

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2
OCTOBER 18, 2017

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting October 18, 2017, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President Jeff Winter called the meeting to order at 7:00 a.m.

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

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

Others attending the meeting or portions thereof were:

Jeff Lanterman, KDA - DWR Stafford
Brian Klager, USGS
Ron Graber, KSU
David Brenn, Kansas Water Congress
Brian Meier, Burns & McDonnell
Daniel Clement, Burns & McDonnell
Don Henry, City of Wichita
Alan King, City of Wichita
Scott Macey, City of Wichita
Larry L. Stucky, McPherson
Josh Carmichael, Bentley

ITEM 1 -- APPROVAL OF SEPTEMBER 13TH MEETING MINUTES

Moved by David Stroberg and seconded by David Bogner to approve the Minutes. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 2 -- APPROVAL OF AGENDA

Moved by Vin Kissick and seconded by Alan Burghart to approve the Agenda. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Directors absent.

ITEM 3 -- FINANCIAL REPORT

September Financial Report

Moved by Bob Seiler and seconded by David Stroberg to approve the September Financial Report. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, and 0 Director absent.

ITEM 4 -- APPROVAL OF EXPENDITURES

Moved by Mike McGinn and seconded by Joe Pajor to approve the October 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 - NONE

ITEM 7 -- OLD BUSINESS

a) SAFE YIELD CALCULATIONS FOR EXPANSION AREAS & GMD2 SUSTAINABILITY/SAFE YIELD UPDATE

Hydrogeologist Steve Flaherty provided the Board with an update regarding progress on the review of the KGS Sustainability Assessment and advised that the District was grouping the data into hydrologic units rather than Townships and evaluating the data to determine more accurate safe yield allowable and recharge rates. Steve informed the board that this approach worked well in some areas, but not as well in other areas. Discussion by the Board followed. Steve reviewed for the Board the plans for future progress regarding this project. Manager Tim Boese informed the Board that the Chief Engineer approved the Board's August 9, 2017, request that the Chief Engineer suspend processing of new applications until March 1, 2018 in the McPherson County area that was added to the District through the recent boundaries expansion. The Board had requested the application processing suspension be for applications filed on or after August 9, 2017, however, the Chief Engineer advised the order could not be made retroactive, and the effective date of the Order was the day the Order was signed - October 6, 2017. The Chief Engineer also extended the current application suspension area expiration date to March 1, 2018. Tim informed the Board that District staff will provide the Board with a progress update again by the end of the year.

b) LARRY L. STUCKY, APPLICATION NO. 48965, NE 10-21S-3W, McPHERSON CO.

Tim Boese, Manager, presented information regarding application No. 48965. The applicant was present and provided information regarding the application.

FINDINGS:

Upon review of the information presented and discussed at the meeting, and based on findings that:

1. The application does not comply with the Safe Yield Rule and Regulation 5-22-7.
2. The applicant requested the proposed point of diversion be moved to 4,085' N & 350' W of the southeast corner of Section 10-21S-3W, McPherson County.
3. A portion of the safe yield area of consideration at both the originally proposed point of diversion location and modified point of diversion location extend outside of the District boundaries on the date the application was filed.
4. Existing and proposed consumptive appropriations exceed the safe-yield allowable at both the originally proposed and modified point of diversion, based on a truncated area of consideration that excludes the area outside the District boundaries on the date the application was filed.
5. The District boundaries were expanded by the Chief Engineer on July 7, 2017. However, the District attorney advised that the safe yield area of consideration should be based on the location of the District boundaries on the day the application was filed, which was prior to the July 7, 2017 District boundaries expansion approval, and that an exception to the "Area of consideration" definition K.A.R. 5-22-1(e) would be required to include the recently expanded area.
6. The Board has reviewed similar case appeals and recommended an exception to the Safe Yield Rule and Regulation 5-22-7 area of consideration definition, subject to certain conditions.

Moved by Bob Seiler and seconded by David Bogner to recommend that an exception to the "Area of consideration" definition K.A.R. 5-22-1(e) be granted and that the Chief Engineer evaluate the application using a full two mile radius circle area of consideration to determine if water is available for appropriation. Motion carried with 6 Directors for, 3 Directors against, 0 Directors abstained, and 0 Directors absent.

c) GMD ASSESSMENT CAP LEGISLATION

Manager Tim Boese reviewed the history of the GMD Assessment Cap legislation. Vice President Vin Kissick informed the Board that GMD5 voted to support the City of Wichita's proposed language for the legislation. The proposed language included:

1. Increase the water assessment cap to \$2.00 per acre-foot.
2. Eliminate the In-District / Out of District water assessment rate cap differential.
3. Leave the land assessment cap at \$0.05 per acre.
4. Maintain current ability to file verified claims.

Tim advised the Board that he would like to have the Board President and/or Vice President attend a meeting with him and the Kansas Livestock Association to discuss the proposed legislation. Tim informed the Board that his recommendation is to approve the legislation language proposed by the City of Wichita. Discussion by the Board followed. David Brenn, Water Congress President, provided the Board with information regarding the opinion of the Kansas Water Congress towards the proposed legislation.

Moved by Bob Seiler to approve the GMD Assessment Cap legislation language as proposed by the City of Wichita. Joe Pajor initially seconded the motion, but then rescinded his second. Vin Kissick seconded the motion. Motion carried with 5 Directors for, 3 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 8 -- NEW BUSINESS

a) PROPOSED MODIFICATIONS TO ASR PERMIT CONDITIONS AND RECHARGE CREDIT ACCOUNTING – ALAN KING, CITY OF WICHITA

Alan King, City of Wichita, presented the City of Wichita's Proposed Modifications to the Aquifer Storage & Recovery (ASR) Permit Conditions and Recharge Credit Accounting. Mr. King informed the Board that the City of Wichita will be proceeding with requesting modifications to the 1993 lower Index water levels and requesting the establishment of aquifer maintenance credits by submitting the proposed changes to the Chief Engineer. Mr. King stated that a hearing on the matter will follow and the District will have an opportunity to provide input. Discussion by the Board followed, at which time Mr. King answered questions from the Board. Manager Tim Boese confirmed with the City of Wichita's consultants at the meeting that the draft report with additional details should be completed and sent to the District within the next two weeks, which will provide the Board with further details and information regarding the proposal. Tim also informed the Board that after the City of Wichita submits their request to the Chief Engineer and the Chief Engineer requests that the District review and submit recommendations, the Board will have a minimum of two Board meetings to review the request.

b) REVISED KANSAS CORPORATION COMMISSION/GMD2 MOU UPDATE

Manager Tim Boese reviewed the revised Memorandum of Understanding (MOU) between the Equus Beds Groundwater Management District No. 2 and the Kansas Corporation Commission, especially the section regarding the change in laboratory analysis payment. Discussion by the Board followed. Moved by Bob Seiler and seconded by Alan Burghart to approve the revised MOU. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

Jeff Lanterman, DWR – Stafford Field Office, stated that he had nothing new to report.

b) KANSAS WATER AUTHORITY

Board Vice President Vin Kissick informed the Board that the KWA meeting scheduled for October 10th in McPherson was changed to a conference call. Vin informed the

Board that the Kansas Water Resources Institute is expanding, and they are looking to add two to three additional voting Water Authority members, and Vin speculated that one of those designated positions could be a groundwater based individual. Vin informed the Board that the next meeting is scheduled to be in McPherson in December. Vin also stated that the KWA sent a message of support to the Cimarron RAC in regards to their meeting with contemporaries in three counties in Oklahoma in an advisory role.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Bob Seiler informed the Board that the committee met on September 21, 2017, during which time they worked on their priorities and how they will fund these priorities. Bob also mentioned that the committee heard the Proposed Changes to the City of Wichita's Aquifer Storage & Recovery (ASR) project permit modifications. Manager Tim Boese informed the Board that he gave the committee a presentation on the GMD Assessment Cap Legislation, which appeared to be well received by the committee.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised the Recharge for September was: 0 acre-feet recharged in Phase I and Phase II. Cheney Reservoir: Conservation pool is 95.28% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 17.30 CFS; Valley Center is at 34 CFS.

District staff met with the City of Wichita and their consultants on October 2, 2017. This was a technical meeting to discuss the model, as well as comments and questions from District staff and the Chief Engineer. Tim stated that it was a very productive meeting, as they were able to work through many of the questions. District staff is now waiting on a written response to the meeting questions from the City of Wichita.

District staff received and will review a draft corrected 2015 ASR Accounting Report.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in September, staff assisted completing 19 new/change/division applications, including 13 MYFAs. Staff completed five application reviews, 31 water permit consultations, and processed a total of 169 files including VI cards, new applications, approvals, dismissals, certificates, and new area files. Staff sampled monitoring wells in Oilfield areas (Burrton, Hollow Nikkel, Voshell, and Johnson) as well as permitted wells in the Burrton and Hollow Nikkel areas, for a total of 133 samples collected in September. Staff also continues working on a new GMD2 website.

Manager Tim Boese reported that District staff is working with the City of Wichita to develop a plan to repair the monitoring well issue in the Eagle Drainage District, as the groundwater has now possibly lowered enough to begin work.

c) REVIEW OF TERM PERMIT APPLICATIONS

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

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA - NONE

ITEM 12 -- BOARD ROUND TABLE DISCUSSION – JEFF WINTER, PRESIDENT

Vice President Vin Kissick questioned whether or not Manager Tim Boese explored additional vendors other than McCrometer to provide for the water meter needs of the District. Tim reported that he has not yet been able to research other options.

Manager Tim Boese reminded the Board that the Governor's Conference will be November 8th and 9th in Manhattan, and that the November Board meeting was moved to November 15th at 9:30 a.m.

Tim also informed the Board that the District office carpet needs cleaned and he plans to have the District's janitorial service provider complete the task.

Mike McGinn asked that an agenda item be put on the November Agenda for Board discussion regarding the Board requesting an independent Hearing Officer for the hearing of the City of Wichita's proposed modifications to ASR permit conditions.

Moved by Bob Seiler and seconded by Vin Kissick to adjourn the meeting. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Jeff Winter, President, adjourned the Board meeting at 10:30 a.m.

Handwritten signature of Alan Burghart in cursive script, followed by the typed text "Vice President".

Alan Burghart
Secretary
AB/TDB/rsw

