

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

**Tuesday, April 18, 2017
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**
 - a) March 16th Meeting
 - b) Annual Meeting Review
- 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.*
- 6. APPEAL REVIEW**
 - a) City of Halstead, Application No. 49704, NE 35-23S-2W, Harvey Co.
- 7. OLD BUSINESS**
 - a) Proposed Nickerson Effluent Holding Cells
- 8. NEW BUSINESS**
 - a) Status of Safe Yield Review
 - b) Status of Current Water-Related Legislation & Rules & Regulations
 - c) GMDA Summer Conference – May 24-26, 2017 – Albuquerque, NM
 - d) Election of Board Officers
- 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) Review of Term Permit Applications
 - d) Monthly Information and Service Report
- 11. ADDITIONS TO THE AGENDA**
- 12. BOARD ROUND TABLE DISCUSSION**

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
APRIL 18, 2017**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting April 18, 2017, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. Vice President Vin Kissick called the meeting to order at 1:00 p.m.

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

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

Directors absent: David Stroberg

Others attending the meeting or portions thereof were:

Cameron Conant, KDA - DWR Stafford
Brian Meier, Burns & McDonnell
Daniel Clement, Burns & McDonnell
Brian Klager, USGS
Ethan Reimer, City of Halstead

ITEM 1 -- APPROVAL OF MARCH 16TH MEETING MINUTES

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

ITEM 2 -- APPROVAL OF AGENDA

Moved by Jeff Winter and seconded by Alan Burghart to add Agenda Item 8(e) - ASR Project 2015 Annual Accounting Report, and move Agenda Item 10(a) – ASR Project Report, to be combined with 8(e). Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 3 -- FINANCIAL REPORT

March Financial Report

Moved by Mike McGinn and seconded by Jeff Winter to approve the March Financial Report. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 4 -- APPROVAL OF EXPENDITURES

Moved by Joe Pajor and seconded by Mike McGinn to approve the April expenditures. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 5 -- PUBLIC FORUM - NONE

ITEM 6 -- APPEAL REVIEW

a) City of Halstead, Application #49704, NE 35-23S-2W, Harvey County

Tim Boese, Manager, presented information regarding application No. 49704. The applicant was present and provided information regarding the application.

FINDINGS:

1. Application No. 49704 proposes 15 acre-feet per year at a maximum rate of 50 gallons per minute for irrigation use (watering 5.5 acres of athletic fields and surrounding grounds) from a well located in the Southwest quarter of the Southwest quarter of the Northeast quarter (2811'N & 2547'W), Section 35, Township 23 South, Range 2 West, Harvey County.
2. The proposed well is an existing well drilled and constructed in 2006 and has been used to irrigate the City's baseball field in 2015 and 2016 under temporary permits.
3. The application does not comply with the District's Well Spacing Regulation K.A.R. 5-22-2(a)(1), as the proposed point of diversion is located less than the required minimum spacing distance of 1,320 feet to the industrial well authorized by Water Permit No. 48784, and less than 1,320 feet to the Little Arkansas River. The proposed well is located approximately 810 feet northeast of the Farmers Cooperative Elevator Co. industrial well authorized by Water Permit No. 48784 and approximately 600 feet south of the Little Arkansas River.
4. The Farmers Cooperative Elevator Co. submitted an email advising that they did not have any objection to the application.
5. The application does not comply with the Well Spacing Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion appears to be located less than the required minimum spacing distance of 660 feet to multiple domestic wells.
6. 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 2.73 acre feet per acre for irrigation use, which exceeds the maximum allowable 1.3 acre per acre irrigation limit in Harvey County.
7. Historical precipitation and ET data from a nearby weather station indicates that fescue turf grass at the application site requires on average approximately 25.2 inches (2.1 AF/A), and during extreme drought years requires up to approximately 46 inches (3.8 AF/A), of irrigation based on a 75% sprinkler efficiency during the turf grass growing season.
8. The application does not comply with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceed the maximum allowable by 1251.25 AF.
9. The application does not comply with the "small use" Safe Yield regulation exemption criteria K.A.R. 5-22-7(b)(1), since the application does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2, and the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1).
10. Not including the application, 39.25 acre feet of small use quantity remain available for appropriation. If the application is approved, 24.25 acre-feet of small use quantity will remain for appropriation at this location's area of consideration.
11. Hydrologic data indicates that saturated thickness in the application area is approximately 105 feet and that the groundwater level in the area has been stable or slightly increasing.
12. The past operation of the well proposed by the application has had no known detrimental impacts to nearby wells or the Little Arkansas River.
13. Drawdown calculation using the proposed quantity and rate of 15 AF and 50 GPM pumped continuously indicate that drawdown at nearby domestic and non-domestic points of diversion would be minimal, ranging from approximately 0.9 to 1.4 inch.

14. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic and non-domestic points of diversion.
15. 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.
16. The Board of Directors has previously reviewed similar applications that did not meet the maximum water to land ratio and recommended exceptions to the Maximum Reasonable Quantity for Beneficial Use Rule and Regulation K.A.R. 5-22-14(a)(1) and recommended the applications for approval.

Moved by Joe Pajor and seconded by Mike McGinn that 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), be granted and the application be recommended for approval under the Safe Yield Rule and Regulation exemption provision K.A.R. 5-22-7(b)(1). Additionally, the motion directed District staff to work with the City of Halstead staff to ensure the irrigation of the athletic fields and surrounding area is done in an efficient manner. Motion carried with 7 Directors for, 1 Director against, 0 Directors abstained, and 1 Director absent.

ITEM 7 -- OLD BUSINESS

a) PROPOSED NICKERSON EFFLUENT HOLDING CELLS

Manager Tim Boese presented additional information regarding the Proposed Nickerson Effluent Holding Cells expansion. Discussion by the Board followed. Manager Tim Boese also relayed concerns from absent Board Member David Stroberg, as he is a nearby well owner. Tim advised that District staff was working on a report identifying the District's' concerns with the proposed expansion. Moved by Mike McGinn and seconded by Jeff Winter to direct District staff to send the report when completed with a letter to KDHE to vigorously oppose the Proposed Nickerson Effluent Holding Cells expansion as proposed due to the threat to the groundwater and request that any proposed cell be lined with a synthetic membrane as required by K.A.R. 28-16-161(d). Staff should include a 30 day deadline for KDHE to respond, and offer to meet with KDHE, the City of Nickerson, and/or the City's engineering consultant, EBH & Associates, to discuss the concerns. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstaining, and 1 Director absent.

ITEM 8 -- NEW BUSINESS

a) STATUS OF SAFE YIELD REVIEW

Hydrogeologist Steve Flaherty presented an update to the District Safe Yield review and refining the recently completed Kansas Geological Survey GMD2 Sustainability Assessment by using a similar approach to examine more defined areas. Steve advised District staff are equipped to provide the Board with an update in June and are planning for review completion in August. Discussion by the Board followed. Board Member Bob Seiler also requested updated information for the Pretty Prairie area.

b) STATUS OF CURRENT WATER-RELATED LEGISLATION & RULES & REGULATIONS

Manager Tim Boese presented the proposed changes to the KDA/DWR enforcement rules and regulations. Discussion by the Board, District staff, and DWR staff followed. The Board requested that Tim ask DWR for clarification on the uses of "may" and "shall". Manager Tim Boese informed the Board that SB 46 regarding Water Conservation Area statutes and SB 48 regarding impairment claims were combined into SB 46. The bill passed both the House and the Senate, and it has now gone to the Governor for signature. Tim also informed the Board that HB 2032, which proposes increased fees on commercial fertilizer, agricultural chemical registration, water sold by public water

supply system, and water used for industrial or stockwatering purposes and HB 2241, which proposes increased fees on water withdrawn from reservoirs and creates a new fee on water used for irrigation, did not make it out of committee. Tim also advised that HB 2272, which creates the KWA Science and Research Subcommittee and recommends research priorities and funding levels, passed the House but did not receive a hearing in the Senate. Tim also provided an update to and the testimony given regarding the GMD assessment cap increase bill SB 194. It was the consensus of the Board that going forward, the District should attempt to meet with all parties involved with SB 194 to discuss and attempt to address any concerns.

c) GMDA SUMMER CONFERENCE

Manager Tim Boese informed the Board that the GMDA Summer Conference is scheduled for May 24, 2017 – May 26, 2017 in Albuquerque, New Mexico. Moved by Bob Seiler and seconded by Jeff Winter to authorize Manager Tim Boese and one Board Member to attend the conference. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

d) ELECTION OF BOARD OFFICERS

Board Member Bob Seiler nominated Jeff Winter for Board President. Motion was seconded by David Bogner. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstaining, and 1 Director absent. Board Treasurer Mike McGinn moved for Vin Kissick to retain the position of Vice President. Motion was seconded by Bob Seiler. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstaining, and 1 Director absent. Board Member Bob Seiler nominated Alan Burghart for Board Secretary. Motion was seconded by David Bogner. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstained, and 1 Director absent. Board Member Joe Pajor moved for Mike McGinn to retain the position of Treasurer. Motion was seconded by Jeff Winter. Motion carried with 7 Directors for, 0 Directors against, 1 Director abstaining, and 1 Director absent. District staff will acquire new bank signature cards and District letterhead to reflect the new Board officers.

e) ASR PROJECT 2015 ANNUAL ACCOUNTING REPORT / ASR PROJECT REPORT

Tim Boese, Manager, advised that he has not yet received the March report. Cheney Reservoir: Conservation pool is 100% full and Flood pool is 9.46% full. Cheney release is 981 CFS. Flow today: Little Ark - Highway 50 is 999 CFS; Valley Center is at 1550 CFS. The river has been up for about three weeks. The letter from the City of Wichita to DWR regarding ASR permit condition modifications request has not yet been received by DWR or GMD2. District staff reviewed the 2015 ASR Accounting Report and found multiple errors with additional information/clarification needed. District staff sent a letter to the City and to the consultant. A response letter was received from the consultant on April 13, 2017. Staff is reviewing the letter. District staff is planning to meet with the City and the consultant to review the current ASR accounting, modeling, and any possible revisions.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Cameron Conant, DWR - Stafford, stated that he had nothing new to report.

b) KANSAS WATER AUTHORITY

Board Vice President, Vin Kissick, informed the Board that the KWA had a conference call to fill vacancies on the Regional Advisory Committees. The next KWA meeting will be May 17-18th in Garden City.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Bob Seiler, Member and Joe Pajor, Member, informed the Board that the next meeting will be May 11, 2017 at 1:00 p.m. in El Dorado. The meeting will be focused on discussing prioritizing and implementing goal action plans.

ITEM 10 -- MANAGER'S REPORT

a) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in March, staff reviewed 8 new/change applications, provided assistance for 10 applications, and processed a total of 57 files including VI cards, new applications, approvals, dismissals, and recommendation requests from DWR. Staff also completed 10 water permit consultations and completed 22 inactive well inspections. Additionally, staff continues working on a new GMD2 website. Tim also informed the Board that 331 Verified Claims were submitted this year.

c) REVIEW OF TERM PERMIT APPLICATIONS

Tim Boese, Manager, advised that there were no term permit replacement/renewal applications reviewed by District staff in March.

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA - NONE

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – VIN KISSICK, VICE PRESIDENT

The Board discussed the small user safe yield exemption criteria and also whether or not a different maximum use regulation is needed for specialty irrigation, such as turf grass. Manager Tim Boese will research the needs of alternative crops and report back to the Board in the next six months. Attorney Tom Adrian mentioned that the Hutchinson News has recently published several articles on groundwater issues in Western Kansas. Tom will forward the articles to Manager Tim Boese to provide to the individual Board members. The Board discussed changing the monthly Board meeting date and time. Moved by Bob Seiler and seconded by Alan Burghart to change the monthly Board meetings to the 2nd Wednesday of the month at 9:30 a.m. until further notice. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstaining, and 1 Director absent.

Moved by David Bogner 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. Vin Kissick, Vice President, adjourned the Board meeting at 4:05 p.m.


Jeff Winter
Secretary
JW/TDB/rsw