

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

AUGUST 8, 2018

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting August 8, 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 9:34 a.m.

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

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

Others attending the meeting or portions thereof were:

Cameron Conant, KDA – DWR Stafford	Matt Unruh, Kansas Water Office
Gina Bell, Harvey County	Brian Meier, Burns & McDonnell
Daniel Clement, Burns & McDonnell	Ted Saranchuk, Public
Reece Hiebert, Adrian & Pankratz	Randall Harris, Chisholm Creek Utility Auth.

ITEM 1A -- APPROVAL OF JULY 11, 2018 MEETING MINUTES

Moved by Vin Kissick 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 1B -- APPROVAL OF JULY 11, 2018 BUDGET HEARING MINUTES

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

ITEM 2 -- APPROVAL OF AGENDA

Moved by David Bogner and seconded by David Stroberg to add Agenda Item 1b – Approval of July 11, 2018, Budget Hearing Minutes and approve the Agenda as amended. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

ITEM 3 -- FINANCIAL REPORT

July Financial Report

Moved by Vin Kissick and seconded by Mike McGinn to approve the July Financial Report. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 4 -- APPROVAL OF EXPENDITURES

Moved by Mike McGinn and seconded by David Stroberg to approve the August expenditures. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 5 -- PUBLIC FORUM - NONE

ITEM 6 -- APPEAL REVIEW - NONE

ITEM 7 -- OLD BUSINESS

a) Craig Steven, New Application No. 49793, 29-24S-3W, Harvey Co.

Manager Tim Boese reviewed the information regarding Application No. 49793 and informed the Board that he had spoken to both Mr. Steven and the consultant that Mr. Steven is going to retain for the seepage test. The applicant was unable to attend the Board meeting, and Tim advised that the consultant advised the seepage test cannot be performed until the fall of this year when weather conditions are more favorable for an accurate seepage test. Tim advised that Mr. Steven requested that the Board table the application review until the seepage test is completed and reviewed by the District. Discussion by the Board followed.

Moved by Mike McGinn and seconded by Alan Burghart to table making a recommendation on the application for no more than six months to allow the applicant time to provide the Board with the seepage test results performed on the marsh/duck hunting pond place of use described in the application. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 8 -- NEW BUSINESS

a) CITY OF WICHITA ASR MODIFICATION PROPOSAL

Manager Tim Boese informed the Board that the hearing for the Proposed Modifications to the Phase II of the City of Wichita's Aquifer Storage and Recovery Project is scheduled for October 22, 2018, at 9:00 a.m., and will continue on October 23, 2018, at 9:00 a.m., if necessary. The hearing will be held at American Ag Credit in Wichita, Kansas. Tim stated that there are currently three identified parties: the City of Wichita, the District, and the Division of Water Resources. Tim briefly explained to the Board the different parts of the hearing process.

Tim advised that the District staff had conducted an initial review of the City of Wichita Aquifer Storage & Recovery (ASR) pending water appropriation Application Nos. 48704-48733, including a well spacing evaluation performed on each application. Board member Joe Pajor questioned whether or not the applicant was advised that the applications would be reviewed today. Tim stated that the applicant had not been notified, as the review scheduled today was only a preliminary, informational review. Discussion by the Board followed.

Moved by Mike McGinn and seconded by David Bogner to recess into executive session for five minutes to consult with the District attorney within attorney client privilege for the purpose of protecting the privacy of that information. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Those present during this Executive Session were the members of the Board, Manager Tim Boese, and David Stucky, Legal Counsel.

Time in Executive Session: 9:57 a.m.
Time out of Executive Session: 10:02 a.m.

Moved by Mike McGinn and seconded by Vin Kissick to table the initial review of the City of Wichita Aquifer Storage & Recovery (ASR) Application Nos. 48704-48733 until the applicant is notified of the review. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

b) CERTIFICATION OF 2017 LAND AND WATER ASSESSMENTS TO COUNTY CLERKS

Hydrogeologist Steve Flaherty provided the Board with handouts for the 2017 water use/land assessment totals. Moved by Bob Seiler and seconded by Vin Kissick to certify the 2017 Land and Water Assessments and to send them to the four (4) counties in the District for collection. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Cameron Conant, DWR – Stafford Field Office, informed the Board that he had nothing new to report this month. Manager Tim Boese reported that District members have recently begun receiving penalty orders for violations such as over pumping, water use reporting falsification, etc., and that the District staff have been contacted by several water right owners who have received penalties. Discussion by the Board followed regarding water meter accuracy, penalties, and the water penalty matrix.

b) KANSAS WATER AUTHORITY

Board Vice President Vin Kissick informed the Board that the next meeting is scheduled for August 22, 2018, in Manhattan. Vin stated that Matt Unruh of the Kansas Water Office is planning to have a conference call with the committee to discuss three Regional Advisory Committee positions that need to be filled, as well as some procedural issues. Vin also informed the Board that the Kansas Department of Agriculture (KDA) Kansas Governor's Summit on Agricultural Growth is scheduled for August 23, 2018, in Manhattan.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board member Bob Seiler informed the Board that the Equus-Walnut RAC has not had a meeting since May 1, 2018. Matt Unruh reminded the Board of the two Water Technology Field Days on August 16, 2018, which will be held at the Weber Farm at 9:00 a.m. and at the Jacob Farm at 10:30 a.m.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised the Recharge for June was: 0 acre-feet recharged in Phase I and 53.68 acre-feet recharged into Recharge Basin 36 in Phase II. Tim has not yet received the July report. Cheney Reservoir: Conservation pool is 99.00% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 16.9 CFS; Valley Center is at 58.2 CFS.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in June, staff assisted completing seven new/change/division applications, conducted 12 application reviews, performed 33 water permit consultations (many related to over-pumping and MYFAs), completed 10

preliminary safe yields, fielded three ASR questions, and processed a total of 93 files including VI cards, new applications, approvals, and ownership changes. Additionally, David Randolph, District Hydrologic Technician, collected 14 water samples and completed 576 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 July.

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Vice President Vin Kissick questioned what, if any, action needed to be completed on the McPherson Intensive Groundwater Use Control Area (IGUCA). Manager Tim Boese stated that additional options, such as expanding the boundaries and/or the establishment of a Local Enhanced Management Area (LEMA) to replace the IGUCA were discussed at the hearing, but he did not believe that there were any pending requests at this time. Tim advised he would follow up with the Chief Engineer to determine the status of the recommendation from the Burton IGUCA hearing regarding IGUCA boundaries expansion.

Board member Joe Pajor informed the Board that the City of Wichita recently hosted a stop on a tour comprised of Kansas Farm Bureau officials. The officials toured the City of Wichita's Aquifer Storage and Recovery (ASR) treatment plant, where they spent time discussing the modeling work the City has completed, especially as it pertained to the one percent drought.

ITEM 13 – EXECUTIVE SESSION

Moved by Vin Kissick and seconded by Alan Burghart to recess into Executive Session for 30 minutes to consult with the District Attorney within attorney client privilege for the purpose of protecting the privacy of that information. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Those present during this Executive Session were the members of the Board (except Joe Pajor), Manager Tim Boese, and David Stucky, Legal Counsel.

Time in Executive Session: 11:00 a.m.

Time out of Executive Session: 11:30 a.m.

Moved by Dale Schmidt and seconded by David Stroberg to extend the executive session 30 minutes. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Those present during this Executive Session were the members of the Board (except Joe Pajor), Manager Tim Boese, and David Stucky, Legal Counsel.

Time in Executive Session: 11:30 a.m.

Time out of Executive Session: 12:00 p.m.

Moved by Bob Seiler and seconded by David Stroberg to extend the executive session 15 minutes. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Those present during this Executive Session were the

members of the Board (except Joe Pajor), Manager Tim Boese, and David Stucky, Legal Counsel.

Time in Executive Session: 12:00 p.m.

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

Moved by Bob Seiler and seconded by Dale Schmidt to give the District Manager and District attorneys the latitude to hire another consultant for work regarding the City of Wichita ASR Modification Proposal, authorize up to \$2,000 expenditure for retainer of an outside consultant, and give the District Manager and District attorneys the latitude to send out ASR Hearing discoveries to other parties, in light of the discoveries that have been sent to the District. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

Moved by Bob Seiler and seconded by David Stroberg to schedule a Special Board Meeting for August 29, 2018, at 9:30 a.m. to review the City of Wichita ASR Proposed Modification Applications Nos. 48704-48733. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

Moved by Mike McGinn 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 12:25 p.m.

Alan Burghart
Secretary
AB/TDB/rsw

