

Llano Estacado Regional Water Planning Group Meeting

October 17, 2013

10:00 A.M.

1. Call To Order and Welcome.

Chairman H. P. Brown Jr. called the meeting to order at 10:05 a.m. in the A. Wayne Wyatt Board Room of the High Plains Underground Water Conservation District No. 1 office, 2930 Avenue Q, Lubbock, Texas. Notice of the meeting was provided to each member and was also filed/posted in accordance with the Texas Open Meetings Act at the following locations: *Office of Texas Secretary of State, Office of Lubbock County Clerk, Lubbock County Courthouse, Administrative Offices of the High Plains Underground Water Conservation District No. 1, the High Plains Water District web site at www.hpwd.com and the regional water planning group web site at www.llanoplan.org.*

2. Roll Call of Members and Establish Quorum.

The following Llano Estacado Water Planning Group members were in attendance: Chairman H.P. Brown Jr.; Vice-Chairman Aubrey Spear, Secretary Treasurer Doug Hutcheson, and members Dr. Melanie Barnes, Bruce Blalack, Jack Campsey, Delmon Ellison Jr., Harvey Everheart, Richard Leonard, Michael McClendon, Don McElroy, Dr. Ken Rainwater, Kent Satterwhite, Jim Steiert, and John Taylor.

The following non-voting members were in attendance: John Clayton, Andy Donnelly, Doug Shaw, and Matt Williams. Jason Lindeman substituted for Malcolm Laing.

Unable to attend (excused absences): Those unable to attend today's meeting were: Delaine Baucum, Judge Mike DeLoach, Richard Gillespie, Bill Harbin, Bob Josserand, and Mark Kirkpatrick.

Absent members (unexcused absences): None.

There was a quorum of the Llano Estacado Regional Water Planning Group members in attendance (14 of 21 voting members or 67% attendance).

Others in attendance: Kelly Baker, City of Lubbock; Lori Barnes, Llano Estacado Underground Water Conservation District; Neil Blandford, DBS&A; Ray Brady; Amy Ewing, DBS&A; David Harkins, RPSSB; Lindy Harris, South Plains Underground Water Conservation District; Dr. Dana Porter, TX A&M AgriLife Extension; and James Powell, HPWD Board of Directors. (These names were obtained from a sign-in sheet in the A. Wayne Wyatt Board Room.)

Carmon McCain of the High Plains Water District staff was also present to serve as recording secretary for the meeting.

3. Introduction of New Members and Visitors

No introductions were made.

ACTION ITEMS:

4. Discuss and Take Possible Action to Approve August 1, 2013 meeting minutes.

The minutes of the August 1, 2013 LERWPG meeting were provided to members by e-mail / hard copy for review prior to today's meeting. Mr. McElroy stated that his comment regarding irrigation water demand as printed in the minutes was not correct. He restated his comment saying that his "intention about demand was that it include water that is not available in addition to water that is available—instead of available and not used." There being no other additions or corrections, a motion was made by Delmon Ellison Jr. and seconded by John Taylor that the minutes of the August 1, 2013 LERWPG meeting be approved as corrected. **All voted "aye," and the motion was unanimously approved.**

5. Discuss and Take Possible Action to Approve the Treasurer's Report.

The Llano Estacado Regional Water Planning Group financial statement was provided to members for review prior to today's meeting. Mr. Hutcheson said the report shows an ending balance of \$148.37. A motion to accept the report as printed was made by Harvey Everheart and seconded by Kent Satterwhite. **All voted "aye," and the motion was unanimously approved.**

6. Discuss and Take Possible Action To Appoint Jason Coleman As An Additional Voting Member Representing Water Districts.

A packet of supporting materials for Mr. Coleman's nomination was provided to members by e-mail/hard copy for review prior to today's meeting. A motion was made by Delmon Ellison Jr. and seconded by Kent Satterwhite to appoint Jason Coleman as an additional voting member to represent water districts. **All voted "aye" and the motion was unanimously approved.**

7. Discuss and Take Possible Action To Appoint Tom Fulton As An Additional Voting Member Representing Water Districts.

Chairman Brown said the supporting materials for Mr. Fulton's nomination were still being compiled. Therefore, no action is needed today on this agenda item.

8. Discuss and Take Possible Action To Appoint An Officer Nominating Committee for 2014.

Chairman Brown appointed Mayor Robert Josserand to chair the nominating committee. Other members are Delaine Baucum and Michael McClendon. They will present a slate of officers at the first meeting in 2014.

9. The LERWPG Members Will Receive An Update On The Task 4D Scope of Work And Its Submission to the Texas Water Development Board.

Doug Shaw reported that Task 4D is the development of water management strategies for the upcoming regional water management plan. The consultants have put together a scope of work for three strategies: irrigation water conservation, municipal water conservation, and new groundwater supplies. These were approved at the June 27 LERWPG meeting and were submitted to the Texas Water Development Board. The TWDB is in the process of working on an amendment to add the scope of work to the HPWD contract. Once done, the TWDB will issue a notice for the regional water planning group to proceed. This was provided for update purposes only and no official action was required.

10. Discuss and Take Possible Action To Consider Authorizing The HPWD To Execute An Amendment To The Contract With The TWDB To Commit The Funds In The Contract That Are Currently Non-Committed.

Mr. Shaw explained that the current HPWD contract with the TWDB contains committed and non-committed funds. The full amount was in the contract—but there was a portion of non-committed funds that required legislative approval in order for the TWDB to allocate the funds to Region O. The TWDB has now received legislative approval and is allocating these funds. After discussion, a motion was made by Dr. Ken Rainwater and seconded by Dr. Melanie Barnes to authorize HPWD to authorize an amendment to the TWDB contract. **All voted “aye,” and the motion was unanimously approved.**

11. The LERWPG Members Will Receive A Report On The Status Of Evaluating Water Source Availability And Existing Water Supplies And Take Possible Action To Approve The Submittal To TWDB Of Technical Letters Explaining The Methodology Used To Determine Surface Water Availability; Groundwater Availability; And 2070 Groundwater Estimates.

Chairman Brown called on Andy Donnelly with Daniel B. Stephens and Associates (DBS&A) to present this report. Mr. Donnelly also introduced Neil Blandford and Amy Ewing with DBS&A. He also introduced David Harkins with RPSSB, the surface water component of the Region O consulting team.

Mr. Donnelly stated that the TWDB will be reviewing Region O water use demands today. The next deliverables will be the evaluations of water source availabilities of existing supplies, including methodologies. Mr. Donnelly asked Mr. Harkins to continue the report.

Mr. Harkins said that there are three letters that DBS&A have submitted to the regional water planning group for approval today.

The first letter for submission to the TWDB outlines how surface water resources will be evaluated within Region O during the current regional water planning cycle. This includes use of the latest version of the TCEQ water availability models for the Brazos, Canadian, Colorado, and Red River basins in Region O.

Mr. Harkins stated that the TWDB requires the regional water planning groups to conduct this evaluation in certain ways. One of these is looking at a fully consumptive water right scenario. In other words, everybody with a water right in each of the river basins must use their full authorized water rights. No return flows are assumed to go back to the river basin at all.

If there are evaluations for reuse which do not use the conservative approach and don't have return flows in them, then the LERWPG cannot evaluate it.

The methodology allows the LERWPG to enter whatever return flow they are asking to use, run them through the water availability model, and then can get the permit to do so. Any water right exemptions would be for domestic and livestock purposes. No demand is put into the model for exempt reservoirs of 200 acre-feet or less—although they are recognized by the TCEQ.

Mr. Harkins said the firm yields will be higher than actual water supplies. He cited the Canadian River evaluation, which showed Lake Meredith to have 45,000 acre-feet of firm yield, which it does not. He added that even though the WAM states this is a reality, another number must be provided to account for the current drought conditions. One cannot simply run the model, put the number in, and have it all be good.

Mr. Shaw said Mr. Harkins is talking about one of the differences between availability and supply. Availability numbers come out of the Water Availability Model (WAM). However, the supply that is actually allocated to the City of Lubbock, for example, could be a different number. For example, there is no longer a sufficient amount of water in Lake Meredith to supply its member cities. However, the WAM will indicate that water is available for use.

After discussion and questions from the LERWPG members, Michael McClendon moved that the LERWPG approved the letter regarding procedures for determining surface water availability and water supplies. Mr. McElroy seconded the motion. **All voted "aye," and the motion was unanimously approved.**

Mr. Donnelly then discussed the next letter which addresses groundwater availability. Most of the available groundwater estimates provided by the TWDB are for the Ogallala Aquifer. However, there are a handful of estimates not provided—including the Dockum Aquifer (Dawson

and Garza Counties); and the Seymour Aquifer (Briscoe, Crosby, and Dickens Counties). This is due primarily to the fact that these aquifers are not present in these counties. In 2007, the TWDB revised the extent of some aquifers in Texas—including the Seymour. Previous availabilities were requested and it is determined that it would be more appropriate to put them under the generic title, “Other Aquifers.”

Additional research on the TWDB web site shows there was also significant use (8,000-10,000 acre-feet) from other aquifers in Floyd, Garza, Hale, and Motley Counties. This use is defined in the board’s database as “other aquifers.”

So, if the water is there and is being used, the LERWPG should request it as availability. This letter puts together the historic use which was available on the TWDB web site and then other proposed availability from the other aquifers. Mr. Harkins stated that this began as a housekeeping exercise resulting from the Seymour no longer being officially present—and it went a few steps beyond that as he began digging down through the TWDB data.

Mr. Shaw said that if the LERWPG submits the letter and errors are found—then the dialogue will begin between TWDB and the LERWPG consultants.

There being no additional discussion, Dr. Ken Rainwater moved that the LERWPG submit this letter to the TWDB. Dr. Melanie Barnes seconded the motion. **All voted “aye,” and the motion was unanimously approved.**

Mr. Harkins then presented the third letter which addresses getting groundwater availability through 2070. He explained that 2070 availability will be calculated based upon a linear interpolation of all the prior decades. In some cases, the volumes seen have a repeated number and then a linear trend. This letter authorizes getting an availability for 2070, which is required for the current process, and which was not provided through the GMA process and the resulting MAGS. Harvey Everheart moved that the letter be submitted to the TWDB as presented. Jim Steiert seconded the motion. **All voted “aye,” and the motion was unanimously approved.**

12. The LERWPG Members Will Receive A Report On The Preliminarily Identified Needs and Potentially Feasible Water Management Strategies.

Mr. Donnelly introduced Ms. Ewing, who discussed three handouts relating to this agenda item. The first is a table showing the water needs on a county basis. She noted that the water demand numbers are being considered by the TWDB today. Some additional groundwater numbers can be added depending upon the data review resulting from the groundwater letter approved for submission in Agenda Item 11. This will be updated as everything gets finalized. The table was constructed as a guidance tool to make sure nothing is missed as strategies are considered.

13. Discuss and Consider Approval Of A Contract Budget Amendment To Reallocate A Portion of Task 10 Funding To Tasks 2a, 2b, and 3 (Water Demand Projections and Evaluation of Existing Water Supply).

Mr. Donnelly said this is a bookkeeping item. The contract budget needs to be amended to reallocate a portion of Task 10 funding for use with Tasks 2A, 2B, and 3. The consultants are authorized to charge up to 35 percent above the maximum amount for funding for each task. As DBS&A reviewed the budget, they noted that a few of the tasks to date are above and beyond the 35 percent.

He added that it would be more straightforward to move money from Task 10 to make sure that the other tasks are covered. The overall amount will not be impacted.

There being no other discussion, John Taylor moved that the contract budget be amended to allow shuffling of funds from Task 10 to Tasks 2A, 2B, and 3. Jim Steiert seconded the motion. **All voted “aye,” and the motion was unanimously approved.**

14. Discuss And Consider Approval Of The Revised List Of Water Management Strategies Discussed During The September 17 Subcommittee Meeting.

Ms. Ewing presented a list of the 2011 water management strategies for review purposes. The LERWPG did not go through this list on a point-by-point basis today.

Ms. Ewing then presented a third handout listing the list of current water management strategies. This includes a list of possible strategies at the beginning of the project, input from a subcommittee meeting, and information from the 2011 plan for possible addition/deletion. Also, a list of strategies required by statute to be considered was also included. She specifically mentioned drought management and demand management as required items.

Improved conservation, reuse, management of existing water supplies, conjunctive use, acquisition of available existing water supplies, development of new water supplies, development of regional water supply facilities, regional management of existing facilities, and voluntary/emergency transfers were strategies also included. In essence, a laundry list of strategies was distributed for consideration in the current plan.

Delmon Ellison said that he believed the group has an excellent set of water conservation strategies—but there are no real augmentation strategies for irrigation. He cited the LERWPG mission statement, which includes the word, “augmentation.” What would they be—he doesn't know. If the group's planning horizon is to 2070, he believes that augmenting irrigation should be the foremost priority for the group. This doesn't mean that the LERWPG will arrive at a quick solution—there may be a whole new planning group before this goal is actually accomplished.

He also added that irrigator education is vitally important as well as adoption of drought-resistant crops. These water management strategies could help reduce the amount of water used by farmers.

Mr. McElroy commented on the water conservation section. He stated that he believes improving pump efficiencies and well efficiencies is contrary to water conservation. This encourages irrigators to pump more water because they can afford it.

Additional discussion included water importation to the region as originally included in the 2001 LERWPG plan. In addition, Mr. Ellison discussed the possibility of including "trench recharge" in the plan. It is important to prepare for rainfall events before they occur.

Mr. Steiert agreed. He discussed previous attempts at aquifer recharge through the playa basins.

There being no other discussion, Jason Coleman moved that the list of strategies be amended based upon discussion at today's meeting. Jim Steiert seconded the motion. **All voted "aye," and the motion was unanimously approved.**

Chairman Brown recessed the meeting at 12:03 p.m. for lunch.

Chairman Brown reconvened the meeting at 12:44 p.m.

COMMITTEE REPORTS AND OTHER INFORMATION:

15. The LERWPG Members Will Receive A Report From The TWDB Project Manager Regarding HB 4 Stakeholder Process.

Mr. Shaw reported on recent changes in the TWDB leadership. Carlos Rubinstein, formerly with the TCEQ, is the new TWDB Chairman. Bech Bruun and Mary Ann Williamson are the two other Board members. Kevin Patteson is the new TWDB Executive Administrator.

Mr. Shaw said the TWDB has been extremely busy with the HB4 prioritization process. He invited Mr. Spear to discuss his involvement in the process. Mr. Spear served as Chairman Brown's designee at the series of planning meetings.

Stakeholder Committee: Uniform Standards To Be Used by Regional Water Planning Groups To Prioritize Projects

Mr. Spear noted that HB 4 mandates that a stakeholder committee representing all 16 water planning regions develop and recommend uniform standards for prioritizing water management strategies by Dec. 1. A series of stakeholder meetings have been held with the RWPG chairs/designees to develop a method for scoring and prioritizing water projects in order to be considered for funding assistance through the State Water Infrastructure Fund of Texas (SWIFT). However, this could be a moot point if Proposition 6 – which will provide the money for the SWIFT- is not approved by voters. He said he appreciated the opportunity to speak with the TWDB leadership (three newly appointed board members) to express concerns. Mr. Shaw said

Mr. Spear's comments were well received—and were echoed by other RWPG chairs from rural areas.

Several of them emphasized that there must be money set aside for agricultural and rural projects—and that these projects should be evaluated on the same level with municipal projects. Many of the rural communities do not have access to the same bond markets as larger cities. Larger cities can typically take care of financing their projects on the open market. However, smaller cities don't have that option. In addition, there is a question as to whether the 10 percent set aside for rural projects will be adequate enough.

The stakeholder committee, consisting of the 16 RWPG chairs, is charged with developing an objective numerical ranking for use across each region so that all of the water strategies can be ranked across the state. Mr. Spear said this is like comparing apples and oranges—and will be very difficult to accomplish.

Mr. Shaw said each of the 16 regions will be required to use the standards adopted to prioritize and rank every project in their 2011 plan. The draft prioritization list is due June 1, 2014 to the TWDB. In the meantime, TWDB will work to develop rules on how the SWIFT fund will work and how projects will be prioritized in the state plan. One question raised is how the TWDB will compare and differentiate between the 16 number one priorities from the regions, the 16 number two priorities, and so on. A state level ranking system must be established. Another question posed to the TWDB leadership is whether or not the stakeholder committee is wasting their time because the prioritization criteria that they adopt will make up such a small weight compared to the state's prioritization criteria. The TWDB leadership could not answer this question yet.

Chairman Brown expressed his concern that the TWDB has scheduled a series of stakeholder committee planning meetings to finalize the prioritization standards during November—but there is no provision for reimbursement to attend the meetings. Mr. Shaw noted that Regions A, B, D, E, F, J, M, and O have a long distance to travel to meetings in Austin. This may be addressed in the November meetings.

16. The LERWPG Members Will Receive A Report From The Region O Technical Consultant.

Ms. Ewing said she had one additional item to report. DBS&A has received 12 additional survey responses from municipalities since the September meeting. There are 10-12 responses remaining.

17. The LERWPG Members Will Receive A Report From The Region O Administrator.

HPWD General Manager Jason Coleman said he has visited with Chairman Brown, Vice-Chairman Spear, and Mr. Shaw about a recommendation to the HPWD Board of Directors that

another political subdivision be found to administer the Llano Estacado Regional Water Planning Group.

Mr. Coleman said that it costs HPWD unreimbursed money to perform all the administrative functions. The district has served as the administrator since the regional water planning process was created by Senate Bill 1 in 1997. The Panhandle Regional Planning Commission serves as the political subdivision for Region A. Groundwater districts, municipalities, wholesale water providers, counties, water utilities, economic development corporations, and other solicited contributions provide \$75,000 funding for Region A to assist with the cost of being the administrator. Only two to three of the state's 16 regions collect local funds for operation. The others regions have administrators that adsorb the cost into their operating budgets.

HPWD is facing several opportunities and challenges in 2014. Some of these include refining district operations, evaluating district rules and management plan, and making preparations to set desired future conditions for the aquifers within the district's service area. The district must devote its time and effort to these tasks.

Mr. Coleman said HPWD has a smaller staff compared to the past. The Board of Directors and management must prioritize activities based upon staff and budget.

The South Plains Association of Governments (SPAG) has been approached to potentially take over the role as administrator. LERWPG would have to raise at least \$40,000 annually to fund a staff member to serve as the contact person/main resource person for regional water planning.

Mr. Spear said there were two options: 1) The LERWPG could assess a fee to help an organization like SPAG pay for the cost of administration, or 2) the LERWPG could find another administrator, such as the City of Lubbock, to absorb the cost.

He added that HPWD is very sensitive to the issue. The Board of Directors and management do not want to appear that they are abandoning the regional water planning group. Mr. Spear said HPWD is probably one of the few political subdivisions that have serve as administrators since the very beginning of the regional planning process. In his opinion, the district should be applauded for doing this for so long and for using its resources to make this happen.

Mr. Coleman said HPWD is working to balance its budget for 2014. That, coupled with changes in staff assignments makes serving as the LERWPG political subdivision more difficult. He noted that Sherry Stephens is no longer with HPWD. Carmon McCain is serving as staff liaison to the LERWPG—but his primary job is information/education for the district. Another staff person would likely be needed if HPWD continues to serve as the political subdivision administering the LERWPG.

Mr. Ellison and Dr. Barnes asked if HPWD would still want to serve as LERWPG administrator, if additional staff funding could be secured. Mr. Coleman said no.

No action was taken on this agenda item at this meeting.

18. The LERWPG Members Will Receive A Report From The GMA # 2 and GMA # 6 Representatives.

Mr. Coleman said GMA # 2 has not held its annual meeting—but will do so before the end of the year.

Mr. Campsey reported that GMA # 6 has not met since the last LERWPG meeting.

19. The LERWPG Members Will Receive A Report From Liaisons To Other Regional Water Planning Groups (Regions A, B, F, and G).

Mr. Shaw gave the following reports:

Region A will meet Nov. 7. The primary agenda item will be approval of the full scope for Task 4D for their water management strategies.

Region B met some time back. They re-elected officers and handled other administrative matters. Their surface water availability has significantly declined since the last round of regional planning. Much of the meeting was spent talking about the new planning dates, models, and new water availability data for some of the lakes in that region.

Region F met two weeks ago. They approved their full scope of work for water management strategies and conducted a preliminary needs analysis. Several entities in the Region are approaching the TWDB for loans for water projects that aren't in the 2011 Plan. They must go through a waiver process—which prompted some discussion.

Region G just met or is planning to meet next week. Mr. Shaw does not work with them primarily—so he could not provide an update.

OTHER BUSINESS:

20. The LERWPG Members Will Receive Public Input and Comments.

No public comment was offered at this time.

21. The LERWPG Members Will Consider A Date and Agenda Items For the Next Regular Meeting.

Chairman Brown said Jan. 16, 2014 (third Thursday of month) is the proposed date for the next LERWPG meeting. Mr. Donnelly said he serves as the hydrologist for the Lost Pines Groundwater Conservation District, which meets on the third Wednesday of the month at 7 p.m.

Therefore, he is unable to fly out the night before—and will be at the mercy of the airlines when arriving Thursday morning.

Chairman Brown said there had been significant debate throughout the years about meeting times before the third Thursday was agreed upon.

Mr. Donnelly said DBS&A will always have a representative in attendance at the LERWPG meetings.

22. The LERWPG Members Will Consider Other Business And Announcements.

Mr. Everheart asked Chairman Brown if a committee could be appointed to examine changes in the LERWPG administrator between this meeting and Dec. 31.

Mr. Shaw said it takes approval of the full planning group to approve another entity. Therefore, the LERWPG must have one more meeting before any changes could be made.

Chairman Brown said this is all a function of money. If \$40,000 can be raised, then SPAG will take over the function of LERWPG administrator.

Mr. Everheart said Region O must determine how to bill the counties, water districts, cities, and other entities.

Chairman Brown said it will not be that easy. During his service as Vice-Chairman, there was an attempt to have the different regions raise their own funds for operation. He said several entities were contacted for funding at that time—but all opposed the idea.

Mr. Coleman said he wanted to reiterate that his recommendation is that HPWD find a replacement to serve as the LERWPG administrator. If a new administrator cannot be found and/or if funding cannot be acquired—then HPWD would continue to serve as the LERWPG administrator.

Mr. Everheart asked about TWDB reimbursements for regional planning on a monthly basis. Mr. Shaw said the TWDB does not reimburse for salaries. However, they reimburse for items, such as posting notices for meetings, mail outs, phone calls, and other items where a cost can be shown.

Mr. Coleman said the majority of cost is in salaries. Mr. Shaw agreed. He said it can depend on how active a region is and what is occurring within the region. That can amount to significant staff time.

23. Adjournment

There being no additional business, Chairman Brown adjourned the meeting at 2:01 p.m.

The above conveys my understanding of the issues discussed and conclusions reached. I assume this understanding is correct until notice to the contrary is received.

Respectfully submitted,

Doug Hutcheson, Secretary-Treasurer

These minutes were approved Jan. 16, 2014.