

## Groundwater Management Area #1 Meeting

### Minutes

July 23, 2015

The Groundwater Management Area Number 1 (GMA #1) met on Thursday, July 23, 2015 at 9:00 a.m. in the PRPC Board Room, 415 SW 8<sup>th</sup> 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:

Cindy Ridgeway, Natalie Ballew, Ray Brady, Gene Born, Danny Krienke, Bill Mullican, Dale Hallmark, Wade Oliver, Monique Norman, Cindy Cockerham, Ben Weinheimer and Kirk Welch

#### Staff Present:

Kyle Ingham, Local Government Services Director; Dustin Meyer, Local Government Services Program Coordinator; Joe Price, Local Government Services Program Coordinator

#### **1. Call to Order – Welcome**

The meeting was called to order at 9:30 a.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. Mr. Jim Haley was not present at the time of roll call, but he later joined the meeting.

#### **3. Opening Pledge**

#### **4. Public Comment**

Chairman Zimmer opened the floor for public comments. No Public Comments were given at the meeting.

#### **5. Discuss and Consider - Minutes from February 18, 2015 GMA #1 Meeting**

Mr. Zimmer indicated that Kent Satterwhite was mentioned twice in the guests present section. Mr. Tate indicated a correction that 'Brag,' has two G's in the word and should be 'Bragg.' He additionally mentioned that the minutes indicate the Breyer case and that it was probably supposed to be the Bragg case. Mr. Hardcastle stated that under item 10, about 10 lines or so from the bottom; it should be 2005 instead of 12005. Mr. Hardcastle further stated about a change on the last page on item 12 talking about charging Production Fees and the word PigMary's was inserted in the sentence and it should reflect Priority Groundwater Management (PGMA). Motion by Danny Hardcastle to adopt the minutes with the specific corrections, seconded by Lynn Tate. Motion carried 3-0.

6. **Receive, Discuss, and Consider** – Presentation from Wade Oliver of Intera regarding the development and status of the High Plains Aquifer Groundwater Availability Model as it relates to the GMA#1 planning process including Modeled Available Groundwater.

Mr. Walthour discussed the previous meeting and what the GMA requested to Intera, also stating that the TWDB has to bless the model run. Mr. Hardcastle asked if Intera was able to run most of the models that the GMA#1 requested. Mr. Walthour and Mr. Oliver responded in the affirmative. Mr. Wade Oliver made a presentation on the Groundwater Availability Model relating to the GMA#1. The PowerPoint presentation will be included with the official minutes. Mr. Oliver stated the presentation will get into the draft model run results and the main topics will be the run requirements (the desired future condition statements and how their conceived), the results from the Ogalla, the results from the minor aquifers and water budgets. Mr. Oliver commenced with the PowerPoint presentation. Mr. Hardcastle asked about the jump in Carson County and as it relates to other similar counties, specifically as it relates to the run results on Slide 7 and why are their big jumps from year to year. Mr. Oliver stated that most areas have an increase in pumping before dropping down and that's to achieve 50% decline in volume in the aquifer for that period. It's not that the availability is going to decline by 50%, it's the volume in the aquifer would decrease by 50%. Mr. Oliver continued with the presentation. Mr. Jim Haley and Ms. Janet Guthrie arrived at 9:38am. Ms. Guthrie stated that 21,950 is the current pumping and the 58,240 is the current availability in Hemphill County. Mr. Oliver highlighted that some of the decline in the Dockum is contributed by the pumping in the Ogallala and that it is generally less productive than the Ogalla. Mr. Tate asked why there is a zero on Armstrong County. Mr. Oliver responded that they start off relatively small with 500 acre feet per year; but, as the overlying Ogalla and Dockum combines, it impacts water levels in the Dockum and in order to achieve that specified rate of decline in the Dockum, it involves cutting back on pumping in the Dockum because it is also being impacted by the Ogalla. Mr. Oliver stated that some of the decline in the Dockum is being caused by the Ogalla. Mr. Tate stated that he wasn't aware of any current wells in Armstrong County that used the Dockum Aquifer. Mr. Oliver responded that you are dealing with a small portion of the aquifers covering less than half of the county. Mr. Williams stated that we may need to declare this area as non-relevant, similar to what the group did in Wheeler County because of the lack of pumping. Mr. Oliver responded that he often states to GCD's, that if you don't have wells in an area and you cannot monitor your progress to the DFC, then you have no way of monitoring it. Mr. Oliver continued the presentation. Mr. Zimmer asked where the aquifer was flowing laterally in Armstrong County. Mr. Oliver and others responded that it was probably

spring flows. Mr. Oliver commenced with the presentation and started discussing water budgets. Ms. Guthrie asked about the recharge and source of the recharge and it seems to stay constant but the source of it is going to be different; because of the contributing and gaining streams. Mr. Oliver responded that recharge in the figure is direct recharge from precipitation, and recharge in a broader sense is all inflows to the aquifer (rivers, and others). Ms. Guthrie stated that they saw between 60% and 70% that surface outflow is completely cut off. Mr. Oliver responded that it cannot just go to 0, as long as the river is perennial. Mr. Hardcastle stated that this is all based on the assumption of increased pumping. Mr. Walthour provided an example that they are doing about the assumptions being made in reference to pumping. Mr. Oliver stated that this is all assuming that you are achieving your DFCs. Mr. Oliver continued with the presentation. Mr. Williams asked if Intera is going to put an illustration together that shows the declines coming out of the model. Mr. Oliver stated that is something we could generate and would that be drawdowns of volume. Mr. Williams responded that it could be either one and it would be a great visual to show the general public rather quickly about what is actually happening. The other members asked if Mr. Williams was referring to a Time Series. Mr. Williams responded in the affirmative. Mr. Walthour stated that we could ask Intera what it would take to do a time series and that we have some visualization money to possibly do it. Mr. Williams stated that if you take these numbers to the general public and it can be difficult for everyone to understand; however, having the visual images help and the public can latch on to them, especially the areas that are being impacted. Mr. Hardcastle asked for the purposes of the model run that we are showing several areas of increases within GAM#1. Mr. Hardcastle stated that his questions is what is the probability that we will increase pumping by that amount. He further stated that he does not see much of a probability of these large jumps in certain counties. Mr. Hardcastle asked if we as the planning group need to consider these probabilities pumping numbers could reach these amounts. Mr. Zimmer stated that he understands and they are planning on lowering some of their pumping numbers considerably for 2015 because of all the rain. Mr. Zimmer stated that it affects the three other GCDs more than North Plains GCD. Mr. Walthour stated that one of the things that we can use are some of the Water Planning estimates of what we believe irrigation or production will be over the 50 year period and the likelihood of going to or tripling that amount of water over that period of time. Mr. Hardcastle asked if we should include something in the explanatory report about the estimates. Mr. Ingham asked if this would be an economic reason for this. Mr. Williams stated that the 2016 and 2020 numbers are numbers that it would take to reach the goal of 50/50; therefore, the goal for me is as long as Panhandle is pumping 306,000 to 978,000 numbers to get to that is totally irrelevant. Mr. Walthour stated that what it does tell you is that you would meet your goal. Mr. Jason Coleman arrived at 10:04am. Mr. Oliver stated that a DFC is not a prediction of what is going to occur in the future, it's a representation of a balance between conservation on one side and making water available to use on the other.

7. **Receive, Discuss, and Consider** – As needed – Action related to the High Plains Aquifer Groundwater Availability Model.

Chairman Zimmer asked if there is anything else that the group wants from the model, to change, discuss or something that you may want done. The group made several general comments about educating the general public with good illustrations to elaborate that

things are not as bad as it seems. Ms. Cindy Ridgeway stated that it would take about a month to review; possibly around the end of September for TWDB to bless the model.

8. **Receive, Discuss and Consider** – Presentation from Monique Norman regarding the Statutory Revisions established in the 84<sup>th</sup> Texas Legislative Session as it relates to the Joint Planning Process

Ms. Monique Norman made a PowerPoint presentation regarding the Statutory Revisions from the 84th Legislative Session. The presentation will be included with the official minutes. The group asked Ms. Norman to go over everything that would specifically affect the DFC process. Mr. Tate asked if the parties (petitioner and GCD) can settle a case or if State Office of Administrative Hearings (SOAH) has to settle it beforehand. Ms. Norman stated that the parties have the ability settle it. Ms. Guthrie asked if it came out of the final draft of HB 200 that there would have to be a preliminary hearing. Ms. Norman responded in the affirmative. Ms. Norman stated that once a preliminary hearing takes place they have to do notice in compliance with SOAHs rules and the GCDs rules. She further stated that all GCDs are going to have to change their rules to comply with HB 200 and put in these notice requirements and there are certain notices requirements that you are going to have to send to (TCEQ, TWDB, Regional Water Planning Groups, other GCDs). Ms. Norman continued the presentation. Mr. Hardcastle asked if there were more than 1 petition in a GCD could the GCD have more than 1 contested case. Ms. Norman responded that they would probably consolidate the petitions and ask SOAH to combine them. Mr. Haley asked if the determination ultimately hinges on the reasonableness question. Ms. Norman stated in the affirmative. Mr. Krienke asked about Ms. Norman's opinion and if this is a fair approach. Ms. Norman responded that she is mixed; she stated that DFCs and rule-making should not be subject to this and elaborated on her thoughts regarding the expensive nature of it and other outlying thoughts. Mr. Tate asked who determines the deposit. Ms. Norman responded that SOAH determines it. Mr. Williams indicated that the deposit is paid to the GCD in a separate account. Mr. Walthour stated that the SOAH agreement will probably be the cheapest thing that we do. Mr. Hardcastle stated that if we have one of these things go through a particular GCD and it comes back to the GMA; where will that put us in the process at that time. Ms. Norman stated that the GMA has to adopt the amended DFC. Ms. Norman stated that the GMA would have to go through the DFC process just for the one GCD and it would certainly change for the next cycle. Mr. Williams asked how expensive this process is going to be. Ms. Norman's stated that the process will depend on how expensive it will be compared to TWDB process; probably \$100,000 plus. Bill Mullican asked on best available science side of the changes. Ms. Norman stated that she didn't like that specific language as the word indicates only one best way, there is more to look at than just best available. She stated that it will be interesting to see how it develops. At 10:51am, the GMA#1 took a brief break.

9. **Receive Discuss, and Consider** – Presentation from Bill Mullican regarding the Briefing and Discussion on the establishment of Desired Future Conditions for the GMA #1.

The Chairman reconvened the meeting at 11:02am. Mr. Bill Mullican made a PowerPoint presentation regarding the establishment of a Desired Future Condition for the GMA#1.

The presentation will be included with the official minutes. Mr. Mullican highlighted the point that you do not have to have the explanatory report until the very end and they do not have to be done with the proposed DFC adoption. Mr. Krienke asked what level most of the public comments came from in GMA#14. Mr. Mullican responded that they received all the comments at the GMA level and not necessarily the GCD level. He further stated that they are a part of the public record and made available to the public to look at. Mr. Mullican continued with the presentation. Mr. Walthour asked where GMA#14 is in the DFC process. Mr. Mullican answered that they are 30 days into their 90 day comment period. Mr. Mullican stated that they used all the presentations and comments based or made in the process is a part of the package. Mr. Tate asked what they adopted in GMA#14. Mr. Mullican responded with the geography of the GMA and indicated that they looked at what their demands would be and how subsidence would play. He continued that they took their projected pumping and plugged it into the model and then they looked at the amount of decline that would occur within each aquifer. Mr. Haley asked how long the timeline was from TWDB when they turn their initial numbers in. Mr. Mullican answered that it all depends on where you are in the queue with the other GMAs. Mr. Mullican continued that it will take a couple of months to determine that it is administratively complete and then by rule you will get a letter back explaining your explanatory report is administratively complete. At that time, they will start the modeling process and Mr. Mullican asked Ms. Cindy Ridgeway the turnaround time for the modeling process. Ms. Ridgeway responded that once the letter of administrative completion is sent out, then the MAG has to be released within 120 days per TWDB rules. She further iterated that the GMA will get a copy of the MAG before it goes to the TWDB Board and if they don't hear anything from you, TWDB will assume that there are no issues with the draft. Mr. Walthour indicated that they have included a spreadsheet regarding the TWDB checklist for DFC.

**10. Receive, Discuss, and Consider** – Any new developments, available data, or public comment related to the following items:

- a. Information regarding Aquifer Uses or Conditions within the management area, including conditions that differ substantially from one geographic area to another for each of the Major Aquifers in GMA#1. {Texas Water Code §36.108(d)(1)}

No comments.

- b. Information regarding water supply needs and water management strategies included in the 2012 Texas State Water Plan. {Texas Water Code §36.108(d)(2)}

No comments.

- c. Information regarding background information related to hydrologic conditions, including for each aquifer in the GMA#1 planning area, the *current* total estimated recoverable storage as provided by the Texas Water Development Board Executive Administrator. {Texas Water Code §36.108(d)(3)}

No comments.

- d. Information regarding Environmental Impacts, including impacts on spring flow and other interactions between groundwater and surface water of potential Desired Future Conditions in the major aquifers of GMA#1. {Texas Water Code §36.108(d)(4)}

No comments.

- e. Information regarding the impact of subsidence of potential Desired Future Conditions in the major aquifers of GMA#1. {Texas Water Code §36.108(d)(5)}

No comments.

- f. Information regarding the socioeconomic impacts reasonably expected to occur based on potential Desired Future Conditions in the major aquifers of GMA#1. {Texas Water Code §36.108(d)(6)}

No comments.

- g. Information regarding the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Texas Water Code §36.002. {Texas Water Code §36.108(d)(7)}

No comments.

- h. Information regarding the feasibility of achieving the Desired Future Condition {Texas Water Code §36.108(d)(8)}

No comments.

- i. Information regarding any other information relevant to Desired Future Conditions {Texas Water Code §36.108(d)(9)}

No comments.

11. **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.

Mr. Haley stated that Hemphill County UWCD has made some rule changes. Mr. Haley highlighted that they changed the rules to streamline the permitting process for small livestock and domestic wells, along with substantial amendments to administrative procedures. Mr. Tate stated that they had some rule changes and that they are on the front page of the Lubbock Newspaper in a positive article. He further indicated that they did a grant for exploratory research on the Dockum. Chairman Zimmer stated that the district has adopted some new rules and trying to streamline the rules. Mr. Walthour elaborated on all the details of their rule changes and the desired goal for the rule changes.

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

Chairman Zimmer and Mr. Walthour discussed the letter that was received from TWDB about scheduling and how the TWDB is working on timing between adopting DFCs and implementing it into Regional Water Planning. Mr. Williams commented that it is up to the Regional Planning Groups on whether or not if they want to take the DFCs or not. Chairman Zimmer asked how soon the group wanted to move towards proposing a DFC. Mr. Williams stated that as far as PGCD is concerned the sooner the better. Mr. Walthour stated that sometime in September we could have the model blessed by TWDB. Mr. Williams asked Ms. Ridgeway if she saw any significant changes in the model that she has seen so far. Ms. Ridgeway responded about the changes to the Dockum and that they really need to see and check those changes which may take more time because of those Dockum changes. Mr. Williams asked Ms. Ridgeway what would be a realistic date to verify all the Dockum changes. Ms. Ridgeway answered that they will do their best to do a 30 day review and that is their internal standard, only if they receive all the information and don't have anything missing. Chairman Zimmer asked if we want to have the Managers look at that first or just talk about setting up a meeting today. Mr. Haley asked should we have a meeting in our respective GCDs with the numbers in hand before we came back for a GMA meeting. The group proposed a tentative date of Wednesday, November 4<sup>th</sup> at 9am. Mr. Hardcastle stated about the tentative outline for the explanatory report and the only thing that he noticed is that Blaine and Seymour listed as aquifers. Mr. Walthour responded that we took action on declaring the Blaine as non-relevant; but, we have not as a group taken action on the Seymour as non-relevant. Chairman Zimmer stated that we need to put that as an agenda item at the next meeting.

### **13. Adjournment**

Motion to adjourn by Mr. Haley, seconded by Mr. Hardcastle. Motion passed with unanimous assent by a 4-0 vote. Meeting adjourned at 12:07 pm.