CFS.

**b) ADMINISTRATIVE FIELD TASKS**

Tim Boese, Manager, reported that in November, staff assisted completing three new/change/division applications, six MYFA applications, nine notice of completions and extensions, conducted thirteen application reviews, performed 18 water permit consultations (many related to over-pumping and MYFAs), completed 10 preliminary safe yields, fielded 9 ASR questions, and processed a total of 61 files including VI cards, new applications, ownership changes, certificates, compliance orders/civil penalties, and notices to complete and perfect.

**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 November.

**d) MONTHLY INFORMATION & SERVICE REPORT**

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

**ITEM 12 -- ADDITIONS TO THE AGENDA – NONE**

**ITEM 13 -- BOARD ROUND TABLE DISCUSSION – JEFF WINTER, PRESIDENT**

District Attorney Tom Adrian informed the Board that his office was hired in June 2018 by GMD1 to assist with their Local Enhanced Management Area (LEMA) application. Tom stated that this process has involved him in the LEMA issues of GMD4, as well. Tom advised the issues included the “first in time, first in right” process, as well as the argument by some that a “plan of depletion” has already been decided in western Kansas. Tom reminded the Board how fortunate GMD2 is to not have these issues at this time.

**ITEM 14 – EXECUTIVE SESSION**

Moved by David Stroberg and seconded by Bob Seiler 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 10:34 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 Directors absent.

Time in Executive Session: 10:24 a.m.  
Time out of Executive Session: 10:34 a.m.

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

**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 10:40 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. Motion carried with 8

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

Time in Executive Session: 10:35 a.m.

Time out of Executive Session: 10:40 a.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 David Bogner to recess into Executive Session to discuss personnel matters relating to non-elected personnel regarding the annual District staff performance evaluations 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 11:15 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: 10:41 a.m.

Time out of Executive Session: 11:15 a.m.

Moved by David Stroberg and seconded by Vin Kissick to extend the Executive Session for 20 minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Time in Executive Session: 11:15 a.m.

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

Moved by Mike McGinn and seconded by Alan Burghart to give each District staff member a three percent salary raise effective January 1, 2019, give the Administrative Assistant a two percent net bonus equivalent to \$840, give the Hydrologic Technician a two percent net bonus equivalent to \$910, give the Manager a net bonus of \$5,000, and to close the District office on December 24, 2018. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Moved by Alan Burghart and seconded by David Stroberg to ratify the District Manager's contract for one year with the new salary. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Moved by David Bogner and seconded by David Stroberg 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 11:38 a.m.



Alan Burghart  
Secretary  
AB/TDB/rsw