

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2  
NOVEMBER 15, 2017**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting November 15, 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 9:30 a.m.

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

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

*Directors absent: Jeff Winter, President, Joe Pajor, Member*

Others attending the meeting or portions thereof were:

Brian Klager, USGS  
Brian Meier, Burns & McDonnell  
Daniel Clement, Burns & McDonnell  
Jason Friedberg, ICM – Colwich  
Keith Tjaden, ICM – Colwich  
Zach Phillips, Westar

**ITEM 1 -- APPROVAL OF OCTOBER 18TH MEETING MINUTES**

Moved by Bob Seiler and seconded by David Stroberg to approve the Minutes. Motion carried with 5 Directors for, 0 Directors against, 0 Directors abstained, and 4 Directors absent.

**ITEM 2 -- APPROVAL OF AGENDA**

Moved by Alan Burghart and seconded by David Stroberg to add Agenda Item 8(e) – Revised Kansas Corporation Commission/GMD2 MOU Update and to approve the Agenda as amended. Motion carried with 5 Directors for, 0 Directors against, 0 Directors abstained, and 4 Directors absent.

**ITEM 3 -- FINANCIAL REPORT**

**October Financial Report**

Moved by Bob Seiler and seconded by Dale Schmidt to approve the October Financial Report. 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 and seconded by Alan Burghart to approve the November expenditures. 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 - NONE**

**ITEM 7 -- OLD BUSINESS - NONE**

**ITEM 8 -- NEW BUSINESS**

**a) PROPOSED ICM ELEMENT ETHANOL PLANT PRESENTATION**

Jason Friedberg, ICM, presented the Proposed ICM Element Ethanol Plant presentation to the Board. Westar has water rights that ICM could use for their new Element Ethanol Plant, so Westar will file an application with DWR to change the place of use and point of diversion to allow ICM to utilize the water. Manager Tim Boese informed the Board that the change application most likely will not comply with all of the District's rules and regulations and an exception by the Board might be necessary. Discussion by the Board followed, at which time Mr. Friedberg, Keith Tjaden of ICM, and Zach Phillips of Westar answered questions from the Board. Tim will bring the matter to the Board after the change application has been filed, reviewed by District staff and recommended for denial, and Westar appeals the denial.

**b) KNUDSEN MONROE & COMPANY LLC AUDIT ENGAGEMENT LETTER**

Manager Tim Boese reviewed the Knudsen Monroe & Company LLC Audit Engagement Letter. Moved by David Stroberg and seconded by Alan Burghart to approve the signing of the KMC Audit Engagement Letter. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

**c) PROPOSED DISTRICT OFFICE BUILDING REPAIRS**

Manager Tim Boese reviewed the Kansas Basement and Foundation Repair proposal, as well as necessary district office exterior, interior, and sprinkler/yard repairs. Discussion by the Board followed. Tim informed the Board that the funds for these repairs would be taken out of the District grant funds. Moved by Bob Seiler and seconded by Alan Burghart to approve the foundation stabilization and lifting proposal and the interior repairs, up to a total of \$32,500. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

**d) GMDA 2018 ANNUAL CONFERENCE – BATON ROUGE, LOUISIANA, JANUARY 17-19, 2018**

Manager Tim Boese reviewed the schedule and costs associated with the GMDA 2018 Annual Conference. The consensus of the Board was to postpone further discussion to the December Board meeting.

**e) 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 Kansas Open Records Act. Discussion by the Board followed. Moved by Alan Burghart and seconded by David Stroberg to approve the revised MOU. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

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

**a) DIVISION OF WATER RESOURCES**

There was no report from DWR.

**b) KANSAS WATER AUTHORITY**

Board Vice President Vin Kissick informed the Board that the next KWA meeting is scheduled for December 12, 2017 at 8:00 a.m. at the Kansas Municipal Utilities Training Center in McPherson. Vin informed the Board that the Legislative Budget Committee met on November 8, 2017, and Tracy Streeter, Director of the Kansas Water Office testified on water related funding. Vin also informed the Board that the Special Committee on Natural Resources of the Kansas Legislature met on October 31st and November 13th, at which time Burke Griggs, Associate Professor of Law, Washburn

University, detailed a proposed comprehensive year-long study regarding Kansas Water Law, including the effectiveness of GMDs. Manager Tim Boese informed the Board that the initial list of people who would be part of the legal review would include representatives of the two Kansas law schools, someone from the private sector with decades of water law experience, the Director of the Kansas Water Office, the Chief Engineer, and a legal assistant. Vin recommended that attorney Tom Adrian explore any interest he may have in also serving on the committee. Representative Tom Sloan is the Chair of the committee and Representative Dan Kerschen is the Vice-Chair of the committee. Bob Seiler questioned the possibility of inviting Representative Kerschen to a GMD2 Board meeting, and both Vin and Tim responded that they felt it would be beneficial to invite Rep. Kerschen to a Board meeting.

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

Bob Seiler informed the Board that the committee has not yet scheduled their next meeting, and they do not have any action items at this time.

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

**a) ASR Project Report**

Tim Boese, Manager, advised the Recharge for October was: 0 acre-feet recharged in Phase I and Phase II. Cheney Reservoir: Conservation pool is 94.31% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 8.69 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/final report to the meeting questions from the City of Wichita.

Bob Seiler questioned about the MOU in regards to the 1993 levels being changed, as it was agreed upon by both parties, and the conditions of that agreement have not changed. Tim reminded the Board that once the proposed modifications to the ASR water permits had been submitted by the City of Wichita to DWR, there will be a public hearing and there will be a minimum of two Board meetings, plus 10 days to review the information.

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

**b) ADMINISTRATIVE FIELD TASKS**

Tim Boese, Manager, reported that in October, staff assisted completing three new/change/division applications, eight application reviews, 14 water permit consultations, and processed a total of 81 files including VI cards, new applications, approvals, dismissals, certificates, and new area files. Staff completed sampling the 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 67 samples collected in October. Staff also completed 555 quarterly water-level measurements. The new GMD2 website is up and running, as well as a Facebook page and Twitter account.

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, reviewed Term Permit Application No. 20179024 – James H. Hess Trust, which District staff had reviewed and recommended for approval based on the

Board's November 8, 2016, resolution. The resolution allowed District staff to review and make recommendations of approval for replacement/renewal term permits under certain conditions. Tim advised that Term Permit Application No. 20179024 met the stipulations of the Board's resolution.

**d) MONTHLY INFORMATION & SERVICE REPORT**

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

**ITEM 11 -- ADDITIONS TO THE AGENDA - NONE**

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

Manager Tim Boese stated that at the Governor's Water Conference last week he was introduced to Bureau of Reclamation staff, who provided Tim with a lot of information regarding their Title XVI Grant opportunities, which is being considered for a Feasibility Study for Chloride Contamination for the Burrton Chloride Plume, which could possibly lead to some additional grant funding for remediation. Tom Adrian mentioned that he also spoke to an individual from the EPA who stated that they have some small grants available that might be worth exploring.

Tim provided the Board with an update on the GMD Assessment Cap Legislation, stating that GMD1, GMD4, and GMD5 are supportive; GMD3 is neutral; Farm Bureau is supportive; and the Kansas Livestock Association (KLA) has indicated that they will not oppose the legislation. Tim still plans to meet with KLA to further discuss the matter.

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 touched base with Seametrics requesting information and that he planned to research Netafim meters.

**ITEM 13 -- EXECUTIVE SESSION**

Moved by David Bogner and seconded by David Stroberg to recess into Executive Session for 15 minutes with the District's attorney for the purpose of protecting the privacy of that information. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors 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: 11:03 a.m.

Time out of Executive Session: 11:18 a.m.

No action was taken as a result of the Executive Session.

Moved by David Bogner and seconded by David Stroberg to adjourn the meeting. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Director absent. Vin Kissick, Vice President, adjourned the Board meeting at 11:19 a.m.



Alan Burghart  
Secretary  
AB/TDB/rsw