

May 12th, 2020

**Arkansas River Litigation Funds Advisory Committee Minutes
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 Wednesday May 12th, 2020, at 9:02 a.m. The meeting was held by teleconference due to COVID-19 pandemic state requirement.

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 |
| Stanley Hines* | Frontier Ditch Representative |
| Hal Scheuerman* | Amazon Ditch Representative |
| Doug Mai* | Finney County Water Users / Farmers Ditch Representative |
| Shane Knoll* | Garden City Ditch Representative |
| Armando Zarco | KWO Planner |
| Kevin Salter | Interstate water engineer, KDA /DWR |
| Mark Rude | Committee Treasurer, GMD3 Executive Director |
| Patty Stapleton | Committee Recording Secretary, GMD3 Office Administrator |
| Rodney Kirchoff | Finney County Water Users, Secretary |

Others in Attendance

| | |
|-----------------|--|
| Jason Norquest | GMD3 Assistant Manager |
| Trevor Ahring | GMD3, Engineer |
| Mike Meyer | DWR, Water Commissioner |
| Bobby Lutjohann | KWO, Chief of Planning |
| Keadron Pearson | KWO, Water Resource Planner |
| Alex Torrance | KDA/DWR, River Bailiff |
| David Barfield | Kansas Water Resources Consulting, LLC |

Absent with Notice

Agenda Approval

Chairman Randy Hayzlett asked for discussion on the meeting agenda.

Stanley Hine moved to approve the agenda as presented. Shane Knoll seconded.

Motion passed.

Minutes Approval

Tabled until next in person meeting.

Hal Scheuerman moved to table the minutes for September 17th, 2019 and October 29th, 2019 until our next in person meeting. Stanley Hines seconded.

Financial Report

Financials from October 29th, 2019 until May 11, 2020 were reviewed. **Doug Mai moved to approve the financials as presented. Hal Scheuerman seconded. Motion passed.**

Fund Commitment Projects table update

Review of the Projected Funds worksheet was completed. No questions were brought to the table.

Update: Active projects approved for funding

Southside Phase II

Randy Hayzlett noted the project is mostly completed. One individual on the lower end was adamant he didn't need a gate, however, has since changed his mind. A slide gate was going to be installed but the individual requested a pivot gate. Randy mentioned that some work throughout the winter was done and a voucher will be submitted soon.

Garden City Ditch Measuring station

Mark Rude spoke about an outstanding item, Garden City Ditch Measuring Station. This project is still an approved item due to the grant that we received from Kansas Water Office. Garden City Ditch is not functional at this time and raises question about the ditch future. Kevin stated if there is no ditch then there is really no ditch right. Questions are being raised on possibly transferring the right or acquiring the right and changing part or all of use to other system uses. Discussion was held on how this is different from use it or lose it. State statute against forfeiture only applies to groundwater rights in closed areas. Randy Hayzlett stated need to preserve all surface water rights that we can.

Farmers headgate Phase I engineering overage reimbursement \$10,000

Mark Rude, reported there was a \$10,000 overage on Phase 1 of the Farmers Headgate due to re-engineering that was needed on the project. Since this is still part of the engineering work (which was approved) a change order needs to be considered. Finney County Water Users paid the bill and have submitted a voucher for reimbursement. **Troy Dumler moved to approve reimbursement to Farmers Ditch of \$10,000, Hal Scheuerman seconded. Motion passed by call of names. Doug Mai abstained.**

Farmers headgate Phase II report

Doug Mai reported the project is still on track to start this fall. Mark noted there was some confusion with the submitted invoices that were marked estimates. Since we don't pay from estimates this needed to be corrected. Checks are only cut for actual supplies and work completed. New bills and a revised voucher will be submitted, at that time a check will be cut.

Ditch lining project has also evolved. Due to the first portion of the ditch being wider the lining won't be as many miles long as first anticipated. A budget will be submitted to Bureau of Reclamation to see if that change in scope can be approved by Reclamation.

Preferred Interstate Supply Evaluation

Mark Rude reminded the committee that the Preferred Interstate Supply Evaluation project was one of the first projects envisioned and approved. Would like to continue that work, however, have not identified the engineer firm yet. Kansas needs to consider elements of discussion to approve a new account that Colorado is requesting and also look at what benefits it will give Kansas. David Barfield, Kansas Water Resources Consulting would like to offer his assistance. Randy Hayzlett advised would need to discuss Mr. Barfield's proposal with the GMD3 Board of Directors.

Consensus of the group is project needs to move forward, however a proposal for this needs to be completed. Would want to be careful that we don't take funds from projects that are still finishing since we are getting to the end of the fund.

Applications and potential applications for consideration or follow-up

GMD3 Missouri River Import proof of concept project

Mark Rude introduced a new project: GMD3 Missouri River Import Proof of Concept Project. Proposal is to get a truck load of Missouri high-flow water and release it into the river. Truck holds approximately 5,000 gallons of water. Projected budget for the project is \$6,000.00. Mark has already submitted a request to KDHE on what requirement would be needed for this project. This is a small amount of water but will show how the river would take the water up. It seems very impractical but is a start to demonstrate a more practical approach and would also provide the opportunity to look at water quality mitigation. Armando Zarco interjected that while reading through the draft POC it mentions that Upper Ark RAC has been informed, while in fact they have not been informed regarding this proposal. Mark suggested for Armando to provide any suggested better wording. Chairman Hayzlett asked if the committee would agree with the POC with revised wording. Troy Dumler stressed his concern of funding on a project that is low priority and not sure what will be learned or accomplished compared to other projects. More work needs to be completed for this project, such as, wording and actually present to RAC's for support.

Southside ADS operating fund pilot

Kevin Salter brought to the table the Southside ADS operating fund pilot project that was submitted by Department of Ag in 2017. This project proposed funding of \$20,000 for compensation to the South Side Ditch for piloting delivery of surface water to Farmers and/or Garden City Ditches. Since the Southside ADS application has been pending may need to revisit the cost. Southside would want compensated for extra O&M, trips of the ditch rider to make sure no one was taking water and also to remove any weed dams that might develop. Regular maintenance would still be on the Southside. Discussion of the projects continued with concerns being raised, such as: 1) funding of projects 2) keeping the riverbed wet as long as possible 3) where would alternate delivery be measured?

Water transfer pipeline technical memo

Mark noted this is a place holder for the concept that has been discussed to import water through unused industrial pipelines that already exist.

Three reservoir sites technical update memos

This is also a place holder from past conversations with the committee

River sand buildup near amazon / Great Eastern headgate and return

Hal Scheuerman expressed concern of river sand buildup still being an issue. A measuring device, which is connected to Hal's phone, has been installed on the Amazon by the flume at the golf course. May need to consider utilizing or marketing the sand that is removed as other western states have done.

Muskingum River Routing Model (river flow delivery tool)

Mark noted that collaborative work needs to be completed with Kevin Salter and DWR.

May 12th, 2020

Report of Agencies

Mike Meyer announced that their office doors will remain locked through the month of May, due to COVID-19. Will re-evaluate the first part of June.

KWO

Armando Zarco announced that Kansas Water Authority will hold their next meeting on May 20th, 2020 at 1:00 p.m. by teleconference. Working with RACs to get a meeting first half of June.

Review of action items

- Project spreadsheet updated.
- Water smart grant & other grant opportunities, including restoration of ditch laterals
- Water transfer pipeline technical memo
- Bid for replacement of farmers headgate application for phase II
- Preserve app for Southside Alternate Delivery System pilot operation
- Base Funding of Frontier Compact Flume through ARCA
- Communicating on Muskingum Tool
- WaterSMART grant for Webdell Lake
- Complete Legislative report for 2019 and distribute to committee.
- Meeting with Dave Pope, PISE.
- Dredging sand to manage local sand elevations

Date of Next Meeting

As needed within next quarter.

Adjournment

Stanley Hines moved to adjourn the meeting at 11:16 a.m. Hal Scheuerman seconded.

Motion passed. Meeting adjourned.


Recording Secretary


Committee Chairman