

Thursday, June 4th, 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 Thursday, June 4th, 2015 at 11:02 a.m. The meeting was held 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
Ron Conway*	Committee Vice-Chairman and Great Eastern Representative
Steve Hines*	Frontier Ditch Representative
Al Knoll *	Garden City Ditch Representative
Hal Scheuerman*	Amazon Ditch Representative
Troy Dumler	Great Eastern Representative
Diane Knowles	KWO Basin 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 by phone or in person

Brandy Cole	KDA/DWR
Trevor Ahring	GMD3 Engineer
Dave Brenn	Kansas Water Congress
Tracy Streeter	Director of Kansas Water Office
Lane Letourneau	KDA/DWR
Jackie McClaskey	Secretary of Agriculture
Harold Knoll	Water user
Rachel Duran	KDA/DWR
Mike Meyer	Water Commissioner, KDA/DWR
Chris Beightel	KDA/DWR
Jared Abraham	XRI
Gary Mason	Deputy Secretary for Environment, KDHE
Susan Metzger	Deputy Secretary for KDA
Clay Scott	GMD3 Board of Directors
Tom Stiles	KDHE, Bureau of Water

Absent

Ty Brookover*	Farmers Ditch Representative
---------------	------------------------------

Agenda and Meeting Minutes Approval

Chairman Randy Hayzlett asked for discussion on the meeting agenda. A suggestion was made to add West Consultants Projects under VI. Update: Active Projects Approved for Funding as item D. Hal Scheuerman moved to approve the agenda as revised. Al Knoll seconded. Motion passed with all in favor.

Mark Rude read the minutes from the October 8th, 2014 meeting. Hal Scheuerman moved to approve the minutes as presented. Steve Hines seconded. The motion passed with all in favor.

Minutes from the April 20th, 2015 meeting were table for review.

Thursday, June 4th, 2015

Financial Report

Mark Rude reported on the financials for April / May 2015. Steve Hines moved to approve the financial as presented. Al Knoll seconded. Motion passed with all in favor.

Recognition of Ron Conway

Randy Hayzlett recognized Ron Conway in his new adventure of retirement from the Garden City Company and the Great Eastern Ditch Association and the committee expressed gratitude and good wishes for his retirement. Mr. Conway stated he appreciated his time on the Arkansas River Litigation Committee and the Associated Ditches. He expressed his hopes that for the protection of our resources the projects continue to progress. Ron will still be around as a Technical Assistant to Troy Dumler and the Garden City Company. The folks in the room joined the Chairman in a round of appreciation applause for Mr. Conway and all wished him well in his retirement.

Mr. Conway has been Vice Chair on the Arkansas River Litigation Funds Committee. Due to his retirement that leaves a vacancy in the committee. After some discussion Al Knoll moved to cast a unanimous ballot and nominated Troy Dumler as Vice-Chairman of the committee. All were in favor.

Review of last Ditch Report

Kevin Salter with DWR stated the report is a partial report, however complete reports can be requested. John Martin on April 30th, 2015 was at 46,000 AF with a large increase occurring afterwards with a total storage of 60,000 AF. Currently we are near 70,000 AF.

Update: Active Projects approved for funding

Amazon Flume Replacement

Hal Scheuerman reported that a bidding tour will be held on June 24th, 2015. Bids will open on July 15th at 2:00 pm at the Lakin Library. Engineers provided Hal with an opinion of probable cost which totaled 1.750 million dollars. This is over the Project Committees budget of 1.6 million dollars. Tracy Streeter with KWO stated that when a project is approved at his level, there is understanding of possible increase or differences in cost.

South Side Phase II Engineering

Randy Hayzlett reported that the project should start very soon. Stantec Consulting Services, Inc. out of Colorado will be working on the project.

Frontier Return Gage

Steve Hines reported he has not heard back from DWR. Chief Engineer Barfield stated that at the last meeting DWR agreed to respond on four different assignments. The response to Frontier return gage upgrade is as follows:

The return flows have been gaged via a stage recorder. The request is to upgrade it with an electronic data collection platform gage with real-time internet access. We (DWR) are working with the USGS to update the current stage recorder with USGS equipment that can operate in this manner. We assume that this new service would be paid for from the Arkansas River gaging fund with the increase in funding provided by the Legislature. It is understood the updated equipment cost would be paid by the WWCP Fund.

A break of 7 minutes was called for those in attendance to get a plate of food for lunch and to return immediately for a presentation from XRI.

Thursday, June 4th, 2015

Paleo-River Channel Aquifer Study-XRI Helicopter Survey Presentation

Chairman Hayzlett directed attention to Jared Abraham with Exploration Resources International, LLC, who was in attendance to present and discuss their project service. XRI is a geosciences company with proven solutions in geophysics, geology, hydrology, geospatial applications and geotechnical engineering.

The company (XRI) provides comprehensive data on the aquifer with advanced 3-D mapping strategy providing data for long term plans for water budgeting, aquifer maps and saturated thickness maps can also be produced. This data is compiled using airborne geophysical mapping with validation through analyses. The airborne geographical survey system is called SkyTEM. The system appears to be fragile but is in fact very robust. Attached to the front end is a magnet toner [magnetometer] which measures the earth's magnetic field. The entire outside loop has copper wires, which work as the transmitter to the ground. The helicopter travels at a speed of 50MPH, 200 feet above the ground with the SkyTem 100 feet below the helicopter.

Jared reviewed the costs as follows:

- ✓ Typical fine grid costs are - \$9.-\$11/acre (based on line spacing)
- ✓ Line cost are \$600-\$650/mile (based on mobilization)
- ✓ Mobilization/demobilization \$15,000-\$40,000
- ✓ Most projects are \$200,000-\$1,000,000
- ✓ Township size is typically the smallest survey
- ✓ For the Optimized Survey layout in Western, KS - \$198,000

Chairman Hayzlett thanked Mr. Abraham for his time and presentation.

H-I Model & 10- year accounting presentation

A presentation on the Hydrologic Institutional Model (H-I Model) was presented to those in attendance. David Barfield, spoke about the development, purpose and overview. Kevin Salter talked about the inputs, operation and outputs and Rachel Duran spoke on the updates, monitoring and compliance checks. David Barfield concluded the presentation with 10-year accounting results.

The major purposes of the Arkansas River Compact of 1949 (Compact) was to resolve controversies unsettled by litigation, prescribe that Colorado's additional development could not deplete useable Stateline flows, divide benefits of JMR (John Martin Reservoir) and establish the Compact Administration. One of the drawbacks of the Compact is that it doesn't provide specific allocations or measures of compliance. A suit was filed in 1985 alleging Colorado violated the Compact's requirement to not deplete usable Stateline flow. Through the course of the litigation Kansas experts built and refined the H-I Model to prove the violation to the U.S. Supreme Court.

Kevin Salter spoke on the H-I Model inputs, operation and outputs. He stated the purpose is to compute net effects of groundwater pumping and replacement operations on Stateline stream flow. Simulating the river operations, the H-I Model operates on a monthly timestep while most of the input/output data are daily. Inputs for the H-I Model are: cropping patterns and actual meteorological observations to determine the crop irrigation requirements or potential evapotranspiration; actual irrigated acreages and crop irrigation requirements to determine ditch diversions, water consumption and return flows; along with actual well pumping to satisfy part of crop irrigation requirements.

Rachel Duran gave a summary of the annual H-I Model update, monitoring and compliance checks. January and February Colorado is pulling data together for the annual H-I Model update. In March, Colorado provides Kansas with preliminary pumping and acreage data for preceding year. On March 31st, Colorado provides Kansas with the annual update, backup data and 10-year Compact Compliance accounting. In the month of April, Kansas reviews annual H-I Model update and backup data, Rule 14 Plan Applications approval occurs on April 1st with GIS coverage of dryup being provided to Kansas April 15th. By May 15th, Kansas has to respond to the H-I Model annual update and 10-year Compact Compliance accounting. The differences are worked on between Kansas and Colorado from May 15th thru June 1st. The months of July and August, Kansas reviews dryup inspections, identifies problem tracts and then provides recommendations to Colorado.

Thursday, June 4th, 2015

David Barfield concluded the presentation with an explanation of the 10-year Compact Compliance accounting results being reviewed and determination of compliance, using the Model summed over rolling 10 year periods. The 10-year accounting includes: H-I Model results, Offset Account deliveries and post-1985 depletions.

Stateline Groundwater Gages O&M Contract transfer to KDA per SB 156 GMD3

A handout of Senate Bill No 156 was provided for all to review with an explanation the O&M agreement with the USGS would be moved to KDA as part of their annual gage operation contract expenditures from the Ark River Gage Fund.

Additional Action Item

Reservoir account listings, provided for Pueblo, Trinidad and John Martin Reservoirs

A handout was given that provided the website for John Martin Reservoir reports: <http://www.water.state.co.us/flow/charts/div2/Jmas/Jmascal.asp>

An outline of the following John Martin Reservoir accounts was handed out for all to review:

- Permanent Pool
- Compact Conservation
 - Summer stored
 - Winter stored
- Other Water (aka Section III)
 - Las Animas Consolidated
 - Fort Lyon
 - Amity
- Section II (transferred Compact conservation storage)
 - Colorado Section II-Colorado has divided this into several subaccounts related to when water was stored and by ditch.
 - Kansas Section II
- Transit Loss Account
- Offset Account
 - Upstream consumable
 - Downstream consumable
 - Kansas consumable
 - Kansas storage charge
 - Return flow transit loss
 - Keesee Winter
- Flood control storage space

During the period of November 15 to March 15, there are also accounts related to the Pueblo Winter Water Storage Program in Section III:

- Winter Water Holding
- D67 Winter Water Charge

Further information on Amity Canal's storage in Section III and Great Plains Storage, to what extent is there Amity storage occurring at the same time as Compact conservation storage.

Research of secondary measuring point for Amazon-Great Eastern

Research of secondary measuring point for Amazon-Great Eastern is a [retuning problem. Hal Sharman referenced concern expressed by ownership interests in a key area of the ditch over new measurement activity on the property. More communication and research will need to be discussed to identify a solution.

Thursday, June 4th, 2015

Local Issues Matrix {kls comment: was this matrix or water quality discussion?}

Tom Stiles with the Kansas Department of Health and Environment was attending by phone for Water Quality discussion. Gary Mason was also in attendance in person. Mr. Stiles stated that they haven't had the chance to make contact with Colorado but hope to do so in the next day. Short term is to push through non-point source in Colorado. The longer water stays on the land the higher pollutants. Long term goal is to strategically distribute the water when Colorado has more than they know what to do with. Mark asked if "Shouldn't discussions continue on to further ideas of how to address the return of poor quality water to the system, given what we know in Colorado from CSU and others. For instance we have ditches that we consider water long, or a lot of water supply, if we put those ditch areas together with the hot spots that Dr. Gates identified, if we couldn't continue down that road for involuntary incentive programs." Mr. Stiles agreed stating there is no reason to give that up.

Mark stated the second round is out for RCPP. Might want to consider jumping on it with the offer Colorado made for a joint submittal from Kansas and Colorado interests. Crafting the proposal in collaboration with Colorado as a current step in trying to address the water quality issue without making it a direct compact issue. RCPP deadline for the application is June 5th, 2015.

Gary Mason thanked everyone for letting him sit in on the meeting, stating it has been a learning experience. This conversation will be a good kick off for working with Colorado in a positive and constructive way.

{Local Issues Matrix? Discussion} Review of the email handout that listed the categories of the concerns and questions that were stated at the last committee meeting with their responses.

DWR Application to WWCPF for work on Lower Arkansas Water Management Association (LAWMA) decree Issues

Agenda item, explanation of Ag's interstate water management budget, and how the AG's office works with KDA, KWO, and GMD3 in a management program for interstate water was talked about at the last meeting. Re-capping the explanation, it was stated that \$2.67 million dollars was borrowed from two other accounts and that money was to be given back to those accounts. Those two accounts have nothing to do with Kansas water.

Discussion continued on a budget line item being detailed. The State re-established they believe the funds exist for this purpose and this cause. Secretary of Ag, Jackie McClaskey stated her discussion with Senator Powell was the concept of a long term interstate funding solution where the State and the Fund each make an annual commitment of \$75,000 apiece to put into studies. Treat it as a matching approach. This may be a longer term concept.

Steve Hines stressed his concern on the possibility of not knowing what is going on with a joint state/local project if legal restrictions are on the work product. Secretary McClaskey stressed the dilemma of allowing the Arkansas River Litigation Fund Committee access to some work products if in doing so would make it public record, which in turn could allow others access prematurely. Consideration of sharing the actual data and not the analysis of the data could be examined.

Kevin Salter read 15 issues that are actively being discussed with Colorado.

A brief moment was called for only the members of the Arkansas River Litigations Funds Advisory Committee to caucus on the project.

After much discussion Hal Scheuerman moved to recommend approval of a one-time funding of \$75,000 for the state application to use WWCPF for work on Lower Arkansas Water Management Association (LAWMA) operations and decree questions, subject to the application being revised to come from Department of Agriculture and vouchers are submitted appropriately as with other projects using the Fund. Troy Dumler seconded. Motion passed with all in favor.

Thursday, June 4th, 2015

Action Items-Recording Secretary

- 1) Look at 1996 Colorado Use Rules, Augmentation and RCPP
- 2) Follow-up on HI Model
- 3) Accuracy of Colorado gages.

Member Reports/Public Forum

A Water Authority Conference will be held in Hutchinson, KS on August 19th and 20th.

Future Meeting

The next meeting of the Arkansas River Litigation Committee will be held on September 9th at 1:30 pm in the GMD3 Board Room.

Adjournment

Chairman Randy Hayzlett adjourned the meeting at 4:11 p.m.


Recording Secretary


Committee Chairman