

PROPOSED AGENDA
BOARD OF DIRECTORS MEETING

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Monday, November 28, 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

2. APPROVAL OF AGENDA

3. FINANCIAL REPORT

- a) September Financial Report
- b) October 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 South Hutchinson, Appropriation Application No. 50,662, Reno County
- b) City of Wichita Aquifer Storage & Recovery (ASR) Proposed Permit Modifications
- c) Kansas Legislative Post-Audit of GMDs
- d) Harvey County Wind Energy Farm
- e) Regional Economic Area Partnership of South Central Kansas (REAP) Membership

8. NEW BUSINESS

- a) Division of Water Resources Draft Regulations
- b) December Board Meeting Date

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

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

NOVEMBER 28, 2022

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting November 28, 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
Michael Baalmann, Member	Joe Bergkamp, Member
Alan Burghart, Member, via phone	Rodney Eggleston, Member
Ethan Reimer, Member, via phone	Dale Schmidt, Member
David Stroberg, Member	Reece Hiebert, 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	Brian Meier, Burns & McDonnell
Don Koci, Burns & McDonnell & Colwich	Laura Rainwater, REAP
Karen Rothe, Harvey Co. PZE	Katy Schrag, Moundridge
Ted Saranchuk, Hutchinson	

ITEM 1 – APPROVAL OF SEPTEMBER 14, 2022, BOARD MEETING MINUTES

Moved by David Stroberg and seconded by Joe Bergkamp to approve the September 14, 2022, Board meeting minutes. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstained (Dale Schmidt), and 3 Directors absent (David Bogner, Alan Burghart, and Mike McGinn).

ITEM 2 -- APPROVAL OF AGENDA

Moved by Rodney Eggleston and seconded by David Stroberg to approve the Agenda as presented. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent (David Bogner, Alan Burghart, and Mike McGinn).

ITEM 3 -- FINANCIAL REPORT

a) & b) September and October Financial Reports

Manager Tim Boese reviewed the September 2022 and October 2022 Financial Reports and answered questions from Board members. Moved by David Stroberg and seconded by David Bogner to approve the September 2022 and October 2022 Financial Reports. 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 November 2022 Expenditures to Approve and answered questions from Board members. Moved by Rodney Eggleston and seconded by Dale Schmidt to approve the November 2022 expenditures. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

ITEM 5 -- PUBLIC FORUM - NONE

ITEM 6 -- APPEAL REVIEW - NONE

ITEM 7 -- OLD BUSINESS

a) CITY OF SOUTH HUTCHINSON, APPROPRIATION APPLICATION No. 50662, RN Co.

Manager Tim Boese reviewed with the Board a letter the District received from the City Administrator of the City of South Hutchinson requesting that the Board table the Appeal Review of Appropriation Application No. 50662 until the December 2022 Board meeting. Board discussion followed. Tim recommended that the Board table the Agenda item until the December 2022 Board meeting. Moved by David Bogner and seconded by Joe Bergkamp to table the Agenda item until the December 2022 Board meeting. Motion carried with 10 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent (Alan Burghart).

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

Manager Tim Boese reminded the Board that 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 and that the District continues to wait for a response from the Harvey County District Court. Tim will continue to update the Board as new information is received.

c) KANSAS LEGISLATIVE POST-AUDIT OF GMDs

Manager Tim Boese reported that he has received several inquiries about the information that he has provided for the Kansas Legislative Post-Audit. Tim informed the Board that he could not disclose the exact information that he has provided, as it is still in draft form and is confidential at this time, but that it included District financial data, information about District administration including Board meetings, elections, etc., identifying and addressing District areas of concerns, and District water level measurements and water quality data. Tim confirmed that to this date, the Post-Audit team has interviewed both him and Board President Jeff Winter. Tim stated that the Post-Audit team will eventually create a draft report for the District to review and respond to, with the final report being submitted to Kansas legislators. Board discussion followed. Tim stated that although the audit process has been quite lengthy, he believes that it will help educate the Kansas legislature on the roles and responsibilities of Groundwater Management Districts, as well as assist the District in updating the District Management Program. Tim informed the Board that the District also received a large Kansas Open Records Act (KORA) request from a reporter in Topeka. The District provided the requested information that was subject to open records, and Tim reminded Board members to direct all inquiries from reporters to the District office for response.

d) HARVEY COUNTY WIND ENERGY FARM

Manager Tim Boese reminded the Board that they reviewed the proposed Harvey County Commercial Renewable Energy Project (CREP) regulations at the September 2022 Board meeting and directed District staff, with the advice of the District Attorney, to submit a letter to the Harvey County Planning and Zoning Department regarding the District's interest in protecting groundwater and including District recommendations regarding the proposed CREP regulations related to groundwater protection. Tim provided the Board with a copy of the letter submitted by the District, as well as a copy of the CREP regulations that were adopted by the Harvey County Commission at their October 13, 2022, meeting. Karen Rothe of the Harvey County Planning and Zoning Department provided additional information regarding specifications of the proposed wind energy farm. Discussion by the Board followed. Tim will continue to provide the Board with additional information as it becomes available.

e) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS (REAP) MEMBERSHIP

Manager Tim Boese reminded the Board that they had previously tabled this Agenda item to the November 2022 Board meeting, so Tim revisited the idea of the District becoming an associate member of Regional Economic Area Partnership of South Central Kansas (REAP) with the Board. Tim stated that he has enjoyed attending the REAP meetings and that he will continue to attend the meetings whether or not the District decides to become an associate member of REAP. Discussion by the Board followed. Laura Rainwater of REAP reported to the Board that she has appreciated Tim's attendance at the REAP meetings, as he has offered input and engagement that has provided for much needed collaboration and relationships between the District, REAP, and other REAP members. Moved by Vin Kissick and seconded by David Stroberg to continue the current status quo of Tim attending REAP meetings but not becoming an associate member, and to review the Agenda item again within one year if needed. Motion carried with 11 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 8 -- NEW BUSINESS

a) DIVISION OF WATER RESOURCES DRAFT REGULATIONS

Manager Tim Boese provided the Board with a summary of the Division of Water Resources (DWR) draft regulations regarding flowmeters, as well as a draft regulation regarding the application to change point of diversion more than 300 feet. Tim and the Board reviewed and discussed the draft regulations. Tim will compile a report of the Board and District staff responses to the draft regulation changes and will report back to the Board at either the December 2022 or January 2023 Board meeting, depending on how quickly DWR requires a response from the District.

b) DECEMBER 2022 BOARD MEETING DATE

Manager Tim Boese informed the Board that there are scheduling conflicts with the current December 2022 Board meeting date. Discussion by the Board followed. Board consensus was to reschedule the December 2022 Board meeting for December 20, 2022, at 1:00 p.m., with an alternative date of December 19, 2022, if needed.

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 Stafford field office continues to be busy completing Water Bank Savings Account Term Permit applications and Multi-Year Flex Account (MYFA) applications. Jeff informed the Board and District staff that DWR mailed a post card to every water right in the state that would be eligible for a MYFA, which provided the water right owner with potential options for over pumping and informed them of the December 31, 2022, deadline to submit MYFA applications to DWR.

b) KANSAS WATER AUTHORITY

Board member David Stroberg informed the Board that he attended the Kansas Water Authority (KWA) meeting on October 18 & 19, 2022. David stated that the meeting involved a bus tour of the new Wichita water treatment facility under construction and the ASR project, as well as an event at Senator Carolyn McGinn's farm near Sedgwick, where the KWA meeting on the 19th was held. David reported that several topics were covered during the meeting including Wolf Creek water purchase contract. The next KWA meeting is scheduled for December 14-15, 2022, in Colby. David also informed the Board that he and several District Board Members, attorneys, and staff attended the Governor's Conference on the Future of Water in Kansas.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board Secretary David Bogner informed the Board that he attended the Equus-Walnut Regional Advisory Committee (RAC) meeting on November 3, 2022, which included a tour of the Cowskin Creek Water Quality Reclamation Facility. David stated that meeting topics included the recently approved Kansas Water Plan, prioritization of dam repair throughout the state, flood control during heavy rains, replacement of lead pipes, and an update on the Burton IGUCA monitoring well replacement project. The next meeting will most likely be held in January or February of 2023.

d) REGIONAL ECONOMIC AREA PARTNERSHIP OF SOUTH CENTRAL KANSAS

Manager Tim Boese informed the Board that he participated in the Regional Economic Area Partnership of South Central Kansas (REAP) meeting on October 27, 2022. Tim reported that they reviewed their legislative and policy priorities including workforce, education, and economic development, support of policies and strategies to protect the water resources of the Equus Beds Aquifer, and support of legislation to ensure municipal representation on the GMD2 Board. Tim also reported that REAP hired a lobbyist for the upcoming legislative session. The next REAP meeting is scheduled for November 17, 2022.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that there was no recharge in September or October. Cheney Reservoir: Conservation pool is 80.01% full (87.78% full in September). Level is 3.39 feet below normal (2.02 feet below normal in September). No Cheney release. Flow today: Little Ark - Highway 50 is 7.13 CFS; Valley Center is 22.7 CFS. Tim reported that there were low flows the entire months of September and October.

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 September, staff completed 10 application reviews, assisted with 37 applications, performed 41 water permit consultations, completed 12 preliminary safe yield evaluations, conducted 152 water level measurements, collected 93 water samples, inspected 12 water meters, and processed a total of 121 administrative files.

Tim Boese, Manager, reported that in October, staff completed 11 application reviews, assisted with 19 applications, performed 40 water permit consultations, completed 13 preliminary safe yield evaluations, conducted 584 water level measurements, collected eight water samples, inspected 21 water meters, and processed a total of 34 administrative files.

Additionally, District staff assisted many District water right owners and tenants with determining water use and MYFA options.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

Tim Boese, Manager, presented customer service requests for September and October.

Tim reported to the Board that the Governor's Conference on the Future of Water in Kansas was well attended and that he moderated one of the sessions. Tim informed the Board that the Kansas Corporation Commission (KCC) will be awarding the winning bid on the Burrton IGUCA monitoring well replacement project soon. Tim also informed the Board that he attended a preliminary discussion with DWR and Kansas Geological Survey (KGS) regarding potential interest in sharing a mobile application for field work. Another meeting between the parties will be scheduled in the future.

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Board Vice President Vin Kissick questioned if GMD5 Manager Orrin Feril could provide a presentation to District members at the next annual meeting regarding Water Bank Savings Accounts. Manager Tim Boese will check with Orrin regarding his availability.

Board Secretary David Bogner questioned if the City of Wichita ever responded to District concerns regarding the City of Wichita Annual Accounting Reports. Tim stated that the City of Wichita did respond, but that there were still water quality data issues with the reports, and that he will schedule the annual reports for Board review soon.

Board member Dale Schmidt questioned the process for updating the District Management Program and Tim responded with information regarding the process. Tim will provide the Board with a District Management Program update summary at the December 2022 Board meeting.

Board President Jeff Winter inquired about the newly hired District lobbyist. Tim reminded the Board that the lobbyist contract will start on December 1, 2022. Tim will be meeting with the lobbyist soon and he will provide the Board with an update at the December 2022 Board meeting.

ITEM 13 – EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY

Moved by David Stroberg and seconded by Vin Kissick for the Board to go into Executive Session for consultation with the District Attorney regarding the ASR Hearing Order 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, District Manager Tim Boese, and District Attorney Reece Hiebert. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn).

Time in Executive Session: 11:58 a.m.

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

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

Moved by Rodney Eggleston and seconded by David Bogner to adjourn the meeting. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent (Alan Burghart and Mike McGinn). Jeff Winter, President, adjourned the Board meeting at 12:06 p.m.



David Bogner
Secretary
DB/TDB/rsw