

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2
JUNE 6, 2018

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting June 6, 2018, 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 9:34 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
Tom Adrian, Attorney	Tim Boese, Manager
Steve Flaherty, Hydrogeologist	Rebecca Wilson, Admin. Assistant

Directors absent: Alan Burghart, Secretary

Others attending the meeting or portions thereof were:

Morgan Koon, Cornejo	Byron Warta, Equus Walnut RAC
Brian Meier, Burns & McDonnell	Craig Steven, Jr., Harvey County
Daniel Clement, Burns & McDonnell	Ted Saranchuk, Public
Gina Bell, Harvey County	Steve Simon, Public
Brian Klager, USGS	Sherryl Simon, Public
Gordon Beaushaw, Maize USD 266	

ITEM 1A -- APPROVAL OF MAY 9, 2018 MEETING MINUTES

Moved by David Stroberg and seconded by Dale Schmidt to approve the Minutes. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 2 -- APPROVAL OF AGENDA

Moved by Vin Kissick and seconded by David Stroberg to approve the Agenda. Motion carried with 6 Directors for, 0 Directors against, 0 Directors abstained, and 3 Directors absent.

ITEM 3 -- FINANCIAL REPORT

May Financial Report

Moved by Bob Seiler and seconded by David Stroberg to approve the May 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 Vin Kissick and seconded by Bob Seiler to approve the June 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) Craig Steven, New Application No. 49793, 29-24S-3W, Harvey Co.

Manager Tim Boese presented information regarding Application No. 49793. The applicant was represented by Craig Steven, Jr., who answered questions from the Board.

Moved by Joe Pajor and seconded by Vin Kissick to table making a recommendation on the application until the July 11, 2018, Board meeting to allow the applicant time to determine the feasibility of having a certified seepage test performed on the marsh/duck hunting pond place of use described in the application. Motion carried with 8 Directors for, 0 Director against, 0 Directors abstained, and 1 Director absent.

b) Maize USD 266, Change Application Nos. 38514 & 39033, 20-26S-1W, Sedgwick Co.

Hydrogeologist Steve Flaherty presented information regarding Change Application Nos. 38514 and 39033. The applicant was represented by Maize USD 266 employee Gordon Beaushaw, who answered questions from the Board.

FINDINGS:

1. Application no. 38514 does not comply with the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2), as the proposed point of diversion does not meet the minimum spacing requirement of 1320 feet to the edge of groundwater pit no. 47565 and 660 feet to domestic wells.
2. Application no. 39033 does not comply with the District's Change Applications Regulation K.A.R. 5-22-8(c)(2), as the proposed 17 acre place of use represents a 5 acre (41.7%) increase in the 12 base acres authorized, which does not comply with the Division of Water Resources' Applications' Applications for Change In Place of Use for Irrigation Purposes Regulation K.A.R. 5-5-11(b), unless the change application pending on water right no. 38514 is approved so as to create an identical place of use overlap between the water rights.
3. The proposed combined rate and quantity of applications 38514 and 39033 is 268 gallons per minute and 17.8 acre-feet for irrigation use on 17 acres of athletic fields and school lawns from one well most accurately described in the Southeast quarter of the Southwest quarter of the Southwest quarter (331'N & 4222'W), Section 20, Township 26 South, Range 1 West.
4. No new well will be drilled under this application. The change applications, if approved, would authorize additional quantity to be drawn out of the well currently authorized by water right no. 39033.
5. The point of diversion (well) currently authorized by water right no. 39033, and proposed by change application no. 38514, is most accurately described as being 331'N and 4222'W of the southeast corner of Section 20 Township 26 South, Range 1 West which is 107 feet south of the authorized location.
6. The applicant sent written spacing waiver requests to homeowners within 660 feet and obtained written consent from 15 of a total 40 well owners within 660 feet of the proposed location.
7. The past operation of the well authorized by water right no. 39033 and proposed by no. 38514 change application has had no known detrimental impacts to nearby wells.

8. A drawdown calculation using the maximum authorized pumping rate (268 GPM) continuously for 15 days to reach the maximum authorized quantity (17.8 AF), would likely cause less than 0.3 feet of drawdown at the nearest domestic well.
9. The minimal drawdown created by pumping of the proposed well will not likely impair existing senior domestic and non-domestic points of diversion.
10. Hydrologic data indicates that saturated thickness in the application area is approximately 141 feet and that the groundwater level in the area has been stable and has not shown a declining trend.
11. 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 Bob Seiler and seconded by David Bogner that:

1. The currently authorized well location footage measurements for no. 39033, and the proposed point of diversion footage measurements for 38514, be corrected to the actual well location which was determined by staff using a handheld GPS receiver to be most accurately described as a point located near 331'N & 4222'W of the southeast corner of Section 20, Township 26 South, Range 1 West;
2. Application no. 38514 be granted exceptions to the Well Spacing Rule and Regulation K.A.R. 5-22-2(a)(1) & (2); and
3. Application nos. 38514 and 39033 be recommended for approval.

Motion carried with 8 Directors for, 0 Director against, 0 Directors abstained, and 1 Director absent.

ITEM 7 -- OLD BUSINESS

a) Verified Claim Appeal – Term Permit #20059016 – Cornejo & Sons, LLC

District Attorney Tom Adrian reviewed his response to the *Brief of Cornejo* document that Mr. Morgan Koon provided to the District at the May 9, 2018, meeting, concluding that the District, as authorized by statutory law, can assess owners based on the allocated amount of water, and the District policy of accepting Verified Claims is just. Mr. Adrian recommended that the Board deny the Verified Claim Appeal for Term Permit #20059016 filed by Cornejo & Sons, LLC. The applicant was represented by Attorney Morgan Koon of Koon Law Firm. Discussion by the Board followed. Manager Tim Boese informed the Board that per the District attorney, it is appropriate for the District to continue sending assessments to the majority land owner of record.

Upon review of the information presented and discussed at the June 6, 2018, and May 9, 2018, meetings, and based on the findings that the verified claim does not comply with K.S.A. 82a-1030 and the District's Verified Claim D.S.P. 8601.1, as the verified claim was received after April 1 of the assessment years 2014-2017, and the verified claim was not on a form provided by the District as required by the District's Verified Claim Policy D.S.P. 8601.1, it was moved by Vin Kissick and seconded by Joe Pajor to deny the appeal, and that the groundwater assessments for the water use years 2013-2016 (assessed in 2014-2017) remain with the dollar amounts corrected as noted below (not including any late fees as determined by Sedgwick County), and request that Sedgwick County collect the assessments and remit the money to the District.

Assessment Water Use Year	Year Assessed	Original Groundwater Assessment	Correct Groundwater Assessments
2013	2014	\$14,239.20	\$14,086.20
2014	2015	\$16,752.00	\$16,572.00
2015	2016	\$16,752.00	\$16,572.00
2016	2017	\$16,572.00	\$16,572.00

Motion carried with 8 Directors for, 0 Director against, 0 Directors abstained, and 1 Director absent.

ITEM 8 -- NEW BUSINESS

a) CITY OF WICHITA ASR MODIFICATION PROPOSAL

Board member Joe Pajor voiced concern of a significant potential going forward for legal action from the Board with the City of Wichita as a counter party and, so as to clarify roles for this agenda item, Mr. Pajor removed himself from the discussion and sat in the audience and asked that the Board address all questions to other City of Wichita staff and/or the City’s consultants.

Manager Tim Boese reviewed several recent items of correspondence including his letter to the Chief Engineer dated May 11, 2018, and a letter from the City of Wichita to the Chief Engineer dated May 11, 2018, both of which express opinions regarding the process and timeline for the review of the City’s ASR Modification Proposal. Tim also reviewed a letter from the City of Wichita to the Chief Engineer dated May 22, 2018, in which the City attempted to answer many of the technical questions raised by the GMD2 Board regarding the City’s ASR Modification Proposal. Tim advised that District staff have not yet comprehensively reviewed this letter from the City of Wichita, but that staff will do so and will provide the Board with a summary. Additionally, Tim reviewed a letter he received from the Chief Engineer on June 1, 2018, in response to the legal questions raised by the GMD2 Board regarding the City’s ASR Modification Proposal. Tim stated that District staff has not fully reviewed this letter, but that at first glance, it indicated the proposed ASR modifications did not require any law or regulatory changes. Along with the letter, the Chief Engineer included draft revisions to the draft orders if the City of Wichita’s ASR Modification Proposal is approved. Discussion by the Board followed, and City of Wichita staff and their consultants answered questions from the Board.

b) REVIEW DRAFT FY 2019 BUDGET

Manager Tim Boese advised the Board that there will be a Budget Hearing in July, and following the hearing the Board would need to set the 2019 budget assessment rates. Tim also reviewed the draft fiscal year 2019 budget, including four (4) areas with potential for increased spending: 1) Office Maintenance, 2) Legal Services, 3) Computer, and 4) Water Quality Monitoring. Discussion by the Board followed. The Board encouraged Tim to seek bids for exterior updates to the District office including exterior painting, lawn reseeding and landscaping, and repairing the sprinkler system. The Board also encouraged Tim to check into potential pricing discounts for a new District vehicle.

c) KANSAS WATER CONGRESS ANNUAL MEMBERSHIP

Manager Tim Boese reviewed the Kansas Water Congress annual dues and informed the Board that GMD 3 is the only groundwater management district that has renewed their membership. Moved by Bob Seiler and seconded by David Stroberg to table the discussion until the July 2018 Board meeting in order to allow Manager Tim Boese to visit with Water Congress President David Brenn to get additional information regarding

the planned activities and changes to the Kansas Water Congress. Motion carried with 8 Directors for, 0 Director against, 0 Directors abstained, and 1 Director absent.

ITEM 9 -- AGENCY & COMMITTEE REPORTS

a) DIVISION OF WATER RESOURCES

DWR staff were not in attendance and did not provide a report.

b) KANSAS WATER AUTHORITY

Board Vice President Vin Kissick informed the Board that the state legislature has budgeted \$50,000 for remediation work for the Burrton Chloride Plume.

c) EQUUS – WALNUT REGIONAL ADVISORY COMMITTEE

Board member Bob Seiler informed the Board that the Equus-Walnut RAC has not had a meeting since May 1, 2018, and he had nothing new to report.

ITEM 10 -- MANAGER'S REPORT

a) ASR Project Report

Tim Boese, Manager, advised that due to the early Board meeting, he has not yet received the May report. Cheney Reservoir: Conservation pool is 97.93% full. Cheney release is 0 CFS. Flow today: Little Ark - Highway 50 is 13.2 CFS; Valley Center is at 49.3 CFS.

GMD2 received The City of Wichita's 2016 Accounting Report on May 1, 2018. District staff will continue reviewing the report and schedule it for a Board review in July if no errors are found.

b) ADMINISTRATIVE FIELD TASKS

Tim Boese, Manager, reported that in May, staff assisted completing seven new/change/division applications, conducted 15 application reviews, performed 21 water permit consultations, fielded five ASR questions, and processed a total of 57 files including VI cards, new applications, approvals, and ownership changes. Additionally, David Randolph, District Hydrologic Technician, completed five water meter inspections, 53 water level measurements, and collected 13 water samples.

Tim reported that the City of Wichita repaired the IW wells in the Eagle Drainage District, but did not contact GMD2 to coordinate repairing the EB monitoring wells while they were there. The District would now attempt to repair the EB wells without the use of the City's equipment.

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 May.

d) MONTHLY INFORMATION & SERVICE REPORT

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

ITEM 11 -- ADDITIONS TO THE AGENDA – NONE

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

Vice President Vin Kissick reminded Manager Tim Boese about the annual issue of weeds growing up around some observation wells, which makes it difficult for the county to mow in the area, as well as makes some intersections hazardous. Tim will have Hydrologic Technician David Randolph remove the weeds while he is in the area doing quarterly measurements.

ITEM 13 – EXECUTIVE SESSION

Moved by Vin Kissick and seconded by Bob Seiler to recess into Executive Session for 30 minutes to consult with the District Attorney regarding potential litigation matters within attorney client privilege 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 (except Joe Pajor), Manager Tim Boese, and Tom Adrian, Legal Counsel.

Time in Executive Session: 12:06 p.m.
Time out of Executive Session: 12:36 p.m.

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

Moved by Vin Kissick 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 12:37 p.m.



Alan Burghart
Secretary
AB/TDB/rsw