

Monday, April 20, 2015

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

The meeting of the Arkansas River Litigation Funds Advisory Committee was called to order by Chairman, Randy Hayzlett on Wednesday, April 20th, 2015 at 1:09 p.m. The meeting was held at the Southwest Kansas Groundwater Management District Office located at 2009 E. Spruce Street, Garden City, KS.

Introductions:

Introductions were completed by all in attendance.

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

Randy Hayzlett *	Committee Chairman and South Side Ditch Representative
Ron Conway*	Committee Vice-Chairman and Great Eastern Representative
Steve Hines*	Frontier Ditch Representative
Hal Scheuerman*	Amazon Ditch Representative
Dave Becker*	Farmers Ditch Representative
Troy Dumler	Great Eastern 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
Jason Norquest	GMD3 Assistant Manager

Others in Attendance

Brandy Cole	KDA/DWR
Trevor Ahring	GMD3 Engineer
Dave Brenn	Kansas Water Congress
Tracy Streeter	Director of Kansas Water Office
Lane Letourneau	KDA/DWR
David Barfield	Chief Engineer, KDA/DWR
Burke Griggs	Assistant Attorney General
Jackie McClaskey	Secretary of Agriculture
Harold Knoll	Water user
Rachel Duran	KDA/DWR
Mike Meyer	Water Commissioner, KDA/DWR
Chris Beightel	KDA/DWR
Carl Holmes	Past state House of Representative, District 125

Absent

Al Knoll *	Garden City Ditch Representative
Ty Brookover*	Farmers Ditch Representative

Goals for Meeting

The goals to obtain at today's meeting: 1) be done by 4pm; 2) discuss the matrix in detail; 3) get through the entire agenda.

Agenda and Meeting Minutes Approval

Chairman Randy Hayzlett asked for discussion on the meeting agenda. Discussion occurred on revising the agenda by moving item 10; Update: Active Projects Approved for funding between agenda item 3 & 4. Ron Conway moved to approve the agenda as revised. Hal Scheuerman seconded. Motion passed with all in favor.

Minutes from the October 8th, 2014 meeting was brought to the table for review. Due to time restriction these minutes were tabled. Hal Scheuerman moved to table the October 8th, 2014 minutes. Ron Conway seconded. Motion passed with all in favor.

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Mark Rude read the minutes from the March 12, 2015 meeting. Corrections were completed throughout the reading. Hal Scheuerman moved to approve the minutes with the noted corrections and or additions. Steve Hines seconded. The motion passed with all in favor.

Financial Report

Mark Rude reported on the financials for March, 2015. Ron Conway moved to approve the financials that were presented. Steve Hines seconded. Motion passed with all in favor.

Update: Active Projects Approved for Funding

Amazon Flume Replacement

Hal Scheuerman reported plans are about 60% complete and the permits are being gathered. June is the predicted date to start receiving bids, with September 1st being the start date of the project. Hal raised a question to the committee and all those in attendance regarding a needed solution for the Parshall Flume gaging station that does not measure properly because of sanding problems. Kevin Salter and Hal Scheuerman have spoken about this with the USGS. USGS personnel stated there is a fix for it but to date, nothing has been completed. Can measurement and telemetry be placed further down the ditch and will it measure properly as a back up to the flume? *This was established as an action items as follows: After discussion occurred, Jackie McClaskey (Secretary of Ag) and Chief Engineer David Barfield agreed that within two weeks from this meeting research of telemetry options will be completed and reported back.*

South Side Phase II Engineering

Randy Hayzlett reported on the South Side Phase II Project. A contract from Stantec Consulting has been provided to South Side Ditch Association for review. Research is happening to replace/relocate structures on the South Side, which takes the water to the users. They are looking at centralizing the structures so more than one user can use them at a time.

Frontier Return Gage

Steve Hines asked when the Frontier Return Gage equipping was going to happen. The funds have been available since 2007. Kevin Salter stated that on the list of many things to do. They are looking at installing a gage on the return of Frontier Ditch and using a radio bridge over to Coolidge USGS gage satellite platform to be on real-time access from the web. *An action item was established related to the Frontier return gage upgrade.*

Kansas Interstate Water Management Funding Program-State Official

Chris Beightel reported that Kansas Interstate Water Management Fund is a combination of state water plan funds and state general funds. A State Water Fund Budget is submitted which is approved by the Water Authority and Legislature. Funding requests do need to be specific. \$150,000 is budgeted for contracts, with Spronk being the main contractor along with several secondary contractors. Discussion occurred on the three budgets for funding Kansas interstate water management issues; the AG's office, Water Plan Fund and Department of Ag budget. The singular oversight of the legislative budgeting process was noted and a question of the program for management and coordination was raised.

Local Issues/State Issues.....Matrix

Conversation occurred on local and state issues. Since there is not a draft matrix already, consensus of all parties involved was that State and Arkansas River Litigation Advisory Committee should collaborate to make a matrix of the issues. DWR listed four categories of issues:

Compliance Monitoring

Water Supply Concerns

Reservoir Operation

Water Quality

After some discussion, the following list was suggested from the committee:

HI Model: education of how it works

Accretion: 10 year accounting

Augmentation: How it works, what is the purpose and why

High Flows: Protected, allocated

Flood Flows: Protected, allocated

Pueblo Reservoir Operations: Winter water storage program, and other related operations

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Trinidad Reservoir operations

John Martin Reservoir operations: understand account system and how it works: 1980 Operating Plan accounts, Offset Account, and all other accounts in reservoir

*Fryingpan Arkansas River Project: How much and how it is accounted for, exchanges to Trinidad Reservoir
Water quality concerns*

Recharge to Arkansas valley aquifer in Kansas; is this a recognized use by the Compact

Two action items were established from this discussion:

- A listing of accounts in Pueblo, Trinidad, and John Martin reservoirs are to be provided to the committee
- DWR would complete a draft matrix within two weeks from today (May 4th, 2015) and send out for review.

Mark suggested that Spronk Water Engineers preferred interstate supply study might be helpful background for the committee.

Status Update on Current Issues & Work Tasks

GP Farms: The committee reviewed a letter from Kansas Department of Agriculture to Colorado DWR. The letter was in regards to the substitute water supply plan for GP Irrigated Farms, LLC addressing the several issues of continued concern. A copy of the letter was provided to those in attendance.

**March 2015 LAWMA /Colorado Parks & Wildlife delivery to John Martin Reservoirs,
Kansas concerns and resolution**

Kevin Salter provided a handout on a combined delivery of Permanent Pool and Offset Account water into John Martin Reservoir while Compact conservation storage was occurring. This handout included a hydrograph of the flow of Arkansas River at Las Animas. A concern was raised with Colorado Division 2 that the Permanent Pool and Offset Account deliveries were being over credited to the detriment of Compact conservation storage. A table showed the differences between various possible accountings. Ultimately, Compact conservation received 638 acre feet more than Colorado's originally proposed accounting. The handout is attached to these minutes.

Colorado Legislation, SB15-212 on flood detention structure, presumption of non-injury

SB 15-212 is getting a lot of support and concern in Colorado. Facilities that are designed to detain storm water for environmental and public safety purposes may be required to release water to avoid injury to downstream water rights. The bill has been laid over and is scheduled to be worked this next Wednesday, April 22nd, 2015.

Fountain Creek Technical Committee

Kevin Salter stated that he is on the Fountain Creek Technical Committee to aid in developing a solution of flooding without causing damage to downstream water users and Kansas. Salter, Duran, and Hayzlett would be attending a meeting of this committee the following day in Pueblo, Colorado.

2014 H-I Model Annual Update

Rachel Duran reported the 2014 H-I Model Annual Update information. Stated that March 1st Colorado submitted their preliminary pumping and acreage data and then on March 31st Colorado submitted their run and backup data. Kansas will submit their run on May 15th and both States should be in agreement on June 1st.

**Colorado's post-1985 Groundwater Rules Concept to handle changes administratively rather than through
Water Court is not being pursued**

A meeting was held in Pueblo, Colorado in November 2014 and another meeting was held in La Junta, Colorado in January 2015 to discuss the Colorado's post 1985 Groundwater Rules Concept. Colorado DWR decided after public review not to pursue these conceptual rules.

DWR application to WWCPF for work on Issues

Conversation occurred on the application that DWR submitted to the Western Water Conservation Projects Fund (WWCPF). DWR believes that approval of the application and funding through the WWCPF would expedite the Attorney General to proceed with a LAWMA Decree study and working through the issues that may negatively impact the water supply available to Kansas. This is "special funding" and therefore not in the everyday funding from existing State agency budgets or Legislative provisions.

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Mark Rude relayed a statement from Senator Powell that he will make effort to find SGF Funds for the project.

Steve Hines asked if the committee will be able to review work that will be and has been completed regarding the project. The response was due to client / attorney confidentiality it will be on a case by case basis.


Hal Scheuerman moved to table the application until next committee meeting. This will allow time for review of matrix and see how it fits into the projects funding account. Steve Hines seconded. Motion passed with all voting parties in favor.

Future Meeting

A future meeting was tentatively scheduled for June 4th, 2015 at 10:00a.m.

Adjournment

Ron Conway moved to adjourn the meeting at 4:13 p.m. Hal Scheuerman seconded. Motion passed. Meeting was adjourned.


Recording Secretary


Committee Chairman

DWR Attached handout:

Storage method	Date type	Compact conservation storage	Offset Account	JMR permanent pool
Colorado projection	estimate	573	1,758	2,837
Colorado delivery satisfied at JMR	estimate	701	1,706	2,568
Colorado protect Purgatoire flows for conservation storage	estimate	758	1,884	2,528
Agreed to delivery satisfied at Ark at Las Animas with transit loss applied into JMR	actual	1,211	2,254	1,503
Kansas	estimate	1,488	2,088	1,392

as provided for discussion purposes on 4/20/2015

