

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2  
DECEMBER 13, 2016**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting December 13, 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	Bob Seiler, Member
Vin Kissick, Vice-President	Joe Pajor, Member
Jeff Winter, Secretary	Tom Adrian, Attorney
Mike McGinn, Treasurer	Tim Boese, Manager
David Bogner, Member	Steve Flaherty, Hydrogeologist
David Stroberg, Member	Rebecca Wilson, Admin. Assistant
Alan Burghart, Member	

*Directors absent: None*

Others attending the meeting or portions thereof were:

Cameron Conant, KDA - DWR Stafford  
Daniel Clement, Burns & McDonnell  
Scott Macey, City of Wichita  
Clark Wedel, Haven USD 312 Superintendent  
Chris Rohr, Haven USD 312 Facility & Dist. Maintenance Director  
Lisa French, Cheney Lake Watershed, Inc.  
Bill Carp, Carp Farm

**ITEM 1 -- APPROVAL OF NOVEMBER 8TH MEETING MINUTES**

Moved by Joe Pajor and seconded by David Stroberg to approve the Minutes. Motion carried with 7 Directors for, 0 Directors against, 0 Director abstained, and 2 Directors absent.

**ITEM 2 -- APPROVAL OF AGENDA**

Moved by David Stroberg and seconded by David Bogner to approve the Agenda. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

**ITEM 3 -- FINANCIAL REPORT**

**November Financial Report**

Moved by Jeff Winter and seconded by Vin Kissick to approve the November Financial Report. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Directors absent.

**ITEM 4 -- APPROVAL OF EXPENDITURES**

Moved by Vin Kissick and seconded by Jeff Winter to approve the November 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

### a) Haven Public Schools USD 312, Application No. 49637

Tim Boese, Manager, presented information regarding application No. 49637. The applicant was present and provided information regarding the application.

#### FINDINGS:

1. Application No. 49637 proposes 12.88 acre-feet per year at a maximum rate of 200 gallons per minute for irrigation use (watering 9.20 acres of athletic fields and school grounds) from a proposed battery of two wells located in the Northwest quarter of the Southeast quarter of the Northeast quarter (3371'N & 995'W), Section 05, Township 25 South, Range 4 West, Reno County.
2. The proposed battery of two wells consists of an existing well and a proposed well. The existing well was apparently drilled and constructed in the mid 1970's and has been used to irrigate the school's athletic fields.
3. The application does not comply with the Well Spacing Rule and Regulation **K.A.R. 5-22-2(b)** as the proposed point of diversion does not meet the minimum spacing requirement of 1,620 feet to the municipal well authorized by Water Right No. 20474, and to the municipal well authorized by Water Rights Nos. 2774, 11771, 20474, and 39779.
4. The proposed well battery is located approximately 1105 feet northwest of the City of Haven municipal well authorized by Water Right No. 20474 and approximately 882 feet southwest of the City of Haven municipal well authorized by Water Rights Nos. 2774, 11771, 20474, and 39779.
5. The City of Haven submitted a letter (Attachment B), advising that the City did not have any objection to the application so long as it does not detrimentally impact the City's water supply.
6. The applicant obtained written consent from the owners of all domestic wells within 960 feet of the proposed well battery.
7. The application complies with the Safe Yield Rule and Regulation **K.A.R. 5-22-7(a)**;
8. Hydrologic data indicates that saturated thickness in the application area is approximately 120 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
9. The past operation of one of the wells proposed by the application has had no known detrimental impacts to nearby wells.
10. Drawdown calculation using the proposed quantity and rate of 12.88 AF and 200 GPM indicate that drawdown at the City of Haven municipal wells to which the proposed well battery does not meet spacing to will be less than 0.25 feet based on continuous pumping until the entire quantity has been pumped.
11. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic and non-domestic points of diversion.
12. The Board of Directors has previously reviewed similar applications that did not meet well spacing requirements and recommended exceptions to the Well Spacing Rule and Regulation **K.A.R. 5-22-2** and recommended the applications for approval.
13. The application is subject to the metering regulation 5-22-4a.

Moved by Mike McGinn and seconded by Alan Burghart to recommend to the Chief Engineer that Application No. 49637 is granted an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(b) and that the application be recommended for approval.

Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

**ITEM 7 -- OLD BUSINESS**

**a) EDGEWATER HOA, APPLICATION NO. 49284, NE 27-26S-1W, SEDGWICK COUNTY**

Tim Boese, Manager, presented information regarding application No. 49284. Daniel Clement, Burns & McDonnell, representative for the applicant, was present and provided information regarding the application.

**FINDINGS:**

1. Application No. 49284 requests 28 acre-feet for irrigating 9 acres of turf grass and common areas at the Edgewater housing addition.
2. The application does not comply with Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), as the application requests 3.1 acre feet per acre for irrigation use, which exceeds the maximum allowable 1.3 acre per acre irrigation limit in Sedgwick County.
3. The application does not comply with the Non-Domestic Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1), as the proposed point of diversion does not meet spacing to a non-domestic well and two groundwater pits.
4. The application does not comply with the Domestic Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion does not meet spacing to numerous domestic wells.
5. All nearby property owners with domestic wells within approximately 660 feet of the proposed well were notified via certified mail of the application by the applicant's consultant and asked to sign spacing consent forms.
6. Eight spacing consent forms were submitted from domestic well owners within approximately 660 feet of the proposed well. No negative comments were received from those domestic well owners that did not sign spacing consent forms.
7. The domestic wells to which the proposed point of diversion does not meet spacing requirements to are part of the Edgewater housing development;
8. The application and senior existing non-domestic points of diversion are all located within and part of the Edgewater housing development or owned by the Edgewater developer;
9. Drawdown calculation using the proposed quantity and rate of 28 AF and 75 GPM indicates that drawdown at the nearest domestic well and non-domestic point of diversion (groundwater pit edge) will be less than 0.25 feet based on continuous pumping until the entire quantity has been pumped;
10. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic and non-domestic points of diversion.
11. The Applicant desires to maintain turf grass on loamy fine sand with intake rate of up to 6 to 20 inches per hour.
12. Precipitation and ET data submitted by the applicant's consultant indicates that

fescue turf grass on the type of soil at the application site requires approximately 36.5 inches of irrigation based on a 75% sprinkler efficiency during an average rainfall growing season.

Moved by Bob Seiler and seconded by David Stroberg to recommend to the Chief Engineer that Application No. 49284 is granted exceptions to the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), and the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), and the application be recommended for approval, subject to:

1. Water Permit Nos. 47456 & 47457 are voluntarily dismissed as proposed by the applicant; and
2. The possible partial place of use overlap with Water Permit No. 47615 is determined and removed by either modifying the proposed place of use or modifying Water Permit No. 47615 authorized place of use.

Motion carried with 7 Directors for, 2 Directors against, 0 Directors abstained, and 0 Directors absent.

**b) EDGEWATER HOA, APPLICATION NO. 49285, NE 27-26S-1W, SEDGWICK COUNTY**

Tim Boese, Manager, presented information regarding application No. 49285. Daniel Clement, Burns & McDonnell, representative for the applicant, was present and provided information regarding the application.

**FINDINGS:**

1. Application No. 49285 requests 28 acre-feet for irrigating 9 acres of turf grass and common areas at the Edgewater housing addition.
2. The application does not comply Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), as the application requests 3.1 acre feet per acre for irrigation use, which exceeds the maximum allowable 1.3 acre per acre irrigation limit in Sedgwick County.
3. The application does not comply with the Non-Domestic Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1), as the proposed point of diversion does not meet spacing to a non-domestic well and two groundwater pits.
4. The application does not comply with the Domestic Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion does not meet spacing to several domestic wells and no spacing consent forms were submitted.
5. All nearby property owners with domestic wells within approximately 660 feet of the proposed well were notified via certified mail of the application by the applicant's consultant and asked to sign spacing consent forms.
6. Three spacing consent forms were submitted from domestic well owners within approximately 660 feet of the proposed well. No negative comments were received from those domestic well owners that did not sign spacing consent forms.
7. The domestic wells to which the proposed point of diversion does not meet spacing requirements to are part of the Edgewater housing development;
8. The application and senior existing non-domestic points of diversion are all located within and part of the Edgewater housing development or owned by the Edgewater developer;
9. Drawdown calculation using the proposed quantity and rate of 28 AF and 75 GPM

indicates that drawdown at the nearest domestic well and non-domestic point of diversion (groundwater pit edge) will be less than 0.25 feet based on continuous pumping until the entire quantity has been pumped;

10. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic and non-domestic points of diversion.
11. The Applicant desires to maintain turf grass on loamy fine sand with intake rate of up to 6 to 20 inches per hour.
12. Precipitation and ET data submitted by the applicant's consultant indicates that fescue turf grass on the type of soil at the application site requires approximately 36.5 inches of irrigation based on a 75% sprinkler efficiency during an average rainfall growing season.

Moved by Bob Seiler and seconded by David Stroberg to recommend to the Chief Engineer that Application No. 49285 is granted exceptions to the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1), and the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), and the application be recommended for approval, subject to:

1. Water Permit Nos. 47456 & 47457 are voluntarily dismissed as proposed by the applicant;
2. Application No. 49285 is further limited to 28 acre-feet per year when combined with No.49284;and
3. The possible partial place of use overlap with Water Permit No. 47615 is determined and removed by either modifying the proposed place of use or modifying Water Permit No. 47615 authorized place of use.

Motion carried with 7 Directors for, 2 Directors against, 0 Directors abstained, and 0 Directors absent.

### **c) GMD Assessment Cap Review**

Tim Boese, Manager, reviewed information regarding the District's budget, potential out of district water assessments, and verified claims. Discussion by the Board followed regarding history of the land and water assessment caps, as well as justification for increasing the assessment cap and/or removing the verified claims process. Motion was made by Mike McGinn and seconded by Jeff Winter for Manager Tim Boese to elicit support from the other four GMDs and to look for a sponsor for the potential bill to amend the current groundwater management district assessment statute to: 1) The ability of each district to decide to accept or not accept verified claims, 2) Raise the land assessment cap to \$.10 per acre, 3) Raise the in-district water assessment cap to \$1.50 per acre-foot, and 4) Raise the out of district water assessment cap to \$2.00 per acre-foot. Joe Pajor made a motion and Vin Kissick seconded to amend the current motion to: 1) Eliminate Verified Claims, and 2) Raise the land assessment, District rate and Out of District rate to the consumer price index numbers as adjusted from when each was established. Amended motion failed with 1 Director for, 8 Directors against, 0 Directors abstained, and 0 Directors absent. Original motion carried with 7 Directors for, 2 Directors against, 0 Directors abstained, and 0 Directors absent.



## **ITEM 8 -- NEW BUSINESS**

### **a) New Copier/Printer Option Quote**

Tim Boese, Manager, presented a proposal from 360 Document Solutions for a new Multifunctional System. Discussion followed regarding potential leasing options.

Moved by Bob Seiler and seconded by Joe Pajor to approve the contract subject to written verification from 360 Document Solutions that they will pay off the current lease, as well as the expectation that Tim will explore other pricing options. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

### **b) Review of November 21, 2016 Joint GMD/KDA-DWR Meeting**

Tim Boese, Manager, and Board members Vin Kissick, Joe Pajor, and Bob Seiler, attended the meeting. Tim reviewed the information and discussion from the meeting with the Board. Discussion by the Board followed. Moved by Bob Seiler and seconded by David Bogner to take a position in support of the KDA proposed new Consumptive Use regulation. Motion failed with 2 Directors for, 7 Directors against, 0 Directors abstained, and 0 Directors absent. Moved by Joe Pajor to oppose the KDA proposed new Consumptive Use regulation. Motion did not receive a second. Without further direction, District Manager Tim Boese will remain neutral regarding the new Consumptive Use regulation.

### **c) District Lobbyist Options**

Tim Boese, Manager, presented two proposals for District lobbyist options. Discussion by Board members followed. Moved by Bob Seiler and seconded by Joe Pajor to defer the item and not hire a lobbyist at this time. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent. Board members requested that GMD staff check on the possibility and cost to hire a lobbyist on a per item fee schedule.

### **d) City of Wichita ASR Project Drought Pumping Modeling Results**

Tim Boese, Manager, reviewed the Equus Beds Wellfield (EBWF) drought scenario modeling results demonstrating the City of Wichita (City) groundwater pumping options during a modeled one percent drought covering a span of eight consecutive years. Additionally, Tim reviewed with the Board a letter dated November 15, 2016, from the City requesting the District provide a written response regarding the model results by December 15, 2016. Tim advised that the District staff, in cooperation with City of Wichita staff, spent a considerable amount of time reviewing the model inputs and results and that during the review, many needed revisions were identified by both the City staff and the District staff. The two parties worked together to make needed corrections and re-run the model during the review. In addition, District staff was able to incorporate the City's model inputs into the District's modeling software (Groundwater Modeling System), which enabled the model inputs and outputs to be viewed, evaluated, manipulated and revised. Tim advised that a tremendous amount of time and effort by the District staff and City staff had been put forth in an effort to ensure the model inputs and results are accurate. However, Tim advised further model revisions and model information is needed. At the meeting, Scott Macey, City of Wichita, acknowledged that the model was not complete. Joe Pajor, City of Wichita, advised that the City was waiting on a response regarding the model results from the District before moving forward with any ASR water permit modifications.

Upon review of the information presented and discussed at the meeting, it was Moved by Mike McGinn and seconded by Alan Burghart for Tim to send a letter to the City of Wichita advising that the modeled results are unacceptable at this time for evaluating a modified Minimum Index Level for the City's Aquifer Storage and Recovery Project (ASR) and that the City provide model information and update the model as follows:

- Conduct quality control before re-submitting the model.
- Correct the recharge through time, as recharge trends in the model do not follow actual precipitation trends.
- Calibrate the model or use an existing calibrated model.
- Investigate pumping versus time and ensure that the same potential error with recharge is not present in other model inputs.
- Investigate all other model parameters through time for accuracy.
- Demonstrate that Cheney Reservoir has the capacity throughout an eight year drought to sustain the quantities indicated in the model inputs (Attachment A of the original model results). Make starting water levels accurate, as starting heads in the sand hills are inaccurate. At a minimum, modify the starting heads in the sand hills region to conform to the lower portion of the aquifer to be consistent with the rest of the model.
- Provide written explanation and justification for model inputs, especially the drought scenario.
- Model two years of recovery following the drought.
- Compare modeled results.

Additionally, the motion included that upon receiving the updated model and model information listed above, the District staff be allowed a minimum of thirty (30) days to review the updated model and information before the Board of Directors reviews the model results and provides a documented response. The motion specified that the letter is to be copied to all of the recipients included in the November 15, 2016, City of Wichita letter. Motion carried with 8 Directors for, 0 Directors against, 1 Director abstained (Joe Pajor), and 0 Directors absent.

## **ITEM 9 -- AGENCY & COMMITTEE REPORTS**

### **a) DIVISION OF WATER RESOURCES**

Cameron Conant, DWR - Stafford, reported that they will begin measuring annual wells next week, a project that will take several weeks to complete. Regarding Multi Year Flex Accounts (MYFA), Cameron provided a reminder that if an owner is currently enrolled in a Multi Year Flex Account (MYFA) that started in 2012, and they want to re-enroll and use the new Carryover Provision, the deadline for that is December 31, 2016. If approved, owners can carry up to one year of the base average verified usage from 2000-2009 into the new MYFA from 2017-2021, but the 5 year total cannot exceed five times the authorized quantity. Cameron also reported that there have been recent changes to water use penalties. If an owner fails to file a water use report by March 1<sup>st</sup>, they will receive a \$250.00 fine per file. If the report is not received by June 1<sup>st</sup>, a \$1,000.00 fine will be imposed, as well as a suspension of water use until a water use report is filed and approved by the Chief Engineer. Cameron stated that the new online Water Use Report is available on their website.

**b) KANSAS WATER AUTHORITY**

Board Vice President, Vin Kissick, reported that the next Kansas Water Authority meeting is scheduled for December 15, 2016 in Wichita. The agenda includes Water Conservation Areas legislation and Impairment legislation updates.

**c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE**

Bob Seiler, Member, stated that there was no report, as the Equus-Walnut RAC did not have a meeting this month.

**ITEM 10 -- MANAGER'S REPORT**

**a) ASR Project Report**

Tim Boese, Manager, advised that in November, there was no recharge in Phase I or Phase II. Cheney Reservoir: Conservation pool is full and flood pool is 3.06% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 31 CFS; Valley Center is at 88 CFS. Both are virtually unchanged since November 8<sup>th</sup> meeting.

**b) Administrative Field Tasks**

Tim Boese, Manager, reported that in November, staff worked on 11 new/change applications and processed a total of 75 files including new and change applications, DWR recommendation requests, Safe Yield evaluations, and VI cards, etc. Staff also completed 12 water permit consultations and 17 water meter inspections. There were no term permit replacement/renewal reviews in November. Staff is working on two replacement term permits (Cargill Elevator and City of Hutchinson).

**c) Monthly Information & Service Report**

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

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

Fred Seiler, Board President, stated that he is not planning to attend the GMDA Winter Conference in Fort Worth, and he suggested that the Board send another member in his place. Jeff Winter will consider attending the conference and will let Tim know.

**ITEM 13 – EXECUTIVE SESSION**

Moved by Vin Kissick and seconded by Bob Seiler to recess into Executive Session for 30 minutes to discuss personnel matters with the District's attorney for the purpose of protecting the privacy of that information. 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; Tim Boese, Manager; and Tom Adrian, Legal Counsel.

Time in Executive Session: 4:32 p.m.

Time out of Executive Session: 5:02 p.m.

Moved by Joe Pajor and seconded by David Stroberg to extend the executive session 30 minutes

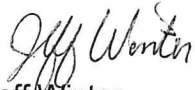
Time in Executive Session: 5:03 p.m.

Time out of Executive Session: 5:23 p.m.

Moved by Mike McGinn and seconded by David Stroberg for the following salaries to be effective January 1, 2017: David Randolph - \$43,000.00; Steve Flaherty - \$55,500.00; and Tim Boese - \$86,500.00, and for Rebecca Wilson to receive a \$250.00 Christmas Bonus. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, 1 Director absent.



Moved by Vin Kissick and seconded by Jeff Winter to adjourn the meeting. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Fred Seiler, President, adjourned the Board meeting at 5:26 p.m.



Jeff Winter  
Secretary  
JW/TDB/rsw