

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

**Tuesday, May 10, 2016
1:00 p.m.**

313 Spruce Street • Halstead, KS 67056-1925
Phone: (316) 835-2224 • Fax: (316) 835-2225 • E-mail: equusbeds@gmd2.org

- 1. APPROVAL OF MINUTES**
- 2. APPROVAL OF AGENDA**
- 3. FINANCIAL REPORT –**
 - a) Annual Financial Audit – Knudsen, Monroe & Co., LLC.
 - b) April 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.*
- 6. APPEAL REVIEW**
 - a) Circle S Farm, Application. No. 49099, SW 04-22S-2W, Harvey Co.
 - b) Ronnie Young, Application No. 49453, SE 06-24S-3W, Harvey Co.
- 7. OLD BUSINESS – None Pending**
- 8. NEW BUSINESS**
 - a) Burrton IGUCA - Verle Holdeman, Application #49539, NE 18-23S-3W, Harvey County
 - b) Review of McPherson IGUCA and Burrton IGUCA Draft Reports
 - c) Review of McPherson and Harvey County Water Level Data
 - d) Status of Current Water-Related Legislation & Rules & Regulations
 - e) Review of ASR MOUs
- 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**

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
MAY 10, 2016

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting May 10, 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
Jeff Winter, Secretary
David Bogner, Member
David Stroberg, Member

Joe Pajor, Member
Bob Seiler, Member
Tom Adrian, Attorney
Tim Boese, Manager
Steve Flaherty, Hydrogeologist

Directors absent: Alan Burghart, Member

Others attending the meeting or portions thereof were:

Justin Schrag, Moundridge
Ronnie Young, Burrton
Judy Young, Burrton
Darren Young, Burrton
Mark Young, Burrton

Jeff Lanterman– KDA/DWR, Stafford
Jack Blazer, Newton
Brian Meier - Burns & McDonnell, Wichita
Daniel Clement - Burns & McDonnell, Wichita

ITEM 1

APPROVAL OF APRIL 12TH MINUTES

Joe Pajor made a motion to approve the minutes. David Stroberg seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 2 -- APPROVAL OF AGENDA

Manager Tim Boese advised the agenda needed to be amended to remove item #8a. Moved by David Bogner to approve the agenda as amended. David Stroberg seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 3 -- FINANCIAL REPORT

a) Annual Financial Audit – Jack Blazer, Knudsen Monroe, & Co. LLC.

Jack Blazer, Knudsen Monroe & Company LLC, reviewed the 2015 Annual Financial Audit with the Board. Moved by Vin Kissick to accept the 2015 Annual Financial Audit. David Stroberg seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

b) April Financial Report

Moved by Bob Seiler to approve the April financial report. Jeff Winter 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 Vin Kissick to approve the May expenditures. David Stroberg seconded the motion. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

ITEM 5 -- PUBLIC FORUM- NONE

ITEM 6 -- APPEAL REVIEW

a) Circle S Farms Application # 49099 SW 04-22S-2W Harvey Co.

Tim Boese, Manager, presented information regarding Application No. 49099. The applicant was present and provided information regarding the appeal petition and application. The appeal petition did not comply with the District's Application Processing Requirements and Procedures Regulation K.A.R. 5-22-12, as the appeal petition submitted by the applicant was received by the District on March 1, 2016, which was 32 days after the District's January 27, 2016, letter recommending denial of the application, which exceeds the maximum time to appeal of 30 days. Based on the Board's finding that there was a discrepancy between the District's deadline to appeal and the deadline set by the Division of Water Resources to submit additional information, it was moved by Bob Seiler and seconded by Vin Kissick to grant an exception of K.A.R. 5-22-12 and to hear the appeal. Motion carried with 7 Directors for, 1 Directors against, 0 Directors abstained, and 0 Directors absent.

Tim Boese, Manager, then presented information regarding the application. Upon review of the information, Vin Kissick made a motion to table making a recommendation on the application until the January, 2017, District Board of Directors meeting to allow the District time to complete and review the District-wide safe yield and recharge study and modeling effort being conducted in conjunction with the Kansas Geological Survey. David Stroberg seconded the motion. Motion carried with 6 Directors for, 2 Directors against, 0 Directors abstained, and 1 Directors absent.

b) Ronnie Young Application #49453 SE 06-24-3W

Stephen Flaherty, Hydrogeologist, 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 Bob Seiler and seconded by David Bogner to deny the appeal and recommend to the Chief Engineer that Application No. 49453 is denied. Motion failed with 4 Directors for, 4 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 7 – OLD BUSINESS- NONE

ITEM 8 -- NEW BUSINESS

a) Review of McPherson IGUCA and Burrton IGUCA Draft Reports

Stephen Flaherty, Hydrogeologist, reviewed the Burrton IGUCA and McPherson IGUCA draft reports by the Division of Water Resources. The reports will be used during the upcoming public informational meetings / hearings for the IGUCAs.

Upon review of the Burrton IGUCA Draft report, Joe Pajor made a motion to receive and file the report. Mike McGinn seconded the motion. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

Upon review of the McPherson IGUCA Draft report, Joe Pajor made a motion to receive and file the report. Jeff Winter seconded the motion. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

b) Review of McPherson and Harvey County Water Level Data

Stephen Flaherty, Hydrogeologist, and Tim Boese, Manager, reviewed water level data from parts of McPherson and Harvey Counties and identified a draft area that was showing long-term groundwater level declines.

Upon review of the information, Joe Pajor made a motion to recommend to the Chief Engineer, DWR, that, for the area identified by District staff as experiencing long-term water declines, new applications for groundwater appropriation filed on or after May 10, 2016 within the area be suspended for processing for up to 14 months to allow for further study and possible recommendations by the District, including modifications to the District's safe yield regulation and calculation. Additionally, any new groundwater appropriation application filed on or after May 10, 2016, would be subject to any changes to the District's safe yield regulation and calculation. The motion also allowed District staff to make technical corrections to the proposed area's boundaries, with such changes to be affirmed by the Board at a future meeting. Vin Kissick seconded the motion. Motion carried with 6 Directors for, 2 Directors against, 0 Directors abstained, and 1 Director absent.

c) Status of Current Water-Related Legislation & Rules & Regulations

Tim Boese, Manager, reviewed with the Board House Substitute for Senate Bill 337, which was recently approved by the Kansas Legislature and Governor. The bill contains the following water-related laws.

- Creates a penalty for failure to report annual water use, including a \$1,000 maximum fine.
- Chief Engineer can suspend water use until water use report submitted or other documentation.
- Chief Engineer may require telemetry for water use documentation purposes.
- Requires the Chief Engineer to be a classified position. Allows Secretary of Agriculture to convert vacant positions under the Chief Engineer to unclassified positions.

- Requires DWR to post all complete applications and all order by DWR on its website.
- Requires DWR, in conjunction with GMDs, to notify all well owners within ½ mile or (further if necessary) of an application, except well moves of less than 300 feet.
- Requires Sec. of Ag or Chief Engineer to notify GMD Board when proposing rules and regulations that could change a GMD management program or impact water use in a GMD.

d) Review of ASR MOUs

Tom Adrian, District Attorney, reviewed the Aquifer Storage and Recovery (ASR) MOUs between the District and the City of Wichita and discussed enforceability of the MOUs.

Tom Adrian also reviewed with the Board the appeal process regarding state-wide rules and regulations adopted by the DWR Chief Engineer, including the recently approved modifications to certain state-wide ASR regulations. Based on the existing ASR water permit conditions, the District's current MOUs with the City of Wichita, and the Board's previous opposition to modifying ASR Rules and Regulations K.A.R. 5-1-1 and 5-22-12, Mike McGinn made a motion to request to the DWR a reconsideration of the modifications of ASR Rules and Regulations K.A.R. 5-22-1 and 5-22-12 and for the District's Attorney to draft the reconsideration petition. Bob Seiler seconded the motion. Motion carried with 7 Directors for, 1 Directors against, 0 Directors abstained, and 1 Directors absent.

ITEM 9 – AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR, advised that there was nothing to report.

b) KANSAS WATER AUTHORITY

Vin Kissick reported the KWA will be meeting May 18, 2016, in Oakley. Vin also advised that the KWA would be considering candidates for filling vacancies on the Regional Advisory Committees.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Bob Seiler & Joe Pajor reported that the Equus - Walnut Regional Advisory Committee (RAC) met on May 9, 2016, and that draft action items for the RAC's seven goals would be presented by the RAC chair at the KWA meeting in Oakley on May 18, 2016.

ITEM 10 – MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised the recharge for April was: Phase I – 27 acre-feet and Phase II – 41.2 acre-feet. Cheney Reservoir conservation pool is full and flood pool is 1.29% full, with release occurring at 255 cfs. Flow at Little Ark on Hwy 50 is 27 cfs; Valley Center is at 125 cfs. District staff met briefly with City of Wichita staff to review data and modeling on April 18, 2016 and another meeting is planned for May 26, 2016.

b) Administrative Field Tasks –

Tim Boese, Manager, reported for the month of April. Staff completed 21 new/change applications and application reviews, performed 17 water permit consultations, and staff completed the quarterly water-level measurements (584 measurements).

c) Monthly Information & Service Report

Tim Boese, Manager, advised the report was in the Board booklet and reviewed information with the Board.

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

There was no discussion.

Motion made by David Stroberg to adjourn meeting. Seconded by Jeff Winter. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

Fred Seiler, President, adjourned the Board meeting at 5:52 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeff Winter".

Jeff Winter
Secretary
JW/TDB/db