

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

**Wednesday, June 8, 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
Phone: (316) 835-2224 • Fax: (316) 835-2225 • E-mail: equusbeds@gmd2.org**

1. APPROVAL OF MINUTES

- a) May 25, 2022, Board Meeting
- b) Annual Meeting Review

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) Watermarke HOA, Appropriation Application No. 50418, Sedgwick County
- b) Gregg Wilhite, Appropriation Application No. 50580, Sedgwick County
- c) Carlson Investment, LLC, Appropriation Application No. 50663, Sedgwick County

7. OLD BUSINESS

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

8. NEW BUSINESS

- a) Draft FY 2023 Budget Review

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

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

JUNE 8, 2022

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting June 8, 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 9:34 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 Baalman, Member	Joe Bergkamp, Member
Alan Burghart, Member, via phone	Ethan Reimer, Member
Dale Schmidt, Member	David Stroberg, Member
Tim Boese, Manager	Brad Barton, Hydrogeologist
Rebecca Wilson, Admin. Assistant	Reece Hiebert for Tom Adrian, District Attorney

Directors absent: Rodney Eggleston, Member

Others attending the meeting or portions thereof were:

Jeff Lanterman, DWR - Stafford, via phone	Scott Macey, City of Wichita
Daniel Clement, Burns & McDonnell	Suzanne Loomis, City of Newton, via phone
Laura Rainwater, REAP, via phone	Greg DuMars, KMU, via phone

ITEM 1A -- APPROVAL OF MAY 25, 2022, BOARD MEETING MINUTES

Moved by Dale Schmidt and seconded by David Stroberg to approve the May 25, 2022, meeting minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Rodney Eggleston and Mike McGinn).

ITEM 1B -- REVIEW OF APRIL 26, 2022, ANNUAL MEETING MINUTES

Board discussion reviewing April 26, 2022, Annual Meeting Minutes. Board consensus was to present the Annual Meeting Minutes at the next Annual Meeting for approval.

ITEM 2 -- APPROVAL OF AGENDA

Moved by Ethan Reimer and seconded by David Stroberg to approve the Agenda as presented. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

ITEM 3 -- FINANCIAL REPORT

May Financial Report

Manager Tim Boese reviewed the May Financial Report and answered questions from Board members. Moved by Vin Kissick and seconded by Dale Schmidt to approve the May Financial Report. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

ITEM 4 -- APPROVAL OF EXPENDITURES

Manager Tim Boese reviewed the June 2022 Approval of Expenditures and answered questions from Board members. Moved by Dale Schmidt and seconded by David Stroberg

to approve the June 2022 expenditures. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

ITEM 5 -- PUBLIC FORUM – NONE

ITEM 6 -- APPEAL REVIEW

a) Watermarke HOA, Appropriation Application No. 50418, Sedgwick County

Manager Tim Boese presented information regarding Appropriation Application No. 50418. The applicant's consultant was present at the Board meeting and answered questions and provided additional information, as did Reece Hiebert, attorney for Adrian & Pankratz, and Jeff Lanterman, Water Commissioner of the Division of Water Resources Stafford Field Office.

FINDINGS:

1. Application No. 50418 proposes 14.3 acre-feet per year at a revised maximum rate of 50 gallons per minute (from previously proposed 160 gpm) for irrigation use (using sprinkler system for green space in the surrounding development) from a well located in the Southeast quarter of the Southwest quarter of the Northeast quarter (2938'N & 1528'W), Section 13, Township 26 South, Range 1 West, Sedgwick County.
2. The proposed well is an existing well drilled and constructed in 2008 and has been used from 2019-2022 for irrigation purposes under permit #46474 issued by DWR in 2006.
3. The application does not comply with the District's Well Spacing Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion is located less than the required minimum spacing distance of 660 feet to numerous domestic wells located to the north and northeast.
4. The applicant did not submit any signed domestic well spacing consent forms for the domestic wells located less than 660 feet from the proposed well.
5. It does not appear that the applicant attempted to obtain signed domestic well spacing consent forms for the senior domestic wells located less than 660 feet from the proposed well.
6. The application does not comply with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceed the maximum allowable by 1578.60 AF.
7. The application does not comply with the "small use" Safe Yield regulation exemption criteria K.A.R. 5-22-7(b)(1), since the application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), and the proposed rate of 160 gpm exceeds the maximum 50 gpm rate required by exemption criteria under K.A.R. 5-22-7(b)(1)(H).
8. Not including the application, 30.00 acre-feet of small use quantity remain available for appropriation. If the application is approved, 15.70 acre-feet of small use quantity will remain for appropriation at this location's area of consideration.
9. Hydrologic data indicates that saturated thickness in the application area is approximately 35 feet and that the groundwater level in the area has been stable to slightly increasing.
10. The past operation of the well proposed by the application has had no known detrimental impacts to nearby wells.

11. Drawdown calculation using the proposed quantity and rate of 14.3 AF and 50 GPM pumped continuously indicate that drawdown at nearby (senior) domestic wells would be minimal, calculated at 0.40 feet for the nearest (senior) domestic well.
12. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic and non-domestic points of diversion.
13. The Board of Directors has previously reviewed similar applications that did not meet well spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2) and recommended the applications for approval. However, the Board has usually required that the applicant attempt to obtain signed written spacing consent forms for the domestic and non-domestic points of diversion that the proposed well does not meet minimum spacing requirements to.
14. On June 2, 2022, the District received from the applicant's consultant a copy of the Watermarke covenants, including an amendment filed on October 6, 2021, which appears to grant the Developer and/or home owners association (HOA) the ability to execute spacing consent on behalf of the domestic well owners

Moved by Dale Schmidt and seconded by Joe Bergkamp to recommend that the application be approved under the Safe Yield Rule and Regulation "small use" exemption provision K.A.R. 5-22-7(b)(1), subject to:

1. The applicant submitting signed spacing consent forms signed by the Developer, or HOA, on behalf of the owners of the senior domestic wells within 660 feet of the proposed well;
2. The proposed diversion rate being reduced to 50 gpm;
3. The dismissal of Water Permit No. 46474; and
4. DWR enforce the previous over pumping violations on #46474.

Motion carried with 9 Directors for, 1 Director against (David Bogner), 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

b) Greg Wilhite, Appropriation Application No. 50580, Sedgwick County

Manager Tim Boese presented information regarding Appropriation Application No. 50580. The applicant's consultant was present at the Board meeting and answered questions and provided additional information.

FINDINGS:

1. Application No. 50580 proposes 11.67 acre-feet per year for net evaporation from a 7-acre groundwater pit used for recreational use with a proposed geo-center located in the Southwest quarter of the Southeast quarter of the Northwest quarter (3208'N & 3736'W), Section 20, Township 26 South, Range 1 West, Sedgwick County.
2. The application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
3. The application does not comply with the District's Well Spacing Regulation K.A.R. 5-22-2(c), as the proposed groundwater pit edge is located less than the 1,320 feet to the groundwater pit authorized by Water Right No. 45615 and the groundwater pit authorized by Water Right No. 47565. Additionally, the edge of the groundwater pit proposed by the application is located less than 330 feet to domestic wells located to the south of the proposed groundwater pit edge.
4. In accordance with K.A.R. 5-22-2(e)(5), the applicant submitted with the appeal petition signed spacing consent forms signed by the owner of the groundwater pit authorized by Water Right No. 45615 and by the owner of the nearest domestic well.

5. No signed spacing consent form was submitted for Water Permit No. 47565, and no signed spacing consent forms were submitted for any of the other domestic wells.
6. Water Permit No. 47565 is now owned by multiple lot owners in the Carriage Crossing housing addition.
7. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water.
8. The applicant's consultant did not attempt to contact in person the owners of Water Permit No. 47565, or the domestic well owners, due to the Water Right No. 47565 being transferred to multiple parcel/lot owners within the housing addition and based on DWR not receiving any comments in opposition to the proposed groundwater pit from the public notice process.
9. The application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
10. Hydrologic data indicates that saturated thickness in the application area is approximately 140 to 155 feet and that the groundwater level in the area has been stable or slightly decreasing.
11. The minimal drawdown created by net evaporation effects of the proposed groundwater pit construction will likely not impair existing senior domestic and non-domestic points of diversion, as shown by nearby groundwater pits already in the area not adversely affecting groundwater levels in nearby monitoring wells.
12. The Board of Directors has previously reviewed similar applications that did not meet well spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(c) and recommended the applications for approval, but has generally required that the applicant attempt to obtain signed spacing consent forms.

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. The groundwater pit is constructed to allow greater than 330 feet distance from the groundwater pit edge to any senior domestic well that spacing consent was not granted by the domestic well owner;
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 practices are utilized, including at a minimum the SNOUT stormwater management systems, with Bio-Skirts, are installed at the most downstream inlets at locations approved by the Equus Beds GMD2 prior to installation, or alternate BMPs are installed as provided for in the City of Maize stormwater regulations and approved by the Equus Beds GMD2 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 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

c) Carlson Investment, LLC, Appropriation Application No. 50663, Sedgwick County

Manager Tim Boese presented information regarding Appropriation Application No. 50663. The applicant's consultant was present at the Board meeting and answered questions and provided additional information.

FINDINGS:

1. Application No. 50663 proposes 158 acre-feet per year for net evaporation from a 95-acre groundwater pit(s) used for recreational use with a proposed geo-center located in the Southwest quarter of the Northeast quarter of the Southeast quarter (1757'N & 1245'W), Section 20, Township 26 South, Range 1 West, Sedgwick County.
2. The application does not comply with and the Safe Yield Regulation K.A.R. 5-22-7(a). Total consumptive appropriations including the proposed application totaled 3894.35 acre-feet, which exceeds the maximum allowable quantity of 3844.50 acre-feet by 49.85 acre-feet for the area of consideration (2-mile circle to edge of District, thereby excluding the area outside the District).
3. The safe yield evaluation includes three pending applications that were recommended for denial by the District. If dismissed, an additional 38.9 acre-feet would be available for appropriation.
4. The application does not comply with the Districts' Well Spacing Rule and Regulation K.A.R. 5-22-2(c). The proposed groundwater pit edge is located less than the 1,320 feet to multiple groundwater pits authorized by Water Right Nos. 26130-D1, 45719, 47565, and pending senior application 50580; and is less than 1,320 feet to two non-domestic wells authorized by Water Right Nos. 42400 and 46409, and possibly No. 49337. Additionally, the edge of the groundwater pit(s) proposed by the application is located less than 330 feet to senior domestic wells located to the west and the east of the proposed groundwater pit edge.
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 groundwater pits authorized by Water Right Nos. 45719 & pending Application No. 50580.
6. No signed spacing consent forms were submitted for Water Permit Nos. 26130-D1, 42400, 46409, 47565, and 49337, and no signed spacing consent forms were submitted for any of the domestic wells.
7. The north edge of the proposed groundwater pit appears to be located less than 1,320 to the irrigation well authorized by Water Permit No. 49337. The applicant's consultant advised that the pit, as constructed, would be greater than 1,320 feet to the irrigation well authorized by Water Permit No. 49337.
8. The applicant's consultant did not attempt to contact in person the owners of Water Permit No. 47565 due to the Water Right No. 47565 being transferred to multiple parcel/lot owners within the housing addition and based on DWR not receiving any comments in opposition to the proposed groundwater pit from the public notice process.
9. The owner of Water Right No. 26130-D1 and the owner of Water Permit No. 49337 were not contacted regarding signing spacing consent forms.
10. The owner of Water Right Nos. 42400 and 46409 was contacted, but the owner did not sign spacing consent forms.

11. The applicant's consultant did not attempt to contact in person the owners of domestic wells within 330 feet based on DWR not receiving any comments in opposition to the proposed groundwater pit from the public notice process.
12. The domestic wells appear to be used for lawn irrigation and are not used for typical household use and drinking water
13. Hydrologic data indicates that saturated thickness in the application area is approximately 140 to 155 feet and that the groundwater level in the area has been stable or slightly decreasing.
14. The minimal drawdown created by net evaporation effects of the proposed groundwater pit construction will likely not impair existing senior domestic and non-domestic points of diversion, as shown by nearby groundwater pits already in the area not adversely affecting groundwater levels in nearby monitoring wells
15. The Board of Directors has previously reviewed similar applications that did not meet well spacing requirements and recommended exceptions to the Well Spacing Regulation K.A.R. 5-22-2(c)
16. The applicant's consultant advised that the proposed groundwater pit size and quantity of water requested would be reduced to comply with the District's Safe Yield Regulation K.A.R. 5-22-7(a).

Moved by David Bogner 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. The applicant reduces the proposed size of the groundwater pit and quantity of water requested to comply with the District's Safe Yield Regulation K.A.R. 5-22-7(a);
2. The groundwater pit is constructed to allow greater than 1,320 feet from the groundwater pit edge to the irrigation well authorized by Water Permit No. 49337;
3. 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;
4. 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 practices are utilized, including at a minimum the SNOUT stormwater management systems, with Bio-Skirts, are installed at the most downstream inlets at locations approved by the Equus Beds GMD2 prior to installation, or alternate BMPs are installed as provided for in the City of Maize stormwater regulations and approved by the Equus Beds GMD2 prior to installation; and
5. 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 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Rodney Eggleston).

ITEM 7 -- OLD BUSINESS

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

Manager Tim Boese informed the Board that he had nothing new to report, as the Chief Engineer continues to review all the information and has not yet decided to accept, modify,

or reject the hearing officer's recommended order. Tim will notify the Board once the Chief Engineer has made a decision.

b) DISTRICT LOBBYIST – DISCUSSION

Manager Tim Boese informed the Board that GMD5 has a Board meeting on June 9, 2022, during which time they plan to review the District Lobbyist proposal. Tim will provide the Board with any information he receives from GMD5 regarding the District Lobbyist proposal at the July 2022 Board meeting.

ITEM 8 -- NEW BUSINESS

a) DRAFT FY 2023 BUDGET REVIEW

Manager Tim Boese reminded the Board of the annual Budget Hearing scheduled for July 13, 2022, at 10:30 a.m. Tim reviewed the draft fiscal year 2023 Budget, as well as the Financial Statement and the assessment rate for water being reduced from the current \$1.60 per acre foot to \$1.50 per acre foot for 2023. Tim also advised the Board that the proposed assessment revenue would change slightly as District staff was still updating the assessment databases. The Board consensus was for Tim to present the draft fiscal year 2023 budget at the upcoming annual Budget Hearing.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR – Stafford, informed the Board that Orders to Rescind Minimum Desirable Streamflow (MDS) on the Little Arkansas River went out this week, as the river has been up for well over 14 days. Jeff stated that he hopes that level holds all summer. Jeff also informed the Board that DWR will be holding hearings in late July on the Sheridan 6 Local Enhanced Management Area (LEMA) to renew it for the third time and the GMD4 Districtwide LEMA to renew it for the second time. Jeff stated that DWR should provide listening options for anyone who wants to attend the hearings.

b) KANSAS WATER AUTHORITY

Board member David Stroberg informed the Board that the next Kansas Water Authority (KWA) meeting is scheduled for June 22, 2022, in Pittsburg, followed by a Kansas Geological Survey field tour. An additional KWA meeting is scheduled for August 17, 2022, in Manhattan. David read aloud a letter from Connie Owens, Director of the Kansas Water Office. Board discussion followed.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner informed the Board that the Equus-Walnut Regional Advisory Committee (RAC) has a meeting scheduled for today at 1:00 p.m. in Wichita.

d) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS

Manager Tim Boese stated that he had nothing new to report, as REAP has not had a meeting since the last Board meeting. The next REAP meeting is scheduled for July 28, 2022.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that the May Recharge report has not yet been received. Cheney Reservoir: Conservation pool is 100% full (93.11% full in May). Flood pool is about 3% full and level is 0.24 feet above normal (1.12 feet below normal in May). No Cheney release. Flow today: Little Ark - Highway 50 is 2010 CFS; Valley Center is 1190 CFS. Tim

reported that there was increased flow the first part of May and last week of May and first week of June from recent rains.

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 May, staff completed six application reviews, performed 19 water permit consultations, completed 14 preliminary safe yield evaluations, conducted 23 water meter inspections, completed six water meter repairs, and processed a total of 36 administrative files.

Tim informed the Board that his schedule would not allow him to attend the Groundwater Management Districts Association Summer Conference scheduled for June 20-22, 2022, in Copper Mountain, Colorado.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

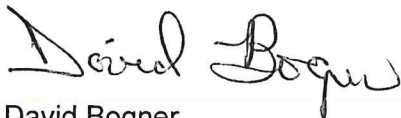
Tim Boese, Manager, presented customer service requests for May.

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Board Secretary David Bogner questioned the newspapers used for publications of Board legal notices. Manager Tim Boese stated that he would like to discuss this matter at a future Board meeting to discuss all available options. David also questioned the water quality of the groundwater pits around housing additions within the District. Daniel Clement of Burns and McDonnell stated that for the housing additions that they represent, the city is paid by the Homeowners Association to maintain the system. Tim stated that in the past, the City of Maize maintained the runoff treatment systems, but he will contact them to get updated information. Board Vice President Vin Kissick questioned City of Wichita employee Scott Macey about the current water boil advisory. Scott reported that for the majority of the city, the advisory is still in place, but that some areas have been rescinded.

Moved by David Stroberg and seconded by David Bogner to adjourn the meeting. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Jeff Winter, President, adjourned the Board meeting at 12:13 p.m.



David Bogner
Secretary
DB/TDB/rsw