

March 20<sup>th</sup>, 2018

**Arkansas River Litigation Funds Advisory Committee  
2009 E. Spruce  
Garden City, Ks 67846  
(620) 275-7147**

Chairman Randy Hayzlett called the meeting of the Arkansas River Litigation Funds Advisory Committee to order on Tuesday, March 20, 2018 at 9:00a.m. Which was at the Southwest Kansas Groundwater Management District Office located at 2009 E. Spruce Street, Garden City, KS.

**Members Present by phone or in person (\*Voting):**

Randy Hayzlett *	Committee Chairman and South Side Ditch Representative
Troy Dumler*	Committee Vice-Chairman and Great Eastern Representative
Steve Hines*	Frontier Ditch Representative
Hal Scheuerman*	Amazon Ditch Representative
David Becker*	Finney County Water Users / Farmers Ditch Representative
Shane Knoll*	Garden City Ditch Representative
Diane Knowles	KWO Planner
Kevin Salter	Interstate water engineer, KDA /DWR
Mark Rude	Committee Treasurer, GMD3 Executive Director
Patty Stapleton	Committee Recording Secretary, GMD3 Office Administrator

**Others in Attendance**

Jason Norquest	GMD3 Assistant Manager
Brandy Cole	DWR
Trevor Ahring	GMD3 Engineer
Mike Standley	Finney County Water Users/Farmers Ditch

**Agenda Approval**

Chairman Randy Hayzlett asked for discussion on the meeting agenda. Hal Scheuerman moved to approve the agenda as presented. Troy Dumler seconded. Motion passed.

**Minutes Approval**

Mark Rude read the minutes from the September 12, 2017 meeting, while Kevin Salter noted suggested correction and additions throughout the reading. Troy Dumler moved to approve the September 12, 2017 minutes with stated additions and corrections. Shane Knoll seconded. Motion passed.

Mark Rude read the minutes from the December 21, 2017 meeting. Troy Dumler moved to approve the December 21, 2017 minutes. Hal Scheuerman seconded. Motion passed.

**Financial Report**

The committee reviewed the financials from September 17, 2017 through March 20, 2018. Troy Dumler moved to approve the financials as presented. Hal Scheuerman seconded. Motion passed.

Patty Stapleton reviewed the CD's (certificate of deposits) and the plan with them. Consensus was to leave the CD's as is until later this year.

**Fund Commitment Projects table update**

Review of the Projected Funds worksheet was completed. No noted changes suggested.

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March 20<sup>th</sup>, 2018

**Update: Active projects approved for funding**

**South Side Phase II Construction**

Randy Hayzlett reported three structures are in place. Gates are at location and ready for installation, within the next three weeks. Back filling needs to be completed, but progress of the project is happening.

Randy asked for an extension of time to complete the total project. Steve Hines moved to extend the project to December 31, 2019. Troy Dumler seconded. Motion passed.

**Willis Technology Farm (funding completed)**

Mark Rude stated he received a bill and voucher for payment from Tracy Streeter regarding the T&O Farms Water Technology Farm. Seaman Crop Consulting sent an invoice for services during the 2017 growing season for \$25,200.00. This committee and the GMD3 Board of Directors approved payment of \$10,000 for the project. The payment of \$10,000 was made in early February 2018.

**Roth/Garden City Company Water Technology Farm**

Troy Dumler has submitted a draft application to Mark Rude. Troy plans to have a final application for review and approval at the next meeting.

**Farmers Ditch Headgate Replacement – Phase I**

Keith Beetty with KAW Valley Engineering was present to speak about the Farmers Ditch Headgate Replacement Phase 1. Mr. Beetty noted the plans to build a new headgate structures (removing the old headgate structure). Intent is to use a standard slide gate with all sections being identical. The company is out of Washington that would build the gates. Currently the projected cost of this project is at 1.1 million, which would include fences, headgate replacement, scada system, and a small building to run electricity out of with a small generator.

Mr. Beetty noted they have concern on the upstream river diversion structure [where the river is diverted to the north side of the floodway]. Therefore, there is a need for additional investigation. They have completed some survey work on the current diversion where larger flows include diversions into a small ponding area above the north bank run into the headgate project. A small study or separate project to look at the diversion and the north bank from the diversion to the headgates is needed. The new diversion would avoid the pond area.

Mark stated he applauds the suggested work because he believes the full structure should be addressed and not just the river gate and headgate structure.

Mark turned the attention to page 2 of the plans, which demonstrates the area where a structure forces (diverts) the river flow to the north and then a sharp turn to the east along the north bank into the headgate project. Mark noted the ownership is arguably a discussion on boundaries are or where administrative boundaries could be set near the structure. Kevin stated his understanding the boundary is the normal ordinary high water mark on the bed and banks at the time of statehood. He noted the state has not done a good job of determining the river boundary.

David Becker noted the addition of the diversion project was brought into the mix January 2018. If desired or approved, there will be a need for additional funds.

Mr. Beetty will get bids from general contractors, and within 30 to 60 days come back and propose numbers to committee. The goal for this project is to start building this next winter. Construction & the berm [diversion] are the two projects to consider completing application.

March 20<sup>th</sup>, 2018

### **Frontier Ditch – Muskegon River Routing Model**

A presentation from John Draper and George Austin was held on February 13<sup>th</sup>, was reviewed as occurring and well attended by most members of the committee. Mark Rude said he regrettably could not attend, and spoke candidly that the project report reads more about the Frontier Ditch water utilization than it does as a tool to make deliveries down the Kansas reach of the river. Mark acknowledged the project future next step would be to extend the tool down river to other key delivery points and added \$20,000 in legal fees is a questionable expense to the discussed purpose of the project. Steve Hines informed everyone in attendance that Frontier Ditch board also paid \$5,500.00 towards the model work.

Randy asked the committee "Do we want to cut and run or proceed with the project to get the tool?" Mark added that communication with George Austin might be beneficial to find out the answer to several important questions: 1) Who has the tool? 2) What is the estimate cost for a functional model between the various points of the ditch system? And lastly 3) can we stop being charged a lawyer fee for engineering? Steve Hines brought to the table that additional bills will be received due to the presentation that was completed on 13<sup>th</sup> of February (travel and expenses).

Patty brought up to the committee that \$1,031.53 will be unpaid due to the final expenses appear to be over the approved amount of \$55,000.00. Consensus was to pay the remaining bill up to the approved limit of \$55,000, leaving an unpaid balance of \$1,031.53.

### **Applications and potential applications for consideration or follow-up** **Stateline Compact Measuring Flume replacement**

Tabled until next meeting

### **Southside ADS funding pilot**

Tabled until next meeting

### **WaterSMART Grant opportunities through Reclamation**

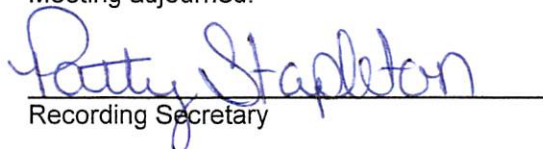
Tabled until next meeting

### **Review of action items**

- ✓ Spreadsheet of projects at every meeting from this meeting forward
- ✓ Water SMART Grant opportunities
- ✓ Tech memo on GMD application for water transfer
- ✓ Estimates to replace Frontier Flume.
- ✓ SS delivery application for pilot maintenance funding; discussions between South Side, Garden City Ditch, Farmers Ditch, DWR and GMD3.
- ✓ Application for Roth Technology Farm to be completed.
- ✓ Meeting with Jackie McClaskey, Tracy Streeter & Arkansas River Litigation Funds Advisory Committee on state funds for compact compliance research.
- ✓ Restoring ditch laterals through WaterSMART grant(s)
- ✓ Communicate with George Austin:
  - where is the tool",
  - estimate for a functional model between the various points of the Kansas ditch system
  - discontinue lawyer activity and fees
  - Pay bills up to the approved amount of \$55,000.00

### **Adjournment**

Hal Scheuerman moved to adjourn the meeting at 10:59a.m. Shane Knoll seconded. Motion passed. Meeting adjourned.

  
Recording Secretary

  
Committee Chairman