

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2  
DECEMBER 13, 2017**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting December 13, 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 9:30 a.m.

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

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

*Directors absent: Alan Burghart, Secretary*

Others attending the meeting or portions thereof were:

Jeff Lanterman, KDA-DWR  
Brian Klager, USGS  
Daniel Clement, Burns & McDonnell  
Jodie Pogge, KDWPT – Topeka  
Todd Workman, KDWPT – Topeka  
Eric Blankenship, KDWPT – Topeka  
Ted Saranchuk, Public

**ITEM 1 -- APPROVAL OF NOVEMBER 15TH MEETING MINUTES**

Moved by David Stroberg and seconded by Dale Schmidt to approve the Minutes. Motion carried with 5 Directors for, 0 Directors against, 2 Directors abstained (Joe Pajor and Jeff Winter), and 2 Directors absent.

**ITEM 2 -- APPROVAL OF AGENDA**

Moved by Vin Kissick 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 Bob Seiler and seconded by David Stroberg to approve the November Financial Report. Motion carried with 7 Directors for, 0 Directors against, 0 Directors abstained, and 2 Directors absent.

**ITEM 4 -- APPROVAL OF EXPENDITURES**

Moved by Joe Pajor and seconded by Vin Kissick to approve the December 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**

**a) Kansas Department of Wildlife, Parks & Tourism (KDWPT), Application #49728, NE 30-26S-4W, Reno County**

Tim Boese, Manager, presented information regarding application No. 49728. The applicant was present and provided information regarding the application.

**FINDINGS:**

1. Application No. 49728 proposes 6.14 acre-feet at 99 gallons per minute for municipal use from an existing unpermitted well located in the Northeast quarter of the Northeast quarter of the Northeast quarter (5403'N & 859'W), Section 30, Township 26 South, Range 4 West, Reno County.
2. Application No. 49728 proposed municipal use is to supply water for 60 campsites and 3 bath/shower houses at Cheney State Park.
3. The proposed well is an existing well drilled and constructed in 1993 and has been used to supply water to the campsites and bath/shower houses.
4. The application does not comply with the Well Spacing Regulation K.A.R. 5-22-2(a)(2), as the proposed point of diversion is located less than the required minimum spacing distance of 660 feet to eleven domestic wells.
5. The applicant has provided the District with copies of signed domestic water well spacing consent forms for nine of the eleven domestic wells within 660 feet of the proposed well.
6. The applicant advised that the remaining two domestic well owners within 660 feet of the proposed well could not be contacted or did not respond to the applicant.
7. The application complies with the Safe Yield Rule and Regulation K.A.R. 5-22-7(a).
8. Hydrologic data indicates that bedrock is at or near the land surface at the proposed well site. Water yielding sands and gravels are not present at this location. Water is produced from drainage into the well borehole and from fractures in the shale bedrock.
9. The past operation of the well proposed by the application has had no known detrimental impacts to nearby wells.
10. The proposed quantity and pumping rate are minimal and operation of the well is intermittent and seasonal.
11. A drawdown calculation using the proposed quantity and rate of 6.14 AF and 99 GPM pumped continuously indicate that drawdown at nearby domestic wells would be minimal or non-existent.
12. The minimal drawdown created by pumping of the proposed well will not impair existing senior domestic points of diversion.
13. 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.

Moved by Mike McGinn and seconded by David Stroberg that an exception to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(2), be granted and the application be recommended for approval. Motion carried with 7 Directors for, 1 Director against, 0 Directors abstained, and 1 Director absent.

## **ITEM 7 -- OLD BUSINESS**

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

Manager Tim Boese reviewed the draft GMDA 2018 Annual Conference Agenda with the Board and advised that the cost to attend including registration, travel, and meals would be approximately \$1000 per person. Tim also informed the Board that he has been asked to speak at the Kansas Ground Water Association (KGWA) Convention at the Kansas Star Casino in Mulvane on January 19, 2018, which would conflict with the GMDA 2018 Annual Conference in Baton Rouge. Tim stated that he believes his time and the District resources would be best spent with him attending the Kansas Ground Water Association Convention, as he would be speaking directly with local water well contractors and professionals, and he could provide them with an update on our District boundaries, as well as rules and regulations. Tim stated that he can attempt to call in to the GMDA 2018 Annual Conference Board Meeting, and he will make try to make the presentations available to the Board. Moved by Mike McGinn and seconded by David Bogner to not attend the GMDA 2018 Annual Conference due to budget constraints and staff time being better spent at the local level. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

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

### **a) KANSAS GROUNDWATER MANAGEMENT DISTRICTS' LEGISLATIVE RECEPTION – FEBRUARY 6 & 7, 2018**

Manager Tim Boese reviewed the Proposed Legislative Reception Agenda with the Board, as GMD3 has proposed some new ideas for the layout this year. Discussion by the Board followed. Vice President Vin Kissick suggested that meeting individually with the legislators to educate them on local issues and the GMD Assessment Cap Legislation would have the most impact. Several others voiced agreement with Vin. The consensus of the Board was to attend for just one day, and several Board members stated they would attend. Tim will revisit the matter with the Board next month to determine who will attend.

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

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

Jeff Lanterman, DWR – Stafford Field Office, stated that there was no report from DWR.

### **b) KANSAS WATER AUTHORITY**

Board Vice President Vin Kissick informed the Board that the KWA met yesterday at the Kansas Municipal Utilities Training Center in McPherson. Manager Tim Boese and Board member Joe Pajor also attended the meeting. Vin stated that since they met in McPherson, the theme of part of the meeting was GMD2 issues and goals. Tim Maier, McPherson BPU, gave a brief presentation on their wells, Board member Alan Burghart gave an impressive presentation on the CHS refinery, Don Whittemore, KGS, gave a presentation on the KGS Sustainability Study, and Manager Tim Boese provided an update regarding GMD2. Vin stated that Burke Griggs, Associate Professor of Law, Washburn University, gave a summary of a proposed comprehensive study regarding Kansas Water Law, including the effectiveness of GMDs. Joe Pajor stated that there was a brief, but good, discussion regarding avoiding unintended consequences of the study. Professor Griggs referenced the 1945 Water Appropriation Act and the GMD2 Act of 1972 a lot, and he also stated that because the legislature has participated in what he called "Legislative Spot Zoning" over the years, there is now a need to review the overall architecture of the Kansas Water Law. Tim Boese stated that there has been discussion regarding assembling a review panel for the study, and Tim thinks that the GMDs should push to have a GMD representative on the panel. Vin also mentioned that

the Kansas State University Research Working Group recommended three areas of research: blue algae, stream bank stabilization, and irrigation technology. Vin voiced a concern regarding needing a GMD representative on the committee to insure the needs of the GMDs are represented.

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

Bob Seiler informed the Board that the next meeting is scheduled for January 8, 2018, at 1:00 p.m. at the Harvey County Health Department in Newton.

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

**a) ASR Project Report**

Tim Boese, Manager, advised the Recharge for November was: 0 acre-feet recharged in Phase I and Phase II. Cheney Reservoir: Conservation pool is 93.71% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 12.4 CFS; Valley Center is at 35.7 CFS. Tim mentioned that the District has not received a quarterly report showing the City's water supply source percentages for awhile, so Joe Pajor will check on the status and will send the information to Tim.

Tim Boese advised that the City of Wichita has not yet submitted ASR permit modifications request to DWR. Joe Pajor stated that the City plans to submit the modifications request by the end of the year or shortly thereafter.

Bob Seiler proposed asking the Chief Engineer to come to a Board meeting to discuss the ASR Project proposed permit modifications prior to the City of Wichita submitting the request. Discussion by the Board followed regarding scheduling a special meeting with the Chief Engineer. Moved by Vin Kissick and seconded by Dave Stroberg for Manager Tim Boese to check the availability of the Chief Engineer to meet with the Board. If the Chief Engineer cannot meet until after the first of the year, the District should submit a letter to the City of Wichita requesting that the City wait to submit the ASR permit modifications request until after the meeting has occurred. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

District staff received and are reviewing a draft corrected 2015 ASR Accounting Report. Additionally, the City's consultant had requested from the Chief Engineer an extension of time to submit the 2016 report.

**b) ADMINISTRATIVE FIELD TASKS**

Tim Boese, Manager, reported that in November, staff assisted completing eight new/change/division applications, conducted three application reviews, 26 water permit consultations, and processed a total of 59 files including VI cards, new applications, approvals, dismissals, certificates, and new area files. Staff also upgraded the District's water-level data collection method from an older, outdated system to a new tablet with mapping capabilities. Tim mentioned the new method that Sedgwick County used for collecting the District's water and land assessments did not itemize the charges on the real estate tax bills and that District staff received several negative comments from District members. Staff will work with Sedgwick County to see if changes can be made before the assessments are sent next year.

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 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 November.

**d) MONTHLY INFORMATION & SERVICE REPORT**

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

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

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

Vice President Vin Kissick mentioned that a few individuals have talked about setting up a technology demonstration farm. They are looking for a local farm to volunteer to showcase the current technology. Vin hopes to set aside some time to meet to discuss a local technology farm at the next Kansas Water Authority meeting.

Manager Tim Boese informed the Board of the Kansas Department of Agriculture 2018 Legislative Agenda meeting at 10:00 a.m. on January 3, 2018 in Topeka.

Mike McGinn questioned whether there has been any progress towards government payments being available for irrigation efficiency upgrades, specifically center pivot nozzle packages. Tim stated that he has not received any information recently, and the last time he visited with NCRS they wanted real world data showing the water savings.

Tim provided the Board with an update on the GMD Assessment Cap Legislation, stating that GMD1, GMD4, and GMD5 are supportive; GMD3 and the Kansas Livestock Association (KLA) are neutral; and Farm Bureau is supportive. Tim still plans to meet with KLA to further discuss the matter. Tim will contact Representative Kerschen to discuss talking to the Revisor of Statutes office about the new GMD Assessment Cap language.

**ITEM 13 -- EXECUTIVE SESSION**

Moved by Vin Kissick and seconded by Bob Seiler to recess into Executive Session for 10 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 David Stucky, Legal Counsel.

Time in Executive Session: 11:10 a.m.

Time out of Executive Session: 11:20 a.m.

Moved by Bob Seiler and seconded by David Stroberg to send the letter drafted by Attorney Tom Adrian and dated December 11, 2017, to the Chief Engineer asking the Chief Engineer to appoint an independent hearing office for the ASR permit modifications hearing. Motion carried with 7 Directors for, 1 Director against, 0 Directors abstained, and 1 Director absent.

**ITEM 14 -- EXECUTIVE SESSION**

Moved by Bob Seiler and seconded by Vin Kissick to recess into Executive Session until 12:00 p.m. to discuss personnel matters with the District's attorney for the purpose of protecting the privacy of that information. Those present during this Executive Session were the members of the Board; Tim Boese, Manager; and David Stucky, Legal Counsel.

Time in Executive Session: 11:22 a.m.

Time out of Executive Session: 12:00 p.m.

Moved by Mike McGinn and seconded by David Stroberg to extend the executive session 15 minutes. 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 David Stucky, Legal Counsel.

Time in Executive Session: 12:00 p.m.

Time out of Executive Session: 12:15 p.m.

Moved by Bob Seiler and seconded by David Bogner to extend the executive session 15 minutes. 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 and David Stucky, Legal Counsel.

Time in Executive Session: 12:15 p.m.

Time out of Executive Session: 12:30 p.m.

Moved by Bob Seiler and seconded by David Bogner to extend the executive session 15 minutes. 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 and David Stucky, Legal Counsel.

Time in Executive Session: 12:30 p.m.

Time out of Executive Session: 12:45 p.m.

Moved by Bob Seiler and seconded by Mike McGinn for the following increase in salaries to be effective January 1, 2018: Rebecca Wilson – a \$2,000 increase to \$42,000.00; David Randolph – a \$2,150 increase to \$45,150.00; and Steve Flaherty – a \$4,000 increase to \$59,500.00. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent. Bob expressed appreciation to the District staff for their hard work and a special recognition to Steve for revamping and relaunching the new GMD2 website.

Moved by Joe Pajor and seconded by Vin Kissick for a 1.5% cost of living salary increase to \$87,797.50 for Manager Tim Boese to be effective January 1, 2018, to extend Manager Tim Boese's current contract by two months to allow time for the development of a new contract, request that Manager Tim Boese complete and submit to the Board Attorney a self evaluation on the same evaluation form completed by the Board to evaluate the District Manager, and request that the Board President meet with Manager Tim Boese to review the completed evaluation. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, and 1 Director absent.

Moved by Mike McGinn and seconded by David Stroberg 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 12:48 p.m.

Alan Burghart  
Secretary  
AB/TDB/rsw

