

Groundwater Management Area #1 Meeting

Minutes

March 17, 2016

The Groundwater Management Area Number 1 (GMA #1) met on Thursday, March 17, 2016 at 10:00 a.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: Rima Petrossian, Bill Mullican, Gene Born, Dale Hallmark, Keith Good, Mike Beauchamp, Johnathan Gresham, Ray Brady, Randy Klierer

Staff Present:

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

1. **Call to Order – Welcome**

The meeting was called to order at 10:04 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.

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 February 25, 2015 GMA #1 Meeting.

Mr. Hardcastle stated that in the guest present section, Mr. Robert Bradley was listed twice. Mr. Haley stated that under Agenda Item #6 it states “another round” and should be corrected to read “another one-year term”. Mr. Haley continued that on Agenda Item #9 a correction should be made to “58 thousand/acre feet of availability over 50 years”

and should read “58 thousand/acre feet of availability per year over 50 years”. A motion was made by Mr. Tate to adopt the minutes with the specified corrections. Motion was seconded by Mr. Hardcastle and carried 4-0.

6. **Discuss and Consider** - Each District Representative in GMA 1 to present draft proposed statements of Desired Future Conditions for all relevant aquifers within each District for the purposes of subsequent considerations required by Texas Water Code Section 36.108 (d) (1-9).

Mr. Walthour stated that this is a repeat agenda item from previous meetings, but has been left in place so that any other options needing to be considered to propose for adoption can be brought forward. Mr. Walthour further stated that there has been information received from each groundwater district and Intera has developed a preliminary model. Mr. Walthour gave the information that the North Plains GCD had expressed a desire to use in the model. He stated that North Plains asked that the Rita and Ogallala be placed together in Dallam and Hartley County and a 40% remaining in storage in 50 years (40/50) be used for the model for the four western counties in the district. Mr. Walthour further stated that North Plains also desired to set a 40/50 for the Dockum Aquifer in the same counties and a 50/50 for the four eastern counties within their district.

Mr. Haley stated that the Hemphill County UWCD Board of Directors met Tuesday March 15, to consider the 9 factors and the draft DFC. He continued that they unanimously agreed to propose a draft 80/50 DFC be used for all of Hemphill County. Mr. Haley further stated that the modeled available groundwater (MAG) of 55,000 acre/feet per year is an ample amount for all current and projected demands in Hemphill County. Mr. Haley stated that this proposed draft DFC provides sufficient groundwater for new development and current usage. He continued that the proposed draft DFC will not have a negative economic impact to producers or non-producers and provides for natural discharge that supports natural wildlife and habitat. He continued that the proposed draft DFC of 80/50 for the Hemphill UWCD provides a balance between current use, future use and the need for conservation.

Mr. Hardcastle stated that the Panhandle GCD proposes a draft DFC of 50/50 within the aquifers that have been deemed relevant by GMA#1 within their district. He continued that this draft DFC is both feasible and reasonable and does address the 9 factors that the GMA#1 have been charged to consider. In addition, Mr. Hardcastle stated that the data and models support and indicate that the proposed draft 50/50 DFC is consistent with other areas and will not inhibit the adjoining GCD's in being able to achieve their proposed DFC's. Chairman Zimmer asked if the Panhandle GCD still maintain the Blaine and Seymore Aquifers to be nonrelevant for planning purposes. Mr. Hardcastle confirmed that was correct. Mr. Haley asked if the proposed DFC of 50/50 for Panhandle includes the Dockum Aquifer. Mr. Hardcastle confirmed that is correct and the statement is for both the Dockum and Ogallala aquifers at this time though PGCD will look at it again leading up to the next meeting.

Mr. Coleman stated that at the previous GMA#1 meeting, his discussions were based on the work of GMA#2. He continued that in the recent GMA#2 meeting each district gave an update and both Mr. Robert Bradley were in attendance. Mr. Coleman further stated that GMA#2 worded their proposed draft DFC statement to be inclusive of the entire GMA#2 which includes the 17 majority of High Plains UWCD. Mr. Coleman read the draft DFC statement saying “For High Plains the proposed DFC for both the Dockum and the Ogallala Aquifer are consistent with the majority of the District which lies within GMA#2.

For the Ogallala Aquifer the total average draw down is approximately 23 to 27 feet by 2070 and that the pumping scenario in the High Plains Aquifer System Model supports this condition as demonstrated in Tech Memo 16-01. For the Dockum Aquifer the total average draw down is 27 feet by 2070 and this scenario is also supported by Tech Memo 16-01.” Mr. Coleman stated that in discussions with Mr. Bradley the TWDB preference was to have a range similar to what the High Plains UWCD is considering.

Mr. Walthour inquired that at the maximum, the draft DFC would be 27 feet of draw down. Mr. Coleman agreed. Mr. Walthour followed up, asking if the 27 feet would be appropriate to use in the Intera model and if this includes the portions that are in GMA#1. Mr. Coleman stated that the individual counties in GMA#1 differ somewhat. Mr. Coleman then gave a summary of the average draw for each county included in the High Plains UWCD region that fall within GMA#1. He stated that the proposed range is: Armstrong County 10-14 feet of draw down, Potter 10-11 feet of draw down, Randall 16-21 feet of draw down for the Ogallala Aquifer. Mr. Walthour clarified that the largest number on each of the ranges given is equal to 150% of total production. Mr. Coleman affirmed. Mr. Walthour stated that this would mean that at the maximum for Armstrong County would be 14 feet of draw down, 11 feet of draw down in Potter County and 21 feet of draw down in Randall County for the Ogallala Aquifer. Mr. Coleman agreed.

The group discussed the proposed draft DFC given by the High Plains UWCD. Mr. Hardcastle then asked if the proposed DFC by High Plains will be defined on a county-by-county basis. Mr. Tate stated that was incorrect and the proposed draft DFC statement will be for the entire High Plains district, but the Tech Memo associated will show a range for each county. Mr. Hardcastle asked Mr. Walthour if what was provided would be enough for what needs to be reviewed or if more information is needed for additional runs. Mr. Walthour stated that he is going to request an additional model run from Intera due to the difference in how High Plains is presenting their draft proposed DFC for GMA#1. He continued that this needs to be reviewed and that some work is needed on the modelled run due to the fact that the previous run was based on conversations between Intera and Mr. Coleman. Mr. Coleman stated that the latest run by Intera should have the numbers as shown in the Tech Memo 16-01. Mr. Walthour reiterated that the model is a draft run and needed to be cleaned up considering this is the first time the group has seen the produced numbers on the Ogallala Aquifer and to be sure that these are all the options.

Mr. Walthour asked the High Plains UWCD if they had information concerning the Dockum Aquifer. Mr. Coleman answered that it was also 27 feet by 2070 and individual counties will have values. Chairman Zimmer asked the High Plains UWCD if the draft proposed DFC statement should be confined to the counties that are part of GMA#1. Mr. Tate responded that the counties are addressed in the Technical Memorandum. Mr. Williams asked if GMA#1 had the full Memo or only part of it. Mr. Coleman stated he would have to double check and if they did not have it he would provide it. Mr. Hardcastle stated that each of the Districts had not made a specific proposal that is proposed to be part of the Draft Summary and that the Tech Memo could be included in the comments and attachments instead of the main document. Mr. Walthour agreed, stating that this document is only to get a starting point for Intera to run some models and the Summary would direct to a dropbox or similar posting with all the information and documents that have been considered over the last couple of years. He continued that the Summary is different than the Explanatory Report and additional information received from the hearings can be incorporated into the Explanatory Report. Mr. Hardcastle stated that he believed the document was well put together, readable and addressed GMA#1 as a whole. He continued that some sections proposed by the High

Plains UWCD may not be appropriate to include in the Draft Summary Report and may be better noted in the appendix and attached documents. Mr. Hardcastle further stated that anything that is expressed as an opinion of a particular district and not as GMA as a whole, should not be in the Summary Report. Mr. Walthour stated that as closely tied as the four GCDs are in GMA#1, there may be a situation in which certain districts do not agree, however, the purpose of the Summary Report is to provide the public with information to see how things are considered and adopted. Ms. Guthrie agreed stating that the Summary Report is a document for the public to review and see how the GMA#1, as a whole, came to its conclusions and will assist readers to understand the differences in the geographical areas. Mr. Walthour followed up Ms. Guthrie's comments, stating that this will require technical staffs to complete a good draft. He continued that GMA#1 is required to propose a DFC for adoption by May 1st and that the Summary document needs to be completed shortly thereafter for distribution to the public. Mr. Walthour continued explaining the required timelines stating that the 90 day comment period starts after the Summary document is provided to the districts and all the documents are posted. He continued that during the 90 day period the districts are required to hold a hearing and then bring the comments back to GMA#1 for consideration.

Mr. Williams stated that the High Plains needs to insert their draft proposed DFC statement into the chart to be consistent. Mr. Walthour stated that they may also want to list some of the individual numbers for each county, discussed earlier, in the chart as well. Mr. Hardcastle asked if the High Plains is comfortable that this is going to be the proposed DFC. Mr. Tate confirmed. Mr. Hardcastle asked Ms. Petrossian if there are any implications of not getting everything done on time. Ms. Petrossian stated that there are no hard and fast implications however; it does open GMA#1 up to other issues and challenges through the TCEQ process. She indicated that "it does need to be done on time". Mr. Walthour asked Ms. Petrossian if the model is required to run from 2020 to 2070. Ms. Petrossian stated that yes it must cover the 50 year period of 2020 to 2070 and if it does not TWDB uses their own extrapolated projections to cover the gap if another period is used by a GMA. She continued that TWDB must do this for the regional water planning process and the entire state must cover the period running to 2070. Mr. Walthour stated that the reason for the questions concerning the timeline is that GMA#1 is currently tasked with adopting a DFC for 2016 and a 50 year period from this adopted DFC would be 2066. Ms. Petrossian reiterated that the decadal increment is to match with the regional water planning process. Mr. Haley asked Ms. Petrossian if rather than remaining in 50 years, if it would be better to say remaining in 2070. Ms. Petrossian stated that legislation dictates the 50 year period. Mr. Haley followed up, asking if there needs to be a definition in the DFC statement showing that it is 2020 to 2070 and not 50 years from now. There was some discussion among the group about 2020 being a projected number and not a real number. Ms. Guthrie asked if Intera started with 2020. Mr. Walthour answered; stating that was incorrect and that they started at 2012 and made an estimate to the production in 2020.

Mr. Ingham questioned if considering the discussed DFC statements from each district, that there will be three counties each with two DFCs within a given county. Mr. Tate answered that there would be two counties with two different DFC statements being Potter County and Armstrong County. Mr. Hardcastle also confirmed and stated that the statements should say the proposed DFC is for the portions of Potter and Armstrong County included in the respective GCDs. Chairman Zimmer asked what would be assigned for white areas in Randall County. Mr. Coleman stated that those areas will be the same over the entire county. Mr. Walthour stated that an option for the Summary document is to explain what 50/50 means as far as draw down or vice versa what the

draw means as far as percent remaining in storage. He continued that this clarification would demonstrate that are different ways of looking at it and achieving the same thing. Mr. Williams clarified that the High Plains statement as presented will be moved into the chart. He further stated that all of the statement highlighted in red will be edited for inclusion into the chart. Mr. Walthour agreed, stating that all of the statements are subject to modification and will be based on what the districts resolutions are at the end.

7. **Receive, Discuss, and Consider** – Groundwater Availability Model Task Run 15-006 produced by the Texas Water Development Board related to total estimated recoverable storage under Texas Administrative Code Rule 356.10 and any other relevant groundwater model related information.

Mr. Walthour stated that at a previous GMA#1 meeting the Groundwater Availability Task Run by TWDB had been provided and discussed. He stated that this task run has been updated since they have a new model. Mr. Walthour presented and reviewed a document comparing the past two model runs by Intera. He explained that the first model run goes back to August 2015 and a memorandum detailing this model run was released in October 2015. Mr. Walthour continued that the second model run is the latest modelled run by Intera conducted in March 2016. This comparison document will be included in the official minutes.

Mr. Walthour stated that the Dockum MAG was updated in the recent March run and added to the presented graphs. Mr. Walthour went into detail on how to read the comparison document and pointed out that the green line is from the High Plains Aquifer System (HPAS) report. He explained that this is the report that Intera and TWDB contend is the water that has been pumped since 1930 from a steady state to 2012. Mr. Walthour discussed the information as presented in the charts stating that it is divided on a county basis and not broken down on a district basis because the information is not yet available. Mr. Walthour discussed the Dockum Aquifer MAG for Armstrong County and pointed out that the information from the March run and for the previous model did not change much. Chairman Zimmer stated that this comparison document also tells you that they are way below the MAG. Mr. Walthour agreed and followed up that the MAG incorporates the information High Plains UWCD gave Intera. Mr. Hardcastle asked if the charts presented include Armstrong County as a whole. Mr. Walthour confirmed that was correct.

Mr. Walthour continued by reviewing the MAG run for Carson County for both the Dockum and Ogallala Aquifer. Mr. Walthour went into details and pointed out that the MAG being set for the Ogallala Aquifer in Carson County is well above any reported production. Mr. Walthour continued his presentation reviewing information relating to the Dockum and Ogallala Aquifer in Dallam County. Mr. Walthour stated that the drop demonstrated on the chart of the blue line is over a 50 year period and is due to the worst drought known in the area. He also pointed out that most decline is due to the fact that you cannot get the water out of the ground. Mr. Walthour also reviewed the Rita Blanca in Dallam County stating that he does not believe the pumping information assigned to the Rita Blanca is exactly accurate. Mr. Walthour continued that there is known pumping in the Rita Blanca, but it is undetermined how much. He further stated that this is the reason that the North Plains GCD wishes to include the Rita Blanca Aquifer with the Ogallala Aquifer in their draft proposed DFC. Mr. Hardcastle asked if the graph demonstrated the Rita Blanca by itself. Mr. Walthour confirmed that it did. Mr. Walthour continued his presentation with the Ogallala in Donley County and pointed out that what is being presented is above anything that has ever been reported pumped in Donley County. He continued that Hansford County is currently well above the set MAG,

but is getting closer to the number. Mr. Walthour stated that Hartley County shows the same problem as Donley. He continued that the decline is over 50 years and is the same as the one from 1984 through 1996 if spread out over a 50 year period. Mr. Walthour pointed out that the Dockum Aquifer in Hartley County in the District is primarily confined, however in other parts it is unconfined.

Mr. Walthour reviewed the charts for Hemphill County. He observed that there is a clear indication that two different models runs have given slightly different numbers, but it is less than a 1% change. Mr. Walthour continued the review, stating that Hutchinson County includes the North Plains GCD and the Panhandle GCD as well as the area in between. He further stated that this chart shows that historically, in the 1970's, there was high pumping from the Ogallala in the County. In reviewing the presented graph, Mr. Walthour stated that even if more water was pumped than in 2011, during the drought of record, Hutchinson County would still have enough to meet the 2070 goal. He continued reviewing the charts for Lipscomb County and Moore County. Mr. Walthour stated that on what is being reported for production number in Moore County, the North Plains GCD is only comfortable with information from 2008 onward.

Mr. Walthour continued reviewing the modeled run for each county. Mr. Walthour stated that the Potter County runs are offset slightly due to the two different sets of information provided Intera by High Plains UWCD and Panhandle GCD. He continued that both runs are still well above the 2011/12 high amount being pumped. He continued that Randall County is also offset due to the same reasons as Potter County, due to two sets of numbers being used. Mr. Walthour continued his review, presenting and observing that the total production for Roberts County in the Ogallala Aquifer is less than 50,000 acre feet and is well above the reported production. Mr. Williams stated that he believed this figure is probably accurate. In continuing his review, Mr. Walthour stated that for Sherman County, the Ogallala Aquifer and associated usage is the same as the other three counties in the area and demonstrates the reason to separate the counties by themselves in the last round. He continued that the Wheeler County proposed draft DFC of 50/50 is well above what the model reports to be pumped. Mr. Walthour stated that information produced from the model has been reviewed closely by Intera and the TWDB and that he is comfortable with the overall numbers for the North Plains since 2008 going forward.

Mr. Walthour then presented and reviewed another spreadsheet comparing the October 2015 memo for the area between High Plains and the Panhandle GCD. This spreadsheet compared the three counties to review the differences. This document is included in the official minutes. Mr. Williams stated that he believed any discrepancy in the information presented may be because it occurred prior to the City of Amarillo starting operation of their Potter County well field. He continued that if this is the case it may need to be reviewed to be sure that those numbers are adequately adjusted to reflect the Amarillo well field. Mr. Hardcastle asked when the Potter County well field came online. Mr. Ingham stated that there was a big ground opening in late 2012 or early 2013. Mr. Gresham stated that he believed the well field in question was started in 2013. Mr. Walthour reminded the group that they are reviewing modelled available ground water not what is being produced. In presenting the spreadsheets, Mr. Walthour observed that after a certain point in Potter County for the Dockum Aquifer, the model zero's itself out. He continued that zeros potentially mean that the decline rate is governed more on the 30 foot of drawdown or the 50/50 than in the rest of the county. Mr. Walthour further stated that he believe further consultations with Mr. Neil Deeds are needed to review the numbers.

Chairman Zimmer stated that group needs to look at the number remaining and asked if this needed to be a percentage number. Mr. Walthour stated that numbers can be a percent of storage left or draw down numbers and both are available. Mr. Hardcastle asked if the presented information could be expanded to 2070. Mr. Walthour confirmed that was correct. Mr. Hardcastle introduced Mr. Bill Mullican and asked if he had any comments on the presented information. Mr. Mullican stated from a strict analytic perspective, under questions of feasibility in Potter County, it is only possible to have two DFC's in one county unless pumping is zeroed out. He continued that it is unknown how TWDB will handle this incompatibility question from a feasibility question. Mr. Tate asked if Mr. Mullican was referring to the Dockum Aquifer. Mr. Mullican corrected that he was referring to the Ogallala Aquifer and followed up stating that even if you zero something out, you would be unable to hit the draw target. Mr. Walthour stated that there was room to smooth out the model in Hemphill County. However, in this case, he continued, there may not be enough room to smooth out the model in Armstrong or Potter County or for the High Plains area. Mr. Mullican observed that there is clearly not enough room to smooth it out since it was zeroed out. There was some discussion among the group on the geographical separation of the areas. Mr. Williams commented that this is something that needs to be further reviewed and he was not sure if this presented a problem or not. Mr. Williams continued that the presented numbers do show that there is something that is not right. Mr. Walthour stated that this was a problem even with the 50/50 in Armstrong and Potter County. He followed up stating that the draw down numbers for the Dockum Aquifer from High Plains UWCD actually show slightly more water in the first year, but it does zero out again.

At the conclusion of discussion on this item Chairman Zimmer called for a five minute recess at 11:19.

8. **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)}

Meeting called back to order at 11:28.

Mr. Walthour stated that all eight of the topics contained within this agenda item need to be reviewed by the group. Mr. Walthour presented and reviewed a chart showing the water budget for the Ogallala Aquifer for each county and stated that the presented information is from a steady state model. He explained that a steady state model means that about as much water goes in as comes out. Mr. Walthour reviewed each of the categories in the steady state model being: Recharge, Evapotranspiration (ET), Springs, Rivers, Draws and Escarpments, Lateral Flows, and Cross Formational Flow. Mr. Walthour briefly discussed what each category means and how the numbers are derived and changed. He further stated that the steady state model for all of the districts will be included in Appendix Table A.1.1. Ogallala Steady State. Mr. Walthour also discussed charts demonstrating the water budget for each county from each aquifer. Mr. Hardcastle asked about Potter and Randall County demonstrating cross formational flow coming in and if this is accounted for in the models discussed previously. Mr. Walthour stated that it was and is the basis for the HPAS model and is in Appendix A.1. He further stated that he just removed the other counties in the High Plains model so group is only working with counties in GMA#1.

Mr. Walthour then presented and reviewed information based on a transient model and discussed the differences between the steady state model and the transient model. He explained that in a transient model, when you start pumping water, you end up taking from everything else before you take from the water storage. Mr. Walthour continued this state is demonstrated in the water balance. Mr. Walthour further stated that in a transient model, if everything is summed up at the end it would be very close to zero. Mr. Walthour continued reviewing the different charts relating to the water budget transient model and reiterated that when water is pumped out it directly affects the transient model. He continued that when water is pumped out of wells, water storage is effected along with cross formational flow and springs. Mr. Walthour stated that in comparing the 1930 steady state model to the current transient model, the Ogallala Aquifer was contributing water to rivers. Now in the transient model, the reverse situation is demonstrated over a given period of time. Mr. Walthour reviewed the amount of water that is discharged from rivers and discussed the historical comparison. Mr. Walthour stated that some MAGs show well above any reported production and if that projection is ever met, it will affect just about everything in the water budget including substantially diminished water in storage.

- 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)}

Mr. Walthour stated that they are required to use the 2012 State Water Plan. He continued that based on the data many counties will meet the requirements as set forth in this plan because the MAG is well above what is projected. Mr. Walthour stated that at the next meeting, based on the options that were given at this meeting, he will have a presentation. Mr. Williams commented that he wanted to highlight the ASR activities for CRMWA and that they want to do some studies in the ASR for a project in their area. He continued that these studies will need to be included. Mr. Williams further stated that he will provide some documents and information with regards to this. Mr. Ingham stated he has received guidance from Mr. Bradley that other items contained within the 2017 Plan can still be used, however due to requirements all of the 2012 State Water Plan must be addressed. Mr. Ingham continued that any other items from the 2017 State Water Plan the group felt needed to be used, can be added as other information and the group was not limited to the 2012 plan.

- 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)}

Mr. Walthour stated that this information is included and has been discussed in previous meetings.

- 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)}

Mr. Walthour stated that the information just provided on the steady state model and transient model will assist with this requirement regarding spring flow and other interactions between groundwater and surface water. He continued that a comparison can be made between the model on what is being pumped and where the individual district is setting the MAG.

- 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)}

Mr. Walthour stated that the group has received plenty of information on this item as provided by all the districts. He continued that all the districts have stated that subsidence is not a problem and the nature of the regions aquifers are such that subsidence is not anticipated.

- 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)}

Mr. Walthour stated that there is a very good socioeconomic study in the 2016 plan that is available for the group to review. He continued that the group can review all the information and data available and determine if the DFC's they are setting will have a positive or negative impact with regards to socioeconomic analysis. Mr. Walthour further stated the group can continue to collect information with regards to this item throughout the hearing process if necessary.

- 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)}

Mr. Walthour stated that currently there was one presentation regarding private property rights. He continued that before a DFC is adopted, if there is any additional information there is an opportunity to get it in front of GMA#1. Mr. Haley stated that the Hemphill County UWCD are working to include some more supportive information with regards to this item. Mr. Hardcastle agreed that the Panhandle GCD would also like to bring additional information to be included.

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

Mr. Walthour stated that presently, the numbers as presented in the draft proposed DFC's appear to be very feasible. He continued that this item would require more discussions. Mr. Walthour asked Ms. Petrossian if feasibility means "if it is possible, it is feasible". Ms. Petrossian agreed, stating that if there are goals that are incompatible then TWDB will come back and ask you to make them compatible. Mr. Walthour asked how the TWDB would interpret the zero numbers. Ms. Petrossian stated that these numbers matter for the GMA#1 and the DFC statement must reflect what the goal is. She continued that any DFC statement should work with a DFC for another county.

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

Mr. Walthour stated that there was no additional information under this topic. Ms. Guthrie asked if this is where the prior presentations by CRMWA and the City of Amarillo were located. Mr. Ingham confirmed that it was.

- 9. **Receive and Discuss** - GMA#1 District Representatives are currently considering Desired Future Condition options for relevant aquifers within the GMA#1 Joint Planning

area, as required by Texas Water Code Section 36.108. The GMA#1 Membership may receive technical presentations from entities/individuals within GMA#1 who desire to propose possible alternative Desired Future Condition options from those being discussed in the joint planning-process. Time permitting, all entities/individuals appearing before GMA#1 for this agenda item may be afforded up to fifteen (15) minutes to make technical presentations on alternative Desired Future Condition Options. All proposed alternative Desired Future Condition options presented will be considered by GMA#1 Members and the results of those considerations documented in the GMA#1 Explanatory Report as required by Texas Water Code Section 36.108.

Chairman Zimmer opened this agenda item for anybody who wished to speak to this item. No one came forward by the Board or public.

10. Receive, Discuss, and Consider – Draft Summary Document related to the GMA#1 Explanatory Report.

Mr. Walthour stated that this Draft Summary Document will be a summary of what GMA#1 finally proposes for adoption. He continued that once GMA#1 has proposed a DFC for adoption the Draft Summary will match what is proposed. Mr. Walthour recommended that the general managers work on revising the presented document to continue to refine it and prepare it for when it is needed. Mr. Walthour stated that after the DFCs are proposed May 1st, then this Summary Document can be finalized. Mr. Hardcastle asked if a managers meeting was being proposed for a specific date or by a specific date. Mr. Walthour stated that this is a preliminary draft, but his preference is to have the document as close to being finalized as possible before the May 1st deadline. Chairman Zimmer asked the group if they could agree to allow the managers to work on this Draft Summary with a goal of having it ready early to give the group time to review it prior to the next meeting. The Chairman continued that it is important to review this document as early as possible to alleviate anything that may cause concern for the districts.

Mr. Haley gave some feedback regarding the Draft Summary Document. Mr. Haley stated that concerning the balance test statement, as a GCD it would be better to eliminate the phrasing “the highest practical levels”. He continued, stating that on the second page it is already covered by stating that this joint planning process regionalizes decisions on groundwater availability by defining groundwater production targets. Ms. Guthrie clarified that Mr. Haley wants to strike highest practical levels and just say “strike a balance between groundwater production, conservation and preservation”. Mr. Haley further stated that highest practicable level is undefinable as no one knows what the highest practicable level is. Mr. Tate stated that if the standard is defined as “highest practicable level”, then you can’t change the standard. Mr. Haley followed up stating that he felt this was already covered on the second page and is covered more in context. Mr. Williams disagreed stating that it should be left in because “highest practicable level” is what is in the statutes. He continued that “highest practicable level” could be defined as to what it means to GMA#1. Chairman Zimmer agreed with Mr. Williams that it should be left in and followed up stating that he uses the quote to the public. Chairman Zimmer continued that it resonates with the public when he can point to statute that say he is charged with striking a balance between highest practical level of production, promoting conservation and protecting recharge. Mr. Walthour stated that the statement may need to be spelled out where it is in legislation. Ms. Guthrie agreed that this is a statutory requirement and also felt that it needed to be defined for GMA#1. She continued that the goal for the Summary should be an easy read and help bring the reader to the same conclusions that GMA#1 came to. Mr. Walthour stated that they can refer to the specific

legislation where the language comes from. Mr. Williams followed up that it is in Senate Bill 660.

Mr. Williams stated that in the Draft Summary Document he had an issue with the social-economic statement from the High Plains UWCD under Factor 7 on page 18. Mr. Williams stated that he felt that this statement turns the public loose and only limits the public by what they want to pump. Mr. Williams read the section in question and emphasized the portion that states “private property rights are best protected when pumping is limited only by the physics of the ground water flow and the economics of pumping”. Mr. Williams stated that if his interpretation of this statement is correct, he felt that there could be repercussions by the State. He continued that as part of the joint planning process they need to be very careful on making these types of statements. Mr. Tate stated that they are open to suggestions and that this is a draft statement. Mr. Hardcastle followed up stating that in regards to socioeconomic issues these studies are noted as being for their respective districts and not representing the GMA#1 as a whole. Ms. Guthrie stated that there is a balance that is struck between the individual districts and the GMA#1 by designating geographic areas for the different DFCs that are being proposed. She continued this should not be a comparative statement between individual districts, but a statement for the GMA#1 and a balance is necessary between conservation and highest practical level of production. Ms. Guthrie continued that in her view, this balance is between municipal use and agricultural use and this was the reason that the GMA#1 included CRMWA and the City of Amarillo to discuss their needs and growth. She continued that studies done for individual districts should be a link.

Mr. Hardcastle asked the High Plains UWCD if they have looked at their portion of the Draft Summary document with regards to the discussed balance between production and conservation. Mr. Williams followed up that he had the same concerns and questions. Chairman Zimmer stated that the concern over the verbiage is relevant because the GMA#1 could all be liable since one district is proposing drawdown numbers and the others are utilizing a percentage. Chairman Zimmer continued that at the GMA#1 level, they are charged with reviewing the management plans and rules of each district and determining if they as a joint planning body agree with them. Mr. Tate questioned whether it was appropriate for the GMA to agree with a district’s rules. Chairman Zimmer stated that as a joint planning group, it is appropriate and while they cannot deny them, they should at the least review them. Chairman Zimmer then asked Mr. Tate what they would have to change in their rules and management plan to meet the drawdown in the new draft proposed statement. Mr. Tate stated that the rules and management plan are consistent with the draft proposed DFC. Mr. Tate stated that the district is open to changing some of the wording in the document. Mr. Walthour stated that this may be a situation in which the GMA#1 is required to consider something that two districts have two different ideas on how a DFC was derived, but agree on the proposed DFC. He continued that Summary Document needed to document the situation that the DFC was done for two different reasons. Mr. Walthour further stated that this is a draft document and needs alteration, but something needs to be written to make the situation clear to the public. Mr. Haley asked if the managers were going to work on this and get it back to the group for review in two weeks. Mr. Walthour reviewed dates and stated that there is time to review the documents with the managers and then disseminate the draft Summary Document for review. Mr. Hardcastle stated that they have to find time to do this.

Mr. Mullican stated that everything he was going to bring up is pretty much on the table. He continued that nothing has been removed from the GMA#1 to conserve and protect and the GMA still has the responsibilities as defined in 36.01. Mr. Haley proposed a

change to the Draft Summary on page 18 to reword a sentence to read “where property rights are best protected when the pumping is monitored and managed by Groundwater Conservation Districts as they are charged with duties by statute”. Mr. Williams stated that he was much more comfortable with the suggested change. Mr. Hardcastle asked if the discussed statements as presented by the High Plains UWCD are a legal opinion or an opinion of the board as a whole. Chairman Zimmer agreed with Mr. Hardcastle and followed up stating that when he hears that there could be impacts he starts thinking in terms of liabilities. Mr. Tate reiterated that they are open to suggested revisions. Mr. Williams stated that he believed that this would best be handled via a face-to-face meeting. There were some discussions among the group on possible times for the managers to meet.

Chairman Zimmer stated that he felt the phrasing “negative impact” also provides some issues. Ms. Guthrie stated that on page 17 it alludes to the statement made on page 18 rejecting the 50/50 DFC. She questioned if the statement is talking about applying the 50/50 DFC on an equal impact basis. Mr. Tate confirmed that the district wanted to look at the 50/50 on a property-by-property basis. The group confirmed that impacts were on a county-by-county basis. Mr. Walthour confirmed that the draw numbers are not being looked at on a farm-by-farm basis, but a district wide basis. He continued that this statement has more to do with an understanding between the district and their constituents. Mr. Tate agreed. Mr. Coleman stated that it is the desire of GMA#2 to take this route. There was some discussion among the group about the difference in reporting the DFC’s by feet of draw down as opposed to percentage left in storage. Mr. Williams stated that the numbers are not the issue and that the issue is the philosophy behind the statement being proposed. Mr. Williams continued that he understands the wishes of GMA#2, however as long as High Plains UWCD is part of the GMA#1, it is a GMA#1 concern. Mr. Tate confirmed that the draft proposed DFC is being set as a single DFC for all of GMA#2. Chairman Zimmer questioned what the enforcement is going to be for a county that breaks the DFC. Mr. Tate stated that it is the same issue if the DFC is set as a percentage or in feet of draw down. Chairman Zimmer clarified if the county breaks the DFC, and the DFC is set for the entire GMA, then there can’t really be any enforcement on the county. Mr. Williams agreed with Chairman Zimmer. Mr. Hardcastle stated that this Draft Summary will produce another document or resolution that the group will have to vote on. He continued that they need to closely consider the language that is used in the Draft Summary and some of the information should be relocated to attachments. Mr. Hardcastle further stated that, as it is presented today, he may not be able to vote for it.

Mr. Ingham stated that he would be happy to post an additional meeting for GMA#1 in April if the group thought that it may be necessary. He continued that if the meeting is necessary to continue to work through these issues it would be properly posted and if it was deemed not necessary it would be easy to cancel. Mr. Coleman suggested that the managers could have a work session after the current GMA#1 meeting to work through the summary document. Chairman Zimmer clarified there are not issues with the draft proposed DFC by the High Plains UWCD being a range of draw down, but issues with the Draft Summary statements by High Plains. The group agreed, reserving the right to review the numbers after the model is run. Mr. Coleman stated that working through the summary this afternoon would give the group plenty of time before the two week period. There were discussions among the group over who composed parts of the Draft Summary. Mr. Tate stated that the document needed some revisions and to be cleaned up so that it can be voted on. Mr. Ingham stated that the group needed to start considering that the last time DFC’s were adopted it was done by resolution. He continued that there could potentially be a resolution to be considered if that is the

direction the group would like to proceed. Mr. Walthour agreed stating that a resolution is needed because it states why everything is being done.

11. Discuss and Consider – Hearing Process for the Consideration of Desired Future Conditions in the GMA#1 Joint Planning Area.

Mr. Walthour stated that at the previous GMA#1 meeting a tentative meeting date was scheduled for April 20th to propose for adoption. He continued that during the next meeting, the 9 factors would need to be reviewed by the group again. Mr. Walthour further stated that once the 9 factors have been thoroughly reviewed and finalized, the group needed to ensure that there is nothing else that needs to be revisited. He stated that once that has been complete the Summary may need to be altered as there are still some options on the table to consider. Mr. Walthour continued that when the DFCs are finally proposed, the May 1st requirement will be fulfilled. Mr. Walthour further described the process of adopting DFC. He stated that upon releasing the Summary Document to the public, which is anticipated being done via dropbox, the 90 days comment period will begin. He continued that each district is required to hold a public hearing during the 90 day comment period and the districts will need to be brought back to GMA#1 to discuss and report public comments and activities associated with the public hearings. Mr. Walthour stated that if nothing needed to be altered or amended, then a possible September or October meeting date for DFC adoption can be set. Mr. Mullican followed up that after the DFC is adopted the 60 day clock for have a Final Explanatory report begins.

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

Mr. Walthour stated that the group should choose another date to consider in April in case another meeting was needed. Mr. Williams questioned if some time was needed in between April meetings in case there was a problem. There was some discussion among the group about potential dates and times of a second April meeting. The group decided on another GMA#1 meeting date of April 28th. Chairman Zimmer confirmed that the next two GMA#1 meetings are set from April 20th and April 28th at 10:00 a.m.

13. Adjournment

Chairman Zimmer asked the group if there was anything going on in the districts to report to GMA#1. None of the other districts had anything to report. Chairman Zimmer reported that the North Plains GCD has most of the production reports in. He continued that production is off and they have conserved more than was predicted. Chairman Zimmer further stated that conservation measures are being adopted by the public throughout the district. Chairman Zimmer discussed several of the conservation measure being adopted in the district. Chairman Zimmer stated that the district was going to name the main building at the research field, "Richard S. Bowers Learning Center". Mr. Walthour followed up stating that the event would be in June and anticipated that it would be a big event. Mr. Walthour continued that they have a "Master Irrigator Program" with National Resource Conservation Service (NRCS). Chairman Zimmer stated that this program will have 32 hours of curriculum and is geared towards the latest technology and includes: moisture probes, infrared, track management, drones, pivot, and BFDs. Chairman Zimmer stated that they are looking for 20 participants in the first year across the district. Mr. Hardcastle asked if this was funded by grant dollars and what the source was. Mr. Walthour stated that the funds are not a grant to the district but go directly to individuals and comes from the NRCS. Motion to

adjourn was made by Mr. Hardcastle and seconded by Mr. Tate. The motion passed with unanimous assent by a 4-0 vote. Meeting adjourned at 12:50 pm.

DRAFT