

Groundwater Management Area #1 Meeting

Minutes

July 23, 2013

The Groundwater Management Area Number 1 (GMA #1) met on Tuesday, July 23, 2013 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:

John R. Spearman, Panhandle Groundwater Conservation District; Bob Zimmer, North Plains Groundwater Conservation District; Lynn Tate, High Plains Underground Water Conservation District; Mary Alice Hughes (DA for Jim Haley), Hemphill County Underground Water Conservation District.

Other Groundwater Management Area 1 Representatives Present:

C.E. Williams, Panhandle Groundwater Conservation District; Steve Walthour, North Plains Groundwater Conservation District; Mike Beauchamp, High Plains Water District; Janet Guthrie, Hemphill County Underground Water Conservation District

Guests Present:

Staff Present:

Kyle Ingham, Local Government Services Director; Jamie Allen, Local Government Services Coordinator; Joe Price, Local Government Services Program Specialist

1. The meeting was called to order at 10:03 a.m. with Chairman Spearman presiding.
2. **Roll Call and Introductions were made.** Chairman Spearman for the benefit of the public asked the members to identify themselves. Mr. Spearman made note that a quorum was present
3. **Discuss and consider the minutes from August 9, 2012 GMA #1 Meeting.**

Mr. Spearman noted that attendance list was included with those minutes. The sign-in sheet will be included with the minutes. Under agenda item #14, it was noted that Mr. Haley needed to be changed to Mr. Spearman. Bob Zimmer made a motion to approve the minutes with the amendments presented. Lynn Tate seconded the motion. Motion carried unanimously.

4. **Briefing and Discussion – on Legislation enacted from the 83rd Session of the Texas Legislature including SB 1282**

C.E. Williams noted that during the previous legislative session, many bills were filed in relation to water but that SB 1282 was the only bill dealing with the GMA process. This bill extended the deadline for the DFC process to May 2016. He noted that there were several other bills, but that the GMA process was only impacted by SB 1282. Steve Walthour asked about why the deadline was changed to May 2016. Mr. Williams answered that this change was for the purpose of synching the GMA and Water Planning Group processes to the same cycle. No action taken.

5. Briefing and Discussion – TWDB representative to present an overview regarding how the TWDB will support the Desired Future Conditions process for this round of joint planning

Larry French with the TWDB discussed their support of the joint planning efforts and DFC process. He noted that the TWDB role this cycle will be different than it was last cycle and that the TWDB will be less directly engaged than the last cycle, but will still be available for questions. He stated that he understands this area is engaged in an effort to redo the Groundwater Availability Model and doesn't expect that any questions will come of that. Mr. Spearman inquired as to the deadline for the new modeling run and Mr. French answered that two models are currently being combined with additional layers being added. He also noted that water use is being added into this model. He answered that by the January 2015 the model will be available for use. Bill Mullican confirmed that date. Mr. Mullican then expounded that the GMA will need to be involved heavily while models are being tested to ensure that the models meet the needs of this area adequately. Mr. Tate asked about when the model runs will take place and Mr. Mullican answered that the models are separate. Mr. Tate then asked about the inclusion of the Dockum and Ogallala and Mr. Mullican also added that the Edwards Trinity would be included partially. Mr. French then noted that "Total Recoverable Storage" estimates would be provided for the water planning and GMA processes. He noted that this provision is required by law and that information would be included by the beginning of Fall 2013. Mr. French continued that GMA #1 will need to review "relevant" vs. "non-relevant" aquifer information as part of this process. Finally, he noted that a new series of maps has been released, which will hopefully simplify data review. Mr. Ingham questioned whether the DFC submission package would be similar to the package requirements last round. Mr. French answered that the main difference would be the explanatory report, which is a new requirement, as legislated by SB 660. He noted that this explanatory report would list the 9 factors relevant in determining DFCs, as well as the balance between conservation and production. Danny Krienke asked about the deadline for this process and Mr. Spearman noted that a deadline has not been set. Mr. Williams added that with the GAM work to be completed, as well as other required tasks, using the deadline extension would be advantageous to the group. No action taken.

Mr. Spearman thanked Cindy Cockerham with Senator Seliger's Office and Sara Clifton with Senator Duncan's office for attending.

6. Briefing and Discussion – on changes to the Desired Future Conditions process resulting from the passage of Senate Bill 660 by the 2011 Texas Legislature.

Bill Mullican began by stating that as a result of SB 660, the DFC process has changed remarkably. He presented a workflow for the DFC process and noted that the extension of the deadline has been very helpful for the process. He stated that there are 5 distinct phases for the joint-planning process as presented in his draft work process document. This document will be included as an attachment to these minutes. Throughout his presentation Mr. Mullican noted that each of the issues presented needs to be deliberately discussed, with good documentation, during the DFC process. Mr. Mullican stated that once the DFC values are reached, there must be a review to ensure that the DFCs provide a balance between the highest "practicable levels of groundwater production and the conservation, preservation, protection, recharging and prevention of waste of groundwater and control of subsidence in the GMA." He did, however, note that no specifics for how to conduct those tests have been given. He stated that the statutory deadline is at the end of Phase 3 and that Phases 4 and 5 are to take place

after the deadline. After his presentation, Mr. Ingham asked as to how in-depth the explanatory report can expect to go with “proposed” DFCs. Mr. Mullican answered that it’s possible that two different DFCs could be reviewed for the same aquifer for the same area. He noted that information contained in many different reports for many different industries should be included. Mr. Walthour noted that models won’t be ready until January 2015 and asked if socioeconomic impacts are supposed to be reviewed between models. Mr. Mullican answered that MAGs will probably increase in the updated GAM from what is in the current GAM. Mr. Mullican then stated that his recommendation would be to compare all available models in regards to the impacts outlined in Phase 3 of the proposed work process. Mr. Mullican noted that this DFC process will be much more involved than it was during the last cycle. Mr. Ingham asked about the expense of this process and Mr. Mullican answered that if the GAM is prepared for modeling by the end of 2014, it will save some costs. Mr. Williams added that this process is building the record for possible challenges once the DFCs are adopted. Mr. Walthour stated that many of the elements in the proposed work process have been undertaken previously through the challenges presented to the current DFCs. Mr. Zimmer questioned the GMA as to whether or not a timeframe is necessary to ensure that all districts are prepared for their obligations. Mr. Williams asked Mr. Mullican about a possible timeline and inquired as to the other members as to how to best build that timeline. Mr. Williams noted that Mr. Mullican’s expertise would be valuable to building that timeline. Mr. Zimmer asked when the DFCs will actually be adopted. Mr. Mullican answered that if proposed DFCs aren’t reached until May 1, 2016, there will be a full 90 day public comment process with reassembly of the GMA in August 2016. He noted that at least 2 meetings will have to be held prior to adoption regarding comments received and that the earliest DFCs can be adopted would be early fall 2016, but that no statutory deadline currently exists. He then stated that the final DFCs should be adopted prior to November 2016 because the next Regional Water Planning round will be required by law to use DFCs adopted and that will begin in November 2016. Mr. Zimmer asked how long it would take to get a good timeframe and Mr. Mullican answered that he could build a timeframe within 1 or 2 days. Mr. Zimmer stated he would like to have a meeting within approximately 90 days from the date of this meeting to consider a timeframe built by Mr. Mullican. All members agreed with that proposal.

7. Report and Discuss – Each GCD in GMA #1 will provide a status report on process to amend management plans and rules necessary to achieve the adopted Desired Future Condition

North Plains:

Mr. Zimmer made a presentation regarding the NPGCD management plan. His presentation will be included with these minutes.

Hemphill County:

Ms. Guthrie handed out the annual report and a brochure produced by the HCUWCD. She noted that the management plan for HC has been adopted and that the rules on the disc handed out were updated in 2010. Ms. Guthrie distributed the DFC tracking report and noted that based on the current trend of volume of water stored in the aquifer, projected storage levels will exceed the DFC. She noted that usage numbers are growing, oil and gas activity is picking up. Ms. Guthrie noted that a red-bed update has been completed. She stated that an extensive water quality review and monitoring process is constantly in place. She stated that there are water level and water quality reports conducted annually and that those reports will be submitted to all districts. Mr.

Walthour commented that North Plains will be reviewing the monitoring rules for oil and gas production water use that Hemphill County has in place. Ms. Guthrie noted that HC's rules are being reviewed because those rules were adopted in 2004 and need to be adjusted. She also stated that the oil and gas industry is using similar amounts of water as the irrigated user group.

High Plains:

Mr. Lynn Tate noted that a website update has been undertaken recently. He stated that the monitor well system is extensive and that process continues. Mr. Tate stated that reporting requirements are being reviewed in every county of their District and that grassroots support of the reporting system is necessary. HP has retained Interra's services for a reporting program re-build and expects that the reporting program will be rebuilt within the next 12 months.

Panhandle:

Mr. Williams noted that the Management Plan was revised in April 2012 and it was approved the following month. He stated that the rules were updated quickly thereafter. He stated that the depletion program will be taken to the general public on the afternoon of July 24th. He added that the program has been successful since its inception in 2004. There are meters on approximately 60% of the wells in the PGWCD area.

8. Discuss and Consider – Action as may be necessary in regard to GMA #1 Officers and Membership

Mr. Spearman noted that he has served 2 years. Mr. Tate nominated the current slate of officers and Ms. Hughes seconded that nomination. All officers agreed to serve another term. Motion carried unanimously.

9. Discuss and Consider – Appointment of GMA #1 representative to the Panhandle Water Planning Group

Mr. Spearman noted receipt of a letter of resignation from Bob Meyer. Mr. Bob Zimmer nominated Danny Krienke to represent GMA#1 on the PWPG, noting his ability to represent GMA#1 as a whole and not a particular district. Ms. Hughes seconded that nomination. Mr. Krienke noted his agreement to serve in that capacity. Motion carried unanimously.

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

Mr. Ingham noted that the contract maintains the \$55.00/hour rate with each district paying ¼ of the costs. He stated that if PRPC staff needs to travel, the state rate of mileage would be applied. Mr. Tate made a motion to accept the proposal as presented and Ms. Hughes seconded that motion. Motion carried unanimously.

A short break was taken at this time.

11. Discuss and Consider – Action as may be necessary in regard to updating GMA #1 bylaws and GMA #1 procedures

Ms. Guthrie outlined her proposed changes. Her proposal is included with these minutes for record purposes. Ms. Guthrie noted that if subcommittee meetings were held, she would see it beneficial to conduct those meetings in accordance with the Open

Meetings Act. There was a question as to what would constitute a subcommittee and Ms. Guthrie answered that her intent would be that only officially designated subcommittees would be included in Open Meetings requirements. Proposed wording for Section 2.05 would be: "The JPC shall meet subject to the call of the Chair to review proposals to adopt new or amend existing desired future conditions. Regardless of the date on which a proposal may have been voted on or before September 1, 2013, a proposal for the adoption of desired future conditions for the relevant aquifers within the management area is not required before May 1, 2016, and every 5 years thereafter."

Section 3.04 proposed amendments would be: "All actions shall be by majority vote, other than action under Section 2.06, by the Member Districts present at a meeting at which at least two-thirds of the Member Districts are in attendance, each Member District having one vote."

Section 3.03 will be considered to be entitled: "Interlocal Agreements?" with further clarification to be made at a future time.

Section 4.02 was proposed to be amended to state that: "Terms shall be limited to four *consecutive* years..."

Other amendments are included in Ms. Guthrie's proposal and are largely statutory based.

Mr. Williams noted that a cleaned-up copy of proposed amendments should be submitted to all 4 districts prior to public comment and adoption.

Mr. Tate made a motion to table the changes until the next GMA#1 meeting where a final proposal can be made. Ms. Hughes seconded the motion. Motion carried unanimously.

12. Discuss and Consider – Action relating to future agenda items, planning and meeting schedules

Bylaws and the timeframe for DFCs would be possible agenda items. Mr. Krienke noted that public comment as a standing agenda item would be a good idea for record-keeping purposes. The group agreed. Mr. Zimmer made a motion to select the date of November 7, 2013, for the next meeting date at 10:00am and Mr. Tate seconded. Motion carried unanimously.

13. Establish the date and location for the next meeting.

November 7, 2013

14. Adjournment

There being no further business to come before the Board, Mr. Spearman declared the meeting adjourned at approximately 12:23pm.