

PROPOSED AGENDA
BOARD OF DIRECTORS MEETING

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

Tuesday, January 13, 2015 – 1:00 p.m.
Conference room

313 Spruce Street • Halstead, KS 67056-1925
Phone: (316) 835-2224 • Fax: (316) 835-2225 • E-mail: equusbeds@gmd2.org
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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. Please state your name and address. Presentations are limited to five minutes.
6. APPEAL REVIEW
 - a) Reconsideration - Randy Hoskinson, Water Permit Nos. 44931 & 44932 - 2013 Verified Claims
7. OLD BUSINESS
 - a) City of Wichita, Change Application Nos. 45569 - 45571, 8-23S-2W, Harvey County
 - b) Reno County Application Suspension Area
 - c) Vision for the Future of Water in Kansas Draft II
8. NEW BUSINESS
 - a) Ag Reliant Genetics LLC, Small Use Application No. 48975, NE 13-25S-4W, Reno County
 - b) Kansas Groundwater Management Districts' Legislative Reception – February 4, 2015
 - c) District Lobbyist Options
9. AGENCY & COMMITTEE REPORTS
 - a) Division of Water Resources
 - b) Kansas Water Authority
 - c) Kansas Aqueduct Advisory Committee
 - d) Lower Ark Basin Advisory Committee
10. MANAGER'S REPORT
 - a) ASR Project Report
 - b) Administrative and Field Tasks
 - c) Monthly Hydrologic Condition Report
 - d) Monthly Information and Service Report
11. ADDITIONS TO THE AGENDA
12. BOARD ROUND TABLE DISCUSSION – David Stroberg, President
13. EXECUTIVE SESSION – Annual Staff Performance Reviews

NOTICE

A Board of Directors meeting and any portion thereof is 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 #2.

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

JANUARY 13, 2015

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting January 13, 2015, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President David Stroberg called the meeting to order at 1:03 p.m.

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

David Stroberg, President
Vin Kissick, Secretary
Mike McGinn, Treasurer
Jeff Winter, Member
Ray Flickner, Member
Joe Pajor, Member

Alan Burghart, Member
David Stucky, Attorney
Tim Boese, Manager
Dorinda Benton, Admin. Asst.
Steve Flaherty, Hydrogeologist

2 Directors absent (Fred Seiler, Vice-President; Bob Seiler, Member)

Others attending the meeting or portions thereof were:

Jeff Lanterman, DWR – Stafford
Valetta Seymour, Moundridge
Mike Popelka, Ag-Reliant Genetics
Lisa French, Cheney Watershed

Keith & Jan Pollet, Moundridge
Randy Hoskinson, Hutchinson
Dan Andrew, Sedgwick

ITEM 1 -- APPROVAL OF DECEMBER 9TH MEETING MINUTES

Moved by Ray Flickner to approve the minutes as written. Vin Kissick seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 2 -- APPROVAL OF AGENDA

Tim Boese, Manager, advised two Executive Sessions to consult with the attorney would be added to the agenda prior to the Manager's performance review. Moved by Vin Kissick to approve the agenda as amended. Jeff Winter seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 3 -- FINANCIAL REPORT

THE FINANCIAL REPORT FOR DECEMBER WAS:	
CASH RECEIPTS	\$ 7,374.44
BEGINNING BALANCE	\$ 308,037.18
GENERAL FUND – INTEREST	\$ 2.31
GRANT FUNDS – INTEREST	\$ 2.22
EXPENDITURES	\$ 30,916.13
GRANT FUNDS EXPENDITURES	\$ 0.00
ENDING BALANCE	\$ 284,500.02

Moved by Vin Kissick to approve the December financial report. Ray Flickner seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 4 -- APPROVAL OF EXPENDITURES

Moved by Mike McGinn to approve the January expenditures. Alan Burghart seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 5 -- PUBLIC FORUM

David Stroberg, President, asked if any audience member wish to present any comments to the Board of Directors. Keith Pollet, Moundridge, addressed the Board with concerns he had about a new irrigation water permit application near his house, and whether or not there is enough water in the area to support an additional well. Board discussion followed.

Dan Andrew, Sedgwick, addressed the Board with his concerns over the safe-yield regulations and whether or not the water supply was being protected. Board discussion followed.

ITEM 6 -- RECONSIDERATION

a) RANDY HOSKINSON, #44931 & #44932 – 2013 VERIFIED CLAIMS

Tim Boese, Manager, reviewed the petition of reconsideration in the matter of the District Board of Directors' December 9, 2014, decision regarding the verified claims submitted for water permits #44931 and #44932. The permit owner, Randy Hoskinson, was present and presented information to the Board. Board discussion followed.

Moved by Joe Pajor to deny the petition of reconsideration and that the Board of Directors' December 9, 2014, denial of the appeal is upheld. The 2013 water use assessments for Water Permit Nos. 44931 and 44932 are based on the permitted amounts. Vin Kissick seconded the motion. Motion carried with 5 Directors for, 2 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 7 -- OLD BUSINESS

a) CITY OF WICHITA, CHANGE APPLICATIONS #45569, #45570, #45571

Moved by Joe Pajor and seconded by Ray Flickner to table the matter until the April 2015 Board meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

The Board heard Agenda Item 8a at this time, after taking a short break.

b) RENO COUNTY APPLICATION SUSPENSION AREA

Steve Flaherty, Hydrogeologist, and Tim Boese, Manager, reviewed the draft PowerPoint for the January 26, 2015 public meeting. Board discussion followed.

c) VISION FOR THE FUTURE OF WATER IN KANSAS DRAFT II

Tim Boese, Manager, reviewed highlights of the Vision draft document, pointing out both topics the District should support and topics they should have concern about.

Moved by Ray Flickner and seconded by Jeff Winter for District staff to draft a letter regarding the Draft and identify the items the District both supports and is concerned about. Motion carried with 6 Directors for, 0 Directors against, 1 Director (Joe Pajor) abstained, and 2 Directors absent.

ITEM 8 -- NEW BUSINESS

a) AG RELIANT GENETICS LLC, SMALL USE APPLICATION #48975, NE 13-25-4W, RENO Co.

Tim Boese, Manager, presented information regarding small use application #48975. The applicant was present and provided additional information to the Board.

FINDINGS:

1. Application No. 48975 proposes 7.0 acre-feet at 100 gallons per minute from a proposed well located in the Southeast quarter of the Southwest quarter of the

Northeast quarter, (3184'N & 1448'W), Section 13, Township 25 South, Range 4 West, Reno County. The proposed use is apparently for irrigation of test plot(s) totaling five acres using sub-surface drip irrigation.

2. The proposed well is located less than the required minimum distance of 660 feet to one domestic well. The domestic well owner granted written permission to reduce the required well spacing by signing Water Well Spacing Consent forms in accordance with K.A.R. 5-22-2(e)(4).
3. The application complies with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2) to all other senior domestic and non-domestic points of diversion.
4. The application does not comply with Safe-Yield Rule and Regulation K.A.R. 5-22-7. Total appropriations including the proposed application totaled 4277.12 acre-feet, which exceeds the maximum allowable quantity of 3624 acre-feet by 653.12 acre-feet for the area of consideration (2 mile circle). Including the proposed application, there is 24.7 acre-feet available for "small use" exemption.
5. The application complies with the current "small use" Safe-Yield Regulation K.A.R. 5-22-7(b)(1) exemption criteria.
6. The application does not comply with the proposed regulation modification which proposes to limit "small use" applications requesting an exemption to the Safe Yield Regulation pursuant to K.A.R. 5-22-7(b)(1) to a maximum rate of diversion of 50 GPM. Due to the delay in the Chief Engineer issuing the order suspending processing of "small use" applications, the application is not subject to the proposed regulation modification.
7. The applicant advised that a diversion rate of 100 GPM is necessary to effectively conduct test plot research for limited irrigation and drought resistant crops.
8. Hydrologic data indicates that saturated thickness in the application area is approximately 40-50 feet and that the groundwater level in the area has been stable and has not shown a long-term declining trend;
9. The application is subject to the metering regulation 5-22-4a.
10. The application complies with the District's current Rules & Regulations K.A.R. 5-22-1 through K.A.R. 5-22-17.

Moved by Mike McGinn and seconded by Vin Kissick to recommend to the Chief Engineer that Application No. 48975 be approved. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

b) KANSAS GROUNDWATER MANAGEMENT DISTRICTS LEGISLATIVE RECEPTION – FEB 4, 2015

Tim Boese, Manager, advised the KS GMD Legislative Reception would take place at the Ramada Inn in Topeka on Wednesday, February 4, 2015. He further advised there would be a Kansas Water Congress meeting and GMD Board round table discussion prior to the Legislative Reception at the same location.

c) DISTRICT LOBBYIST OPTIONS

This agenda item was discussed during Executive Session.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR-Stafford, reported on groundwater levels within their jurisdiction, and MDS levels on the Little Arkansas and Alta Mills.

b) KANSAS WATER AUTHORITY

Ray Flickner, Member, reported a KWA meeting was December 22, 2014 to review and approve recommended members to the Regional Goal Leadership Teams. He advised the committee's next meeting would be in Topeka during the last week of January.

c) KANSAS AQUEDUCT ADVISORY COMMITTEE

Joe Pajor, Member, and Ray Flickner, Member, reported the final executive summary consisted of a 160-180 page report.

d) LOWER ARKANSAS BASIN ADVISORY COMMITTEE

Vin Kissick, Secretary, reported that there had not been a recent meeting. He then reported that he had been selected to the Equus-Walnut Regional Leadership team for the Vision of the Future of Water in Kansas and that an orientation meeting would be held in February.

ITEM 10 -- MANAGER'S REPORT

a) ASR PROJECT REPORT

Tim Boese, Manager, advised there was no recharge in December due to low river flows, the Cheney Reservoir conservation pool was at approximately 90.52%, the City's consultant requested an extension to submit the 2013 ASR Accounting Report to DWR until January 31, 2015, the 1993 water levels would be reviewed at the same time as the 2013 Accounting Report, and measurements in the well field area were taken in January.

b) ADMINISTRATIVE & FIELD TASKS

Tim Boese, Manager, advised District staff had been busy working on new and change applications and reviews, safe-yield requests, SW quarter meter requirement letters, meter inspections, permit consultations, DWR processing, and the small use regulation change.

c) MONTHLY HYDROLOGIC CONDITION REPORT

Tim Boese, Manager, advised the December hydrologic condition reports were provided as a handout.

d) MONTHLY INFORMATION AND SERVICE REPORT

Tim Boese, Manager, advised the report would be available at the next Board meeting.

ITEM 11 -- ADDITIONS TO THE AGENDA

There were none.

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – DAVID STROBERG, PRESIDENT

David Stroberg, President, advised he and Tim Boese, Manager, attended the GMDA meeting in Arizona, January 6-8, 2015. Board discussion followed.

Tim Boese, Manager, advised Vin Kissick, Mike McGinn, and Ray Flickner's terms were up and asked who was planning on running for re-election at the Annual Meeting. All three members stated interested in running for another term. Mr. Boese asked if it was in the interest of the Board to invite a guest speaker to address the audience at the Annual Meeting. Board discussion followed. It was the Board's recommendation to have DWR personnel speak at the meeting.

ITEM 13 -- EXECUTIVE SESSION – ATTORNEY CONSULTATION

Moved by Vin Kissick and seconded by Jeff Winter to recess into Executive Session for ten minutes to discuss District matters with the District's attorney for the purpose of protecting the privacy of that information. Those present during this Executive Session were the members of the Board; Tim Boese, Manager; and David Stucky, Legal Counsel. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Time in Executive Session: 5:20 p.m.

Time out of Executive Session: 5:30 p.m.

Mike McGinn made a motion to retain Kent Askren to provide legislative monitoring services for the 2015 legislative session, and to equally split the cost of \$5,000 with GMD #5. Alan Burghart seconded the motion. Motion carried with 5 Directors for, 1 Director against, 1 Director (Joe Pajor) abstained, and 2 Directors absent.

ITEM 14 -- EXECUTIVE SESSION – ATTORNEY CONSULTATION

Prior to entering into Executive Session, District Legal Counsel advised that the nature of the discussion did not qualify to recess into Executive Session. The Board then discussed, in open forum, potential water-related legislation. No action was taken.

ITEM 15 -- EXECUTIVE SESSION – PERSONNEL

Moved by Joe Pajor and seconded by Vin Kissick to recess into Executive Session for thirty minutes to discuss personnel matters with the District's attorney for the purpose of protecting the privacy of that information. Those present during this Executive Session were the members of the Board; and David Stucky, Legal Counsel. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

Time in Executive Session: 5:50 p.m.

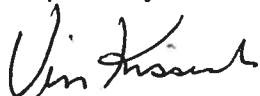
Time out of Executive Session: 6:20 p.m.

David Stroberg made a motion to: increase Manager Tim Boese's 2015 salary by 5% (3% for cost of living, and 2% for a merit increase), and grant a cell phone allowance of \$1,000 per year, effective January 1, 2015. Ray Flickner seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, 2 Directors absent.

Moved by Vin Kissick and seconded by Ray Flickner to adjourn the meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

David Stroberg, President, adjourned the Board meeting at 6:28 p.m.

Respectfully submitted,



Vin Kissick
Secretary

VK/DDB/db