

Groundwater Management Area #1 Meeting

Minutes

October 5, 2016

The Groundwater Management Area Number 1 (GMA #1) met on Wednesday, October 5, 2016 at 2:00 p.m. in the PRPC Board Room, 415 SW 8th Avenue, Amarillo, Texas with the following members in attendance:

Voting Members Present:

Jim Haley, Hemphill County Underground Water Conservation District, Bob Zimmer, North Plains Groundwater Conservation District, Lynn Tate, High Plains Underground Water Conservation District and Danny Hardcastle, Panhandle Groundwater Conservation District

Other Groundwater Management Area 1 Representatives Present at Table:

Janet Guthrie, Hemphill County Underground Water Conservation District, Steve Walthour, North Plains Groundwater Conservation District, Jason Coleman, High Plains Underground Water Conservation District and C.E. Williams, Panhandle Groundwater Conservation District

Guests Present: Robert Bradley, Bill Mullican, Gene Born, Dale Hallmark, Keith Good, Mike Beauchamp, Ray Brady, Amy Bush, Jacob Reed, Danny Krienke, Steve Shomate, Jacob Reed

Staff Present:

Kyle Ingham, Local Government Services Director; Dustin Meyer, Local Government Services Program Coordinator, Jacy Sissel Local Government Services Clerk

1. **Call to Order – Welcome**

The meeting was called to order at 2:02 p.m. with Chairman Zimmer presiding. Chairman Zimmer welcomed and thanked everyone for coming to the meeting.

2. **Roll Call/Introductions/Quorum**

Chairman Zimmer asked Mr. Ingham to conduct roll call. Mr. Ingham conducted roll call and established that a quorum was present.

3. **Opening Pledge**

4. **Public Comment** – Member of the general public may speak for 3 minutes on topics related to GMA#1 activities though the GMA#1 membership may not discuss or take action on any items not included on this agenda.

Chairman Zimmer opened the floor for public comments. No public comments were received at the meeting.

5. **Discuss and Consider** - The Minutes from April 20, 2016 GMA #1 Meeting.

Mr. Haley pointed out that on page three, in the third paragraph should read “over 10% of the total water use”. Mr. Walthour agreed that the correction is needed. Mr. Tate motioned to approve the minutes with the correction. Mr. Hardcastle seconded the motion. Motion passed unanimously.

6. **Discuss and Consider** - Action as may be necessary in regard GMA #1 Officers and Membership.

Chairman Zimmer asked the board if they would consider an extension to allow Mr. Haley, whose current term is expiring, the ability to finish the current DFC adoption and planning process. Mr. Haley stated that according to the GMA#1 bylaws he is termed out and could not finish the DFC process without the extension. Mr. Walthour stated that their District is in the middle of an election and they will have a new president of the board. He continued that the new president gets to select the representation to the GMA#1. Mr. Hardcastle asked if there were any issue with the bylaws to extend Mr. Haley's term. Mr. Ingham stated that there was not any issue with the bylaws and the last time the group selected officers was February 2015 and was done well into the fiscal year last time. He continued that the precedence has been set and should not have any issue with extending Mr. Haley's term to allow him to finished this planning cycle. Mr. Haley moved to table this item and leave officers in place until DFC adoption is complete. Mr. Hardcastle second the motion. Motion passed unanimously.

7. **Discuss and Consider** – Appointment of GMA#1 representative to the Panhandle Water Planning Group (Region A – Regional Water Planning)

Chairman Zimmer stated that Mr. Krienke has agreed to continue to serve. The Chair opened discussion up to the group for any other options the group wanted to discuss. Mr. Walthour suggested that the group might consider tabling this agenda item as well until a new group of officers has been selected and can make the appointment to the Regional Water Planning Group. Mr. Hardcastle made the motion to table this agenda item. Mr. Haley second the motion. Motion passed unanimously.

8. **Discuss and Consider** - Action as may be necessary in regard to administrative services for GMA #1 through the Panhandle Regional Planning Commission.

Mr. Ingham stated that going back to the inception of the GMA process PRPC has served as the administrative agent for the planning process. Mr. Ingham continued that in other districts this function is done by moving the meetings between districts and coordination among the districts. Mr. Ingham stated that PRPC provides a neutral site for the group to meet and provides staff to post meeting and do administrative tasks related to the GMA#1. He continued that PRPC staff has been available to GMA#1 for almost ten years. Mr. Ingham stated that the contract is for \$60 per hours and has been at that rate for the last two years. He continued that typically the contract ranges between \$1,000 and \$4,000 depending on the number of meetings and tasks involved. Mr. Ingham further stated that this year with the preparation of the desired future conditions that the contract will be a little higher and going into future years should fall back within the normal range. He continued that PRPC services include posting meetings, coordinate with the district to work in preparation of the documents, assist in preparation of resolutions and keep records and minutes of all meetings. Mr. Tate asked if there were any changes in the contract other than the dates. Mr. Ingham stated that there was not. Mr. Tate motioned to approve the contract for administrative services for GMA#1 through the Panhandle Regional Planning Commission. Mr. Haley second the motion. The motion passed unanimously.

9. **Discuss and Consider** – Report from each GMA#1 Groundwater Conservation Districts regarding comments received during 90 day public comment period and any suggested revisions to Proposed Desired Future Conditions.

Mr. Walthour stated that the North Plains District posted and followed process as required. He continued that they posted early in the summer, held the record open and held the public hearing. Mr. Walthour stated that no one showed up to the public hearing but that there was a comment and recommendation by the District. Mr. Walthour stated that the comment is in regards to Hutchinson County being included in the Dockum Aquifer DFC resolution. He continued that at this time that does not appear to be accurate as Hutchinson County does not appear to have any Dockum. Mr. Walthour further stated that the recommendation is to create a review process as opposed to an adoption process to allow joint planning to move on after the adoption of DFC's. He continued that this would work to help streamline the process in the future.

Chairman Zimmer stated that the North Plains District does not foresee many changes in the DFC in five years for GMA#1. He continued that in consideration of the time and money invested, it would be better to do a review in five and go through the planning and process of DFC adoption every ten years. Chairman Zimmer stated that it was estimated \$300,000 was spent on the adoption process in cooperation with TWDB. Mr. Walthour presented their recommendation to amend chapter 36 to the water code, "if the districts determine that a change in desired future conditions is warranted then they shall propose for adoption a new DFC for the relevant aquifers within the management area". Mr. Walthour stated that the hearing process would still be followed to review the DFC, but if changes were not warranted then the adoption and planning process could be every ten years. He continued that due to the time, money and effort, if something new comes up then it needs to be reviewed as to whether it changes the DFC or not.

Chairman Zimmer further stated that in a year the process will need to be started all over to get moving again on the next DFC adoption. Mr. Hardcastle asked if there would need to be legislative action to change this. Mr. Williams confirmed that it would need legislative correction. He also stated that it would be a good idea to include the ten year timeline in the proposed change because without it he did not feel it had much chance of success from the legislature. Mr. Williams agreed that the recommendation makes sense and that a ten year option is better. There was some discussion amongst the group about this recommendation. Mr. Walthour stated that this recommendation was in front of the TWCA legislative committee currently.

Ms. Guthrie asked with the current regional planning cycle was there census information. Mr. Williams stated that the census info will sync up next time in 2021. Ms. Guthrie stated that she believed it would be good to link to the census population data with the water planning cycles. Mr. Bradley stated that the TWDB is considering a recommendation in the State Water Plan to sync them up. Mr. Williams agreed that it makes the most sense to get on the same cycle with census data. Mr. Walthour stated that the issues that regional water planning runs into is they are using data from previous joint management planning. He continued that the 2016 regional water plan is using information from the last cycle and in six months the joint management planning is going to issue a new model.

Mr. Haley stated that the Hemphill County District had an item sent in to be part of the record. He continued that it is supporting data for the process done by a farm and ranch real estate firm, Scott Land Company. Mr. Haley further stated that Scot Land Company provided a letter of opinion citing specific references on panhandle land values as they relate to water availability. Ms. Guthrie stated that some real estate firms had information on patterns and further supports the varying statements on the adoption of the DFC and how property values are connected to the availability of water. Mr. Walthour asked if this

would apply to the social economic factors considered by GMA#1. Ms. Guthrie agreed stating that it was introduced at the Hemphill District's board after the consideration of the factors. She continued that it was included in the hearing under the property rights tab. Mr. Walthour asked what the differentiation of good water versus light water is. Ms. Guthrie stated that she interpreted that to be saturated thickness. Mr. Tate disagreed stating that he thinks it is pumping capacity. The group agreed with Mr. Tate. Chairman Zimmer stated that he believes the values are down somewhat since it is from 2015 particularly due to corn prices, but it was a good product. Mr. Haley stated that no other comments were received to make a change at the hearing or during the comment period.

Mr. Hardcastle stated that the Panhandle District only received one comment during hearing in favor of the DFC process.

Mr. Tate stated that the High Plain District had one individual that has historically been critical of the DFC process was complementary. Mr. Coleman stated that the District received one email stating that the DFC should be zero. Coleman stated that due to the different factors considering along with the GAM and supporting documents that being zero is a physical impossibility. Mr. Walthour pointed out that the comment received also did not talk about any specific aquifer. He continued that if zero means you don't have any draw down greater than zero, than that is impossible because there is current pumping. He continued that if the implication is to pump it all, remove it all from the DFC then the total estimated recoverable storage provided by TWDB is also not feasible. Mr. Walthour stated that he assumes the emailer is referring to the Ogallala Aquifer which the condition the emailer suggests is not set for any aquifer in the state.

No other comments or suggested revisions were received by the member Districts. Mr. Walthour stated that the comments and information received would be added to the executive summaries.

10. Discuss and Consider – Adoption of Desired Future Condition for the Ogallala and associated Aquifers in the GMA#1 Joint Planning Area.

Chairman Zimmer asked that the associated resolution be put on the screen for the group to review. Mr. Williams stated that under the Texas Water Code 36.108(d-3), it states that the desired future conditions must be adopted as a resolution by 2/3rds vote of all the districts. He clarified that under state law the group should combine items 10 and 11 and pass the DFC's in a single resolution to comply with the law. Chairman Zimmer asked if there was any issue with combining the two resolutions. Mr. Walthour stated that it should not pose a problem to combine the two resolutions. The group agreed to combine agenda items 10 and 11 and combine the associated resolutions into a single resolution.

Mr. Williams also stated that there is no Seymour Aquifer in GMA#1 and suggested that all references to the Seymour Aquifer be struck. Mr. Williams stated that Mr. Bradley provided model run GR16-001 which states that there is no Seymour within GMA#1. Mr. Williams stated that the Seymour should be struck out of the resolution and the explanatory report. Mr. Haley asked how much acreage is involved in the Panhandle GCD. Mr. Williams stated that none is involved. He further clarified that they stated that it was previously declared non-relevant, but that none of it exists so it should not be addressed at all. Mr. Williams stated that he would provide a copy of the above referenced model run for the data.

Mr. Haley stated that the last time GMA#1 adopted DFC's it was done in two separate resolutions for each aquifer. He asked if that was due to the fact that they did not have the latest statutes in the water code. Mr. Williams confirmed. Mr. Tate clarified that when requesting combined resolution he was referring to the Dockum and Ogallala Aquifers in a single resolution. Mr. Williams confirmed.

The group combined and reviewed the DFC resolution. Mr. Hardcastle asked if there should be any reference to the explanatory report since it is developed after the passage of the resolution. Mr. Walthour agreed that one has to come before the other and stated that no reference needs to be made in the resolution. Ms. Guthrie stated that the explanatory report is an important aspect in adoption and the language in the resolution should be change to read an explanatory report "will be prepared". The group discussed and adopted the change. More changes to the resolution was discussed and considered among the group. Mr. Williams pointed out that under "Other Factors" on page 2, the factors should be renumbered to be consistent through the entire document.

Mr. Coleman stated that language on page 3 referencing the appendix states that "the report will be available for review and comment by each GMA#1 District to the general public" and that that sentence should be dropped. Chairman Zimmer confirmed that the entire sentence should be removed. The group reviewed and considered more changes and edits to the resolution. Mr. Walthour stated that the most important aspect of the resolution is to document how the joint planning committee determined the DFC's.

Chairman Zimmer called for a 5 minute recess at 2:58 PM to allow the group to review a printed copy of the resolution. Chairman Zimmer called the meeting back to order at 3:08 PM.

Mr. Haley stated that as the representative of Hemphill County UWCD, through this process the district has developed a much clearer view and understanding of the relevance of the 80/50 DFC for Hemphill County UWCD and the concept that this is not just a number. He continued that the Ogallala Aquifer is the only aquifer available in Hemphill County. The use of the ground water in Hemphill County is far less than other counties in the vicinity and the western part of the GMA. Mr. Haley further stated that the state of the aquifer and amount of decline is different in Hemphill County. The water budget for Hemphill County is weighted with more natural discharge. He continued that the property owners in Hemphill County are aware of the relationship of water to their property values and their surface operations. Mr. Haley stated that they value this and choose this DFC process. He continued that the availability of ground water for production, as a result of the estimated managed available ground water calculations, provides a substantial amount of water for new production as the future needs are planned for and contemplated. Mr. Haley further stated that the 80/50 DFC strikes the desired balance between production and conservation. Therefore, Hemphill County UWCD makes no suggestion for revisions to the proposed DFC's.

The group continued reviewing the proposed resolution and made editorial changes. Mr. Ingham pointed out if the group adopts the DFC today then the 60 day clock to finalize the explanatory report begins. Mr. Haley asked if the group would be put under too much pressure to get the explanatory report out so that it can be reviewed by the districts. Mr. Walthour stated that they could have the draft explanatory report out to the group for review by October 17th. Mr. Haley confirmed that once the DFC's are adopted that the 60 day clock begins.

Mr. Williams asked if having one more meeting prior to the adoption of the proposed DFC's would break the process. He continued that it may be worth having an additional meeting to allow everyone to review and finalize the DFC resolution. Mr. Williams continued that a November meeting will allow some additional time and they could potentially approve the resolution and the explanatory report in the next meeting to finalize the process. There were discussions among the group on the appropriate and necessary timelines and meetings on finalization of the DFC process. Mr. Haley clarified that the group would need to be prepared to finalize everything in November. Mr. Williams agreed, but stated that it would also allow for more time in case they hit a snag. Mr. Walthour stated that the only potential problem is if more items are brought to the table before adoption then they need to be in the explanatory report.

Mr. Hardcastle stated that there should be a manager's meeting to allow for the review of the explanatory report. Chairman Zimmer stated that he would like to have a meeting the first week of November to consider all of these items. Mr. Haley confirmed that the purpose of the November meeting to finish up the process. Chairman Zimmer confirmed. The group discussed dates to have a future meeting to consider the resolution and explanatory report. The group agreed to meet on November 2nd at 10:00 am. There were some discussions among the group on the appropriate time to elect officers. The group agreed to wait on the election of the officer until a future meeting.

Mr. Hardcastle motioned to table the consideration of the adoption of the Desired Future Conditions for GMA#1. Mr. Haley second the motion. The motion passed unanimously.

11. **Discuss and Consider** – Adoption of Desired Future Condition for the Dockum Aquifer in the GMA#1 Joint Planning Area.

This agenda item was combined with item number 10 at the Chair's discretion.

12. **Receive, Discuss, and Consider** – Draft Explanatory Report to be submitted to TWDB associated in conjunction with the Desired Future Conditions to be adopted by the GMA#1 and other required materials and establish process for submitting comments by individual District Representatives.

Mr. Walthour stated that he will get a draft copy of the explanatory report to the group no later than Monday, October 17th. Chairman Zimmer stated that if anybody had anything to add to the explanatory report now would be the appropriate time to get it submitted. Mr. Williams stated that they would go through the checklist to ensure that everything is present that is required to be. There were some discussions among the group on the organization of the explanatory report. Mr. Hardcastle asked if the Ogallala and Dockum Aquifers would be combined. Mr. Walthour confirmed. Mr. Hardcastle also clarified that any references to the Seymour Aquifer in the explanatory report would be struck. Mr. Walthour agreed that was correct.

Chairman Zimmer asked Mr. Bradley if there was any further information the group needed to consider as they worked on completing the explanatory report. Mr. Bradley stated that all of the information regarding the Blaine Aquifer as being non-relevant should be in one location in the report so it is easy and accessible. Mr. Krienke stated that the discussion about getting the planning cycle in sync with the GMA cycle stated has occurred before. He asked if there was a reason that the legislature has not made any movements with regards to this issue. Mr. Krienke further stated that it seems that the legislature does not want to make this change; however, in his opinion it appears to be the right thing to do. Mr. Krienke further stated that if you are using the current GMA

model, there would not be a need to run a different model for regional planning. Mr. Williams agreed stating that they should be able to use the High Plains GAM in the next round of regional planning.

Mr. Mullican stated that in the TWDB administrative checklist submittal documents are delineated. He continued that the requirements for submittal are a letter, the adopted resolution, the explanatory report and packet with all the modeling used throughout this process. Mr. Mullican further stated that to his knowledge, GMA#1 has a model run done by Intera for the DFC's, but it did not carve out the portions in High Plains for Potter or Armstrong Counties and assign them different DFC's for High Plains and Panhandle Districts. He continued that he did think that there was an input file for pumping that achieves the proposed DFCs. Mr. Mullican continued that he did not believe the information was available for the carve out in Armstrong, Potter County or Oldham County showing what was adopted. Mr. Walthour confirmed that there was a model simulation of these areas showing the proposed DFC's and it was presented to the Districts in April. Mr. Coleman agreed that it had been done and presented.

Mr. Hardcastle asked if the declaration to make the Blaine Aquifer non-relevant needed signatures. Mr. Walthour stated that it has already been declared and the minutes have been attached to the declaration. Mr. Bradley stated the requirements to be included in declaring an aquifer non-relevant. Mr. Williams stated that it has all been covered in the memo and the attached documentation for declaring the Blaine non-relevant.

Mr. Ingham asked Mr. Bradley if the TWDB wants the information submitted via hard copy or digital. Mr. Bradley confirmed that a digital copy was preferred.

13. **Discuss** – Each GCD in GMA #1 may provide updates on new developments in process to amend management plans and rules necessary to achieve the various adopted Desired Future Conditions.

Chairman Zimmer stated that the North Plains GCD had recently finished a master irrigator program and were starting sign-ups for the next program. He continued that there were continuing to receive positive feedback on this program. No other updates were provided.

14. **Discuss and Consider** – Scheduling of the Next Meetings of the GMA#1

The group considered the scheduling of the next meeting with Agenda Item #10 and agreed to meet on November 2nd at 10:00 AM.

15. **Adjournment**

The meeting was adjourned at 3:37 PM.