

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

**Tuesday, June 21, 2016
1:00 p.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. Please limit presentation to five minutes or less.*
- 6. APPEAL REVIEW**
 - a) Ronnie Young, Application No. 49453, SE 06-24S-3W, Harvey Co.
- 7. OLD BUSINESS**
 - a) Proposed Application Processing Suspension Area
- 8. NEW BUSINESS**
 - a) Burrton IGUCA - Verle Holdeman, Application No. 49539, NE 18-23S-3W, Harvey Co.
 - b) WRCP Application – Everett Stamback, No. 40759, NW 9-25S-2W, Sedgwick Co.
 - c) ASR Regulations K.A.R. 5-1-1 and 5-12-1 Petition for Reconsideration
 - d) GMD's GIS Mobile Software Application Proposal
 - e) Review Draft FY 2017 Budget
- 9. AGENCY & COMMITTEE REPORTS**
 - a) Division of Water Resources
 - b) Kansas Water Authority
 - c) Equus – Walnut Regional Advisory Committee
- 10. MANAGER'S REPORT**
 - a) ASR Project Report
 - b) Administrative and field tasks
 - c) Monthly information and service report
- 11. ADDITIONS TO THE AGENDA**
- 12. BOARD ROUND TABLE DISCUSSION – Fred Seiler, President**
- 13. 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
JUNE 21, 2016

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting June 21, 2016, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President Fred Seiler called the meeting to order at 1:00 p.m.

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

Fred Seiler, President	
Vin Kissick, Vice-President	
Alan Burghart, Member	
David Bogner, Member	Tom Adrian, Attorney
David Stroberg, Member	Tim Boese, Manager
Joe Pajor, Member	Steve Flaherty, Hydrogeologist

Directors absent: Jeff Winter, Secretary, Mike McGinn, Treasurer, Bob Seiler, Member

Others attending the meeting or portions thereof were:

Verle Holdeman, Halstead	Jeff Lanterman– KDA/DWR, Stafford
Ronnie Young, Burrton	Pam Polk, Burrton
Judy Young, Burrton	Albert Earl Polk, Burrton
Darren Young, Burrton	Keith Bauer, Burrton
Mark Young, Burrton	Patricia Bruce, Burrton
Alex Thang Nguyen, Newton	

ITEM 1

APPROVAL OF MAY 10TH MINUTES

Moved by Joe Pajor to approve the minutes. David Stroberg seconded the motion. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 2 -- APPROVAL OF AGENDA

Moved by Vin Kissick to approve the agenda. Alan Burghart seconded the motion. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 3 -- FINANCIAL REPORT

a) May Financial Report

Moved by Vin Kissick to approve the May financial report. David Stroberg seconded the motion. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 4 -- APPROVAL OF EXPENDITURES

Moved by David Stroberg to approve the June expenditures. Alan Burghart seconded the motion. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 5 -- PUBLIC FORUM- NONE

ITEM 6 -- APPEAL REVIEW

a) Ronnie Young Application No. 49453, SE 06-24-3W, Harvey County

Tim Boese, Manager, presented information regarding application No. 49453. The applicant and applicant's representatives were present and provided information regarding the application.

FINDINGS:

1. The point of diversion proposed by the application is located downgradient of a maximum contamination area of the saltwater contaminant plume in the shallow, middle, and deep zones of the aquifer.
2. Saltwater contamination movement is in an east-southeasterly direction horizontally, and downward. Upconing will draw salt closer to the surface.
3. Additional withdrawal from the aquifer at the proposed location will cause an increase in the horizontal movement of the saltwater contamination plume in the upper aquifer zone towards the proposed well and could detrimentally impact existing water rights and cause impairment of existing water rights.
4. Due to a lack of a competent clay layer separating the upper and lower aquifer zones, upconing salt from the lower aquifer zones into the proposed well during operation could redistribute salinity from lower aquifer zones to the upper aquifer zone, thus contaminating the upper aquifer zone at the site and could detrimentally impact existing water rights and cause impairment of existing water rights.
5. The District has previously reviewed nearby application nos. 48284, 48287, and 48290 in this area and recommended them for denial.

Moved by Joe Pajor and seconded by Vin Kissick to deny the reconsideration request and recommend to the Chief Engineer that Application No. 49453 is denied. Motion carried with 5 Directors for, 1 Directors against, 0 Directors abstained, and 3 Director absent.

ITEM 7 – OLD BUSINESS

a) Proposed Application Processing Suspension Area

Tim Boese, Manager, and Steve Flaherty, Hydrogeologist, reviewed the proposed changes to the requested application processing suspension area. Tim Boese advised that the Chief Engineer had not yet approved the request.

Moved by Vin Kissick and seconded by Alan Burghart to approve the changes. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Director absent.

ITEM 8 -- NEW BUSINESS

a) Burrton IGUCA – Verle Holdman, Application No. 49539, NE 18-23S-3W, HV Co.

Steve Flaherty, Hydrogeologist, presented information regarding application No. 49539. The applicant was present and provided information regarding the application.

FINDINGS:

1. Application no. 49539 proposes the withdrawal of 117 acre-feet at a maximum rate of 1000 gallons per minute for the irrigation of 90 acres from a single well located 2787 ft north and 1470 ft west of the southeast corner of Section 18, Township 23 south, Range 3 west.
2. The application complies with the District's well spacing rule and regulation K.A.R. 5-22-2(a).

3. The application complies with safe yield Rule and Regulation K.A.R. 5-22-7.
4. Four nearby well owners responded with written concerns about application no. 49539. Several phone calls were also received.
5. The competency of the uppermost clay layer is unknown and the distribution of underlying clay units are unknown, the test well was not drilled to bedrock.
6. Groundwater and the contaminant plume are moving east in the shallow zone of the aquifer and are potentially downgradient of a 600ppm chloride zone.
7. Groundwater and the contaminant plume are moving east-northeast in the middle/lower zone of the aquifer. The proposed PD is downgradient of a maximum contamination zone.
8. Upconing may affect the plume migration in the middle/lower zone depending upon the competency of the uppermost clay unit identified in the drillers log. The proposed point of diversion also has potential to adversely affect domestic wells downgradient.
9. Four houses are within ~800 feet to as close as ~200 ft of the edge of the proposed irrigation pivot and are worried about overspray and negative impacts to water quality and quantity.

Moved by Vin Kissick and seconded by David Stroberg to recommend to the Chief Engineer that Application No. 49539 is denied. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Director absent.

b) WRCP Application - Everett Stamback, No. 40759, NW 9-25S-2W, SG County

Steve Flaherty, Hydrogeologist, presented information regarding the WRCP application for Water Right No. 40759. The applicant was not present.

FINDINGS:

1. Water Right No. 40759 is located in an area where existing appropriations exceed the maximum appropriations allowable under the Safe Yield Regulation K.A.R. 5-22-7.
2. Placement of Water Right No. 40759 into the WRCP is consistent with the groundwater management goal of the District by reducing groundwater use in an over-appropriated area.
3. Water use under the water right would be suspended until December 31, 2026.

Moved by David Bogner and seconded by Alan Burghart to recommend to the Chief Engineer that that the WRCP application be approved, subject to the WRCP application is accompanied by either a completed Groundwater Management District Abandoned Well Plugging Agreement or Inactive Well Capping Agreement for the authorized well in accordance with K.A.R. 28-30-200 through K.A.R. 28-30-207. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Director absent.

c) ASR Regulations K.A.R. 5-1-1 and 5-12-1 Petition for Reconsideration

Tom Adrian, Attorney, reviewed with the Board the Division of Water Resources Chief Engineer's denial of the Districts' ASR Regulations K.A.R. 5-1-1 and 5-12-1 Petition for Reconsideration and options including filing for a judicial review in District Court.

Moved by Vin Kissick and seconded by Joe Pajor for the District to cease any efforts to appeal the regulations modifications. Motion failed with 3 Directors for, 3 Directors against, 0 Directors abstained, and 3 Director absent.

Moved by Joe Pajor and seconded by Alan Burghart for Tom Adrian to check on and, if possible, request a 30 day extension to file for a judicial review in District Court and for District staff to contact Board members to determine a date that all Board members could be present for a special meeting to discuss the issue before the deadline to file in District court. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

d) GMD's GIS Mobile Software Application Proposal

Tim Boese, Manager, advised that the groundwater management districts contacted a GIS software development company to obtain a cost estimate for a mobile GIS software program for collecting field data and inspections. The estimate was high and the GMDs were reviewing options before bring a proposal to the GMD Boards for review.

e) Review of Draft 2017 Budget

Tim Boese, Manager, reviewed the draft 2017 budget with the Board. The draft budget presented was slightly modified from the draft budget presented at the Annual Meeting. It was the consensus of the Board to present the current draft 2017 budget at the July 12, 2016, Budget Hearing.

ITEM 9 – AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR, advised that the DWR was working on the process of notification of nearby well owners for new and change applications as required by recently approved legislation.

b) KANSAS WATER AUTHORITY

Vin Kissick reported the KWA met May 18 & 19, 2016, in Oakley. Vin advised that the KWA discussed funding for the Kansas Water Vision action items, including fees on irrigation water use.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Joe Pajor reported that the Equus - Walnut Regional Advisory Committee (RAC) chair presented the draft action items for the RAC's seven goals to the KWA on May 18, 2016.

ITEM 10 – MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised the recharge for April was: Phase I – 89.5 acre-feet and Phase II – 456.5 acre-feet. Cheney Reservoir conservation pool is full and flood pool is 9.58% full, with no release currently. Flow at Little Ark on Hwy 50 is 581 cfs; Valley Center is at 1010 cfs. District staff met with City of Wichita staff to review data and modeling on May 26, 2016 and another meeting is planned for June 28, 2016.

b) Administrative Field Tasks

Tim Boese, Manager, reported for the month of May. Staff worked on new/change applications and application reviews, water permit consultations, and issued one waste of water violation in June.

c) Monthly Information & Service Report

Tim Boese, Manager, advised the report was not available due to staff shortage.

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – FRED SEILER, PRESIDENT

Tim Boese, Manager, advised that the Division of Water Resources was considering September 14, 2016, as the date to hold the IGUCA reviews public hearings and also possibly for the District expansion public hearing.

Tim Boese, Manager, advised that the Summer Water Congress conference would be July 26 & 27 in Wichita and that the groundwater management districts were helping organize the event. Tim asked if the Board wanted to help financially sponsor the conference. It was the consensus of the Board to not financially sponsor the conference.

Tim Boese advised that several Board members would not be able to attend the July 12, 2016, Board meeting and that he would be on vacation during the August 9, 2016, meeting.

Motion made by Joe Pajor and Seconded by David Stroberg to move the July meeting to July 6, move the August meeting to August 23, and cancel the September meeting. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 13 – EXECUTIVE SESSION - PERSONNEL

Moved by David Stroberg and seconded by Vin Kissick to recess into Executive Session for 10 minutes to discuss personnel matters and 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 Tom Adrian, Legal Counsel. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Director absent.

Time in Executive Session: 3:55 p.m.

Time out of Executive Session: 4:00 p.m.

Moved by David Stroberg and seconded by Vin Kissick to come out of Executive early and return to the regular meeting at 4:00 p.m. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent

Motion made by David Stroberg and seconded by Alan Burghart to adjourn the meeting. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

Fred Seiler, President, adjourned the Board meeting at 4:00 p.m.

Respectfully submitted,



Jeff Winter
Secretary
JW/TDB/db