

Groundwater Management Area #1 Meeting

Minutes

April 11, 2014

The Groundwater Management Area Number 1 (GMA #1) met on Friday, April 11, 2014, at 10:07 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:

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, Ray Brady, Wade Oliver, Gene Born, Danny Krienke, Dale Hallmark, Paul Sigle, David Bowser, Carmon McCain, Kody Bessent, Adevine Fox, Steve Shumate, Emmett Autrey, James Powell, Mike Beauchamp, Kent Satterwhite, Jessica Mitchell, Kathy Cornett, Bill Mullican, Jay Adams, Ben Weinheimer

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 10:00 a.m. with Chairman Zimmer presiding.
2. **Roll Call and Introductions were made.**

Kyle Ingham called the roll for the GMA #1 Board and established that a quorum was present. Introductions of all in attendance were made.

3. **Opening Pledge**
4. **Public Comment**

Jay Collier Adams, Jr., Attorney in Morton, TX. Mr. Adams stated that he sees an irreconcilable problem in Chapter 35.108 (d)(2) of the statute. He noted that the concepts of individual rights and common good are mutually exclusive topics that cannot be reconciled.

5. **Discuss and Consider – The Minutes from the February 21, 2014 GMA #1 Meeting**

C.E. Williams had one correction. Mike Beauchamp also had one correction to make. Mike Beauchamp made a motion to approve the minutes with the changes made and Jim Haley seconded that motion. Motion carried unanimously.

6. Receive, Discuss and Consider – Presentation by Intera Regarding the Difference Between Estimated Recoverable Groundwater and Total Groundwater Storage

Wade Oliver of Intera thanked the group for the opportunity to present the information on Estimated Recoverable Storage. Mr. Oliver's presentation is included with the minutes as part of the official record. He began his presentation by discussing the "9 Factors" Districts Shall Consider When Adopting Desired Future Conditions. Mr. Oliver explained the definition of Total Estimated Recoverable Storage from TAC 356.10. Mr. Oliver then presented the different types of aquifers that exist and discussed the differences between the confined and unconfined aquifers. He discussed how Storage Volume is calculated and explained that the calculation to reach Storage Volume = area x thickness x specific yield (plus some for the confined storage). Mr. Oliver moved on to discussing the Modeled Available Groundwater across the state and noted that GMA #1 has relatively high MAG values. He presented the MAGs and Storage values for each GMA and noted that there are 11.3 Billion Acre Feet in Estimated Recoverable Storage, without 3 GMAs reporting. There are approximately 588 Million Acre-Feet in Estimated Recoverable Storage in GMA #1. Mr. Oliver discussed that caveats are critical in discussing MAGs and Storage Values. He noted that Water Quality and Degradation of Water Quality are not considered which greatly impacts the availability of actual water. He also noted that the TWDB does not discuss or take into consideration the practicality/economics of development. He then expounded that the Ogallala has 30X the pumping of the Trinity Aquifer and a very small amount of actual drawdown. Mr. Oliver noted that "Recoverable" water is Aquifer Specific and that aquifers like the Ogallala are relatively more highly productive with other, confined aquifers producing less. Wrapping Up, Mr. Oliver stated that Estimated Recoverable Storage means, simply, "how much water is in the aquifer." He then expounded that Estimated Recoverable Storage does not mean: That the water is available for production, that using small fractions of the total volume cannot seriously harm the aquifer and its users and that it's a useful tool in the planning and management of a particular aquifer. Janet Guthrie asked for additional information regarding the Blaine Aquifer and recharge. Mr. Oliver answered that the answer to porosity is in regards to the solution channels. He noted that the Blaine Aquifer's water quality is poor because recharge is limited and that the rocks making up the Blaine contain a large amount of sulfates, limiting the water quality. Ms. Guthrie then asked about the unconfined vs confined aquifers and drawdown and asked Mr. Oliver his opinion on what exactly constitutes a confined aquifer. Mr. Oliver answered that there is a continuum of confined vs unconfined and that it's not a black and white delineation. Mr. Oliver then explained that the permeability is affected by that continuum. C.E. Williams asked if these numbers will be updated when the new GAM is completed. Mr. Hardcastle asked when the GAM would be completed and Mr. Oliver answered that the GAM should be completed by February 2015 for a draft numerical model. Mr. Hardcastle asked if it would contain updated information and Mr. Oliver answered in the affirmative. Chairman Zimmer noted that it's important that each Water District Understand that Specific Yield with Specific aquifers be explained to educate the public on actual available water. Mr. Oliver added that it serves the interest of each District to understand actual Estimated Recoverable Storage and determine whether or not those numbers are adequate and logical planning tools. Chairman Zimmer then asked what the likely range for the Recoverable Groundwater is for each aquifer. Mr. Oliver answered that for the Ogallala, the maximum amount that could be recovered could be at the high end of the range that

the TWDB has stated. However, he also noted that the water may not be recoverable for current uses in the aquifer and that even if 75% was recoverable, the expense of drawing that amount of water may be economically unfeasible. Mr. Haley asked Mr. Oliver if 55%-75% is actually recoverable and Mr. Oliver noted that as well yields decline, current uses will become less economical. Mr. Walthour then noted that a well that is 600 ft with 40 ft of Ogallala formation left, 75% is a high number of yield to expect. Mr. Hardcastle asked what the benchmark of saturated thickness is and whether that was based on a benchmark year. Mr. Oliver answered that the Ogallala is declining in volume at a higher rate than other aquifers. He noted that there is no specific benchmark year. Chairman Zimmer stated that economics is a separate issue. Mr. Oliver answered that he does not see economics and recoverability as two separate issues. Mr. Haley then answered that the economics can change where water volume should be fairly constant in relation to recoverable storage. Robert Bradley with the TWDB then added that the legislation creating this issue required the provision of these numbers. He stated that the two places this number is used is the explanatory report as well as the permitting process, utilizing these numbers as a ceiling. Mr. Oliver then stated that the Dockum Aquifer, with a 3% use level is a high estimation. He added that recently another study was completed on the Dockum and found that because the Dockum is typed vertically, that it responded in a volatile manner because of the restrictions to vertical flow within the aquifer. He stated that what is actually recoverable may not be the specific yield value, that it might be quite a bit lower.

7. Receive, Discuss and Consider – Presentation by Intera Regarding the Development and Status of the High Plains Aquifer System Groundwater Availability Model

Mr. Oliver made a presentation regarding the High Plains GAM update. This presentation is included with the minutes as part of the official record. He explained the objective of this GAM study as being to Integrate Each of the Models for the Aquifers in the High Plains Aquifer System to produce a tool that better captures relationships between aquifers and to address key issues with the conceptual models with the previous GAM. Danny Krienke asked a question about oil and gas wells and how drilling logs in these aquifers are obtained. Mr. Oliver answered that Intera did not log current wells. Mr. Walthour then discussed specific types of logs utilized for these models. In the discussions of these models, Mr. Oliver noted that the Rita Blanca will be considered as its own layer in these models vs in the previous models. Mr. Oliver stated that the Stakeholder Advisory forums have just been created to discuss findings of conceptual model investigation and approach for numerical model in detail. Chairman Zimmer asked Mr. Oliver if he anticipated changes in the red bed and Mr. Oliver answered that yes, changes have been made as the red bed corresponds to the base of the Ogallala which changes total volume. Mr. Oliver noted that the TWDB uses Modeled Water Levels rather than Measured Water Levels. Chairman Zimmer asked about the accuracy of the saturated thickness, specifically related to the Ogallala. Mr. Oliver stated that the existing models will be fairly accurate based on the best information available. Chairman Zimmer noted that North Plains has been asked those questions of his constituents and wanted to ensure he asked those questions at these meetings.

8. Discuss and Consider – Review and Consider Adopting Updated Proposed Plan of Action Regarding Desired Future Conditions and Member Districts' Contributions to Specific Technical Areas

Mr. Hardcastle noted that options for different DFCs have been presented. He then noted that Panhandle Groundwater has had its DFCs since 1998 and that the last 15 years have been a good timeframe to consider other options. He then added that if other options are discussed, doesn't it make the group responsible to give a reason why other options haven't been discussed. Mr. Williams then noted that the current DFC can be easily defended based on the past 15 years of solid evidence and data available. Mr. Hardcastle asked the group to table items #10 and #11. Mr. Williams stated that if other DFCs are considered, the group may be legally obligated to discuss full research of those other DFCs. Mr. Williams then asked for more time for all Districts to agree on agenda items so that all Districts could be adequately prepared for discussions to take place at each GMA meeting. Chairman Zimmer stated that his interpretation of statute is that GMA #1 has an obligation to be able to answer that other possible DFCs were considered, whether chosen or not. Mr. Williams then discussed that the statute requires that other DFC options be considered, if any, and the reasons why those options were not chosen. He continued that there is no productive outcome with looking at other options because his constituents are not asking for other DFC options and based on 15 years of data which supports Panhandle Groundwater Conservation District's current DFCs. Mr. Walthour added that the managers of each District working together prior to meetings will help to smooth out the process to ensure that statutory requirements are met. Mr. Haley then noted that for the record, documentation of consideration of other DFCs might be necessary. Chairman Zimmer agreed. Each District agreed that individual Districts are responsible for determining whether or not separate DFCs should be discussed. The group agreed that the plan of action may need to be moved back so that managers have more time to discuss and contemplate these issues prior to the next meeting. Mr. Hardcastle noted that "Factor #3" this factor may need to be addressed again once the GAM run is completed. Mr. Walthour answered that the new model will present different numbers. Danny Krienke noted that the minutes from the previous meeting state that none of the Districts anticipate a change in DFCs and that each District has completed public outreach. He stated further that DFCs could be proposed based on the information obtained thus far and that it could be demonstrated that other DFCs were considered and it has been further decided that current DFCs may be maintained. Mr. Hardcastle made a motion to table items #10 and #11 to ensure that Districts can work together on those topics prior to the next GMA #1 meeting, adding that this is supposed to be a joint planning process. Mr. Zimmer added that North Plains had 3 DFC meetings and that other options were discussed. The North Plains Board will be staying with current DFCs to proceed through this process. Mr. Haley asked about District Staff and how that will work and Mr. Williams answered that several methods of communication including e-mail, phone and Manager discussions would all take place. Ms. Guthrie asked Bill Mullican about his statements at previous meetings that various DFCs be taken through the considerations of the "9 Factors." He answered that each District will be required to demonstrate that other options were considered and explain why they were not chosen. He reiterated that a section in the Explanatory Report will include why other options were not chosen, but that they were considered. Mr. Mullican noted that the TWDB can only answer whether or not adopted DFCs are reasonable and that it is a binary, yes or no question of whether or not adopted DFCs are reasonable. He further stated that TWDB will not state that

other DFCs may be more reasonable. Mr. Beauchamp stated that High Plains is also considering maintaining current DFCs. Bob Zimmer asked if Hemphill County is planning on starting with a possible DFC. Mr. Haley seconded the motion made by Mr. Hardcastle. Motion carried unanimously.

Mr. Ingham briefed the group that the possible timeline had been as closely followed as possible, based on the timeline that Mr. Mullican presented at previous meetings. He noted that each of the "9 factors" have scheduled discussions with specific responsibilities spelled out at future meetings. Meetings have been tentatively scheduled for May, July and October, 2014. He then added that these meetings may be moved back with the table of items #10 and #11 on this agenda. He then asked each District for input on specific technical areas. Mr. Williams stated that moving forward with a fairly quick timeline may not work as timelines are set up tightly. He then added that it may be more relevant to move certain factors around pending information received from GAM runs. Mr. Walthour agreed that further discussions may be necessary to determine plans. Mr. Ingham asked Robert Bradley if factors considered could be discussed at the same meeting that possible DFCs be discussed. He answered that each GMA is handling that issue differently. There was general discussion of minor aquifers. Mr. Williams asked Robert Bradley about the declaration of a minor aquifer as "not relevant for joint planning purposes" whether or not those aquifers have to be considered during the "9 factor" discussion. Mr. Bradley noted that a document would need to be included with the Explanatory Report stating that it is "not relevant for joint planning purposes." Mr. Walthour made a recommendation that dates be tentatively moved and that a new planning calendar be presented at the next GMA #1 meeting, with a possible GMA #1 meeting in May, after a management discussion takes place. It was proposed that April 22nd be a possible date for the Manager Discussion. Chairman Zimmer asked if the GMA #1 JPC would allow the Legal Staff of North Plains to begin considering Factor #7 with other legal counsels from the other Districts.

There was general discussion of whether or not to adopt the timeline as presented, knowing that the timeline might be amended as the process moves forward and dates being somewhat fluid. Mr. Beauchamp made a motion to adopt the proposed timeline with the understanding that amendments may be made as necessary. Mr. Williams asked if Factor #3 could be moved back until after the GAM is presented. Mr. Beauchamp noted that the actual timeline of future meetings could be amended as Managers conduct their discussions. Ms. Guthrie noted that what each District has adopted in the Management Plan should cover Factor #3. Mr. Walthour noted that proposals are made with the purpose of considering them in lieu of the "9 factors" required. He added that once those "9 factors" are considered, changes can be made to proposals and that this is the purpose of conducting the "9 factor" review. Mr. Williams then reiterated that the updated GAM will change the items to be considered in Factor #3. Mr. Williams asked Mr. Oliver what the advantage would be of considering Factor #3 prior to new GAM numbers coming out in January 2015. He noted that the advantage would be an understanding of what changes were made. Mr. Williams then stated that reviewing current Management Plans may be appropriate. Mr. Walthour answered that the first few meetings of GMA #1 are largely informational in nature. Mr. Haley seconded the motion made by Mr. Beauchamp. Motion carried unanimously.

Meeting recessed and then quickly resumed once discussions were held that item number 9 should not require a long discussion.

9. Discuss and Consider – TWDB Published “Explanatory Report for Submittal of Desired Future Conditions to the Texas Water Development Board” as the Outline for GMA #1 Explanatory Report

Mr. Walthour noted that this item was placed in the agenda to determine if this is the type of document the GMA #1 wishes to follow when developing the Explanatory Report. Mr. Guthrie noted that on Page 3 of the guidance document there is an outline and that it would be beneficial to staff to utilize that structure to begin preparing the Explanatory Report. Mr. Williams answered that it is a good roadmap to begin following with amendments as necessary. Danny Hardcastle made a motion to adopt the draft Explanatory Report from TWDB as an outline and Mr. Beauchamp seconded the motion. Motion carried unanimously.

10. Receive, Discuss and Consider – Report Regarding “Desired Future Conditions (DFC) Options to Be Considered for: - TABLED

- a. Rita Blanca Aquifer
- b. Ogallala Aquifer
- c. Dockum Aquifer
- d. Seymour Aquifer
- e. Blaine Aquifer

11. Receive and Discuss – Preparatory Report Regarding Development and Presentation of: - TABLED

- a. **Factor 1** – Aquifer Uses or Conditions Within the Management Area, Including Conditions that Differ Substantially From One Geographic Area to Another
- b. **Factor 2** – Water Supply Needs and Water management Strategies Included in the State Water Plan
- c. **Factor 3** – Hydrological Conditions, Including for Each Aquifer in the GMA, the Total Estimated Recoverable Storage as Provided by the TWDB Executive Administrator, and the Average Annual Recharge, Inflows and Discharge.

12. Discuss and Consider – Scheduling of the Next 3 Meetings of the GMA #1

May 30th was agreed as the next GMA #1 meeting.

13. Adjournment

Jim Haley made a motion to adjourn the meeting and Mike Beauchamp seconded that motion. Meeting was Adjourned at 12:29