

LLANO ESTACADO REGIONAL WATER PLANNING GROUP MEETING
MARCH 18, 2002 **1:00 P.M.**

1. Call To Order and Welcome

Chairman H. P. Brown Jr. called the meeting to order at 1:00 p.m. in the A. Wayne Wyatt Board Room of the High Plains Underground Water Conservation District No. 1 office, 2930 Avenue Q, Lubbock, Texas.

2. Roll Call Of Members & Establish Quorum

The following Llano Estacado Water Planning Group members were in attendance: John Abernathy, Delaine Baucum, Bruce Blalack, Dallas Brewer, H. P. Brown Jr., Ches Carthel, Jim Conkwright, Delmon Ellison Jr., Bob Josserand, Richard Leonard, Don McElroy, E. W. (Gene) Montgomery, Henry Rieff, Jim Steiert, S. M. True Jr., and Lloyd Urban. There was a quorum of the regional water planning group members (15 of 19 in attendance).

Unable to attend (excused absences): Those unable to attend today's meeting were: Bill Harbin and Kent Satterwhite. Randall Wooten of the Brazos River Authority submitted his letter of resignation to be considered today as agenda item 7.

Others in attendance: Special guests included Dr. Herb Grubb of HDR Engineering Inc., Stefan Schuster of the Texas Water Development Board, Joan Glass with the Texas Parks and Wildlife Department, Steve Stephens with Mesa Water, Clyde Crumley with Llano Estacado Underground Water Conservation District, Ben Weinheimer with Texas Cattle Feeders Association, Bruce Rigler with High Plains Underground Water Conservation District, Dana Porter with TAES, Don McReynolds of the High Plains Water District, Mitchell Harris with AgTexas FCS, Jason Coleman with South Plains Underground Water Conservation District, Mickey Black with the USDA-NRCS, and Chuck Cromwell. Carmon McCain of the High Plains Water District staff was present to take minutes of the meeting.

3. Approval of minutes of the February 1, 2002 LERWPG Meeting

There being no additions or corrections, a motion was made by Bob Josserand and seconded by Henry Rieff to accept the February 1, 2002 meeting minutes as printed. *Motion was unanimously approved.*

4. Approval of minutes of the February 21, 2002 (GAM) Meeting

There being no additions or corrections, a motion was made by John Abernathy and seconded by Jim Conkwright to accept the February 21, 2002 ground water availability (GAM) meeting minutes as printed. *Motion was unanimously approved.*

5. Approval of minutes of the February 22, 2002 public hearing.

A motion was made by John Abernathy and seconded by Jim Conkwright to approve the minutes as presented of the February 22, 2002 public hearing to obtain comments about the draft scope of work and budget for the 2006 Llano Estacado Regional Water Management Plan. *Motion was unanimously approved.*

6. Approval of the Treasurer's Report.

Treasurer Lloyd Urban reported that the February 2002 fund balance was \$1,367.46. March 2002 receipts totaled \$7,500.00 and disbursements totaled \$6,874.52, which leaves a fund balance of \$625.48 as of March 18, 2002. He also reported that the regional water planning group is awaiting a \$3,800 payment from the Texas Water Development Board (5% withholding) and that there is an outstanding invoice to HDR Engineering, Inc. in the amount of \$3,549.99. There being no questions or comments, a motion was made by Dallas Brewer and seconded by Bob Josserand to approve the treasurer's report as presented. *Motion was unanimously approved.*

7. Acceptance of Resignation of Randall Wooten

Chairman Brown told the group he has received a letter of resignation from Randall Wooten of the Brazos River Authority at Waco, who served as the river authority representative to the Llano Estacado Regional Water Planning Group. Due to reorganization within the agency, Mr. Wooten will not be able to continue his service as a member of the regional water planning group. A motion was made by Ches Carthel and seconded by Henry Rieff that Mr. Wooten's resignation be accepted. *Motion was unanimously approved.*

8. Appointment of Mr. Terry Lopas To Fill Mr. Wooten's Unexpired Term

A motion was made by Ches Carthel and seconded by Henry Rieff that Mr. Terry Lopas of the Brazos River Authority be appointed to fill the remainder of Randall Wooten's unexpired five-year term as the river authority representative to the Llano Estacado Regional Water Planning Group. *Motion was unanimously approved.*

9. Appointment of Harvey Everheart To The LERWPG

Chairman Brown made the recommendation that Harvey Everheart, manager of the Mesa Underground Water Conservation District in Lamesa, be appointed as a water district representative to the planning group. Chairman Brown said he was impressed with Mr. Everheart's hard work and dedication to water conservation in recent years. This, along with Mr. Everheart's service as president of the Texas Alliance of Groundwater Districts (TAGD), would make him an asset as a member of the regional water planning group. A motion was made by Jim Conkwright and seconded by Don McElroy that Harvey Everheart be appointed to replace Lee Arrington as a water district representative to the regional water planning group. *Motion was unanimously approved.*

10. Appointment of Harvey Everheart As Non-Voting Liaison To Region F

A motion was made by Jim Conkwright and seconded by Don McElroy that Harvey Everheart be appointed to serve as Region O's non-voting liaison to Region F. *Motion was unanimously approved.*

Before moving on to the next agenda item, Bob Josserand asked Chairman Brown if it would be possible to have a set meeting day, such as the group had during the first planning cycle. Dr. Grubb stated that the Llano Estacado Regional Water Planning Group typically met quarterly on a third Thursday. However, more frequent meetings were needed as the group faced the deadline to submit the 2001 plan to the Texas Water Development Board. Most of the planning group members indicated Thursdays were better meeting days for them.

11. Discussion of E-Mail Use To Distribute Information To LERPWG Members

There is a need to expedite communication between the chairman, the political subdivision, and LERPWG members. After some discussion, a motion was made by Gene Montgomery and seconded by Richard Leonard that e-mail be the preferred method to disseminate information to LERPWG members. Those without e-mail will have the information either mailed or faxed to them. *Motion was unanimously approved.*

12. Members Will Have A General Discussion of the Water Planning Process

Chairman Brown then opened the meeting for a general discussion ("bull session") of the regional water planning process. He prefaced the discussion by stating that the group will most likely face the issue of correlative water rights or other modifications of the rule of capture during the second five-year regional water planning cycle. He cited the Texas Tech University Law Review article, "Deep Trouble: Options For Managing The Hidden Threat Of Aquifer Depletion in Texas," by Ronald Kaiser and Frank Skillern as an "attention getter." He also noted the comments made by legislators and others during the March 4, 2002 water forum as well.

Some of the concerns shared with the group included:

- Uneasiness with the ground water availability (GAM) model figures for ag water use.
- Conservation issues.

- There is a need to look at the assumptions made during the first five-year regional water planning cycle and decide if the group wishes to continue with those assumptions during the next planning cycle.
- There is concern that the modeling will reflect best “guesstimates” of agricultural economic issues, such as crops grown, the Farm Bill, and crop insurance. The modeling is projecting the economy and forcing it upon the resource.
- The LERWPG is concerned that the revised population and water demand data determined by the TWDB may be inaccurate. The planning group wants to have the opportunity to review, accept, or deny the data to be included in the second round of water planning. Concern was expressed that the TWDB would not include Region O in the demand determination process. (Mr. Schuster noted that there is a process to contest the data; however, the LERWPG would have to provide their own data at their own cost to the Texas Water Development Board.) There was discussion regarding the increased statutory burden of disproving the TWDB results.
- The LERWPG expressed concern that the TWDB Projections Group is developing data based on a methodology not yet officially endorsed by TWDB mid-management. (Mr. Schuster has asked for this information but has not yet received it.) The group believes that the methodology should be reviewed and agreed upon before data is developed. Also, the group feels that the modeling effort should allow some flexibility for alternative strategies.

Chairman Brown called a recess in the meeting from 2:00 to 2:10 p.m.

Chairman Brown reconvened the meeting by stating that the regional water planning effort is an evolving process that must be modified as we go through time. The planning group is obliged to refute the data developed by the State of Texas. There is a limited amount of funding for the planning effort and the group must do what they can with the funds available. Chairman Brown and the LERWPG members pondered the following “philosophical” questions:

- If state funds are not available, should the LERWPG go to tax-supported entities in the region for assistance?
- Should there be a change in the group’s stance regarding the rule-of-capture?
- Is Region A’s “50/50” rule applicable in the LERWPG?
- Should the group recommend that water districts impose pumping limitations in order to make sure water is available 40 years from now—even though it may have severe adverse impacts upon each water user group in the region? This is where the GAM model would be very helpful. One could conceptually plug in the pumping limits into the model and see their impact upon the regional economy.
- What, if any, political stance should the LERWPG adopted during the upcoming legislative session?
- What if the LERWPG recommended that no new water wells be drilled in the region similar to the regulations in place in Kansas? (Kansas’ ground water is state property and such limitations could be imposed.)
- Do the regional water planning group members have the same definition of “correlative rights?” Gene Montgomery gave a brief overview of his definition of “correlative rights,” by stating that the rule of capture has evolved in those areas where underground water conservation districts have set pumping limitations and/or well spacing regulations. These local controls give equal opportunity for people to access the water resource.

- Both Senator J.E. “Buster” Brown and Senator Robert Duncan believe that strong underground water conservation districts are the preferred method of managing ground water in the State of Texas. It is Senator Brown’s belief that the rule of capture be maintained as is. If there were changes, then it is likely that there would be 20-30 pages of exceptions to the rule—which would be impossible to administer. Senator Brown felt that a “statewide” underground water conservation district administered in Austin should be in place for those areas currently not within an underground water conservation district. This may be a good idea to prevent establishment of “shell” water districts that operate in name only.
- Should underground water conservation districts be more accountable for knowing how much water is used for what purpose in their service areas?
- The regional water planning effort is being touted as a grassroots bottom-up plan. Yet, the TWDB continues a top-down approach by developing both methodology and data for use in the plan.
- The group was reminded that not all problems originate with state government in Austin. There are local problems that can affect the regional water planning process.

In wrapping up the discussion, Chairman Brown stated that the group is facing serious water challenges. It is important for the group to read all documents—because missing one crucial word could make a major difference. It is the chairman’s opinion that the LERWPG should become more pro-active and offer input because a body of minds is essential for the best work product.

13. Discussion Of Public Comments Regarding 2006 LERWPG Plan

The Llano Estacado Regional Water Planning Group held a public hearing to receive comments about the draft scope of work and budget for development of the 2006 regional water management plan at 7 p.m. on February 22, 2002, at the USDA-ARS Plant Stress and Water Conservation Laboratory, 2810 4th Street in Lubbock. Dr. Herb Grubb and Jim Conkwright told the group that no public comments about the plan/budget had been received following the hearing. ***No action was needed regarding this agenda item.***

14. Approval of Scope of Work and Budget For The 2006 LERWPG Plan

Dr. Grubb gave an overview of the scope of work and task budget for the 2006 Llano Estacado Regional Water Management Plan. After some discussion, a motion was made by Ches Carthel and seconded by Don McElroy that the scope of work and task budget be approved as presented. ***Motion was unanimously approved.***

15. Authorization For HPWD To File Grant Application

Jim Conkwright reported that the High Plains Underground Water Conservation District has almost completed the grant application document authorizing development of the 2006 Llano Estacado Regional Water Management Plan. It will be forwarded to the TWDB once authorization to do so is given by the LERWPG. A motion was made by Bob Josserrand and seconded by Jim Steiert to authorize High Plains Water District to file a grant application with the TWDB for development of the 2006 Llano Estacado Regional Water Management Plan. ***Motion was unanimously approved.***

16. Report Concerning New Administrative Matters (2nd Planning Cycle)

Dr. Grubb told the LERPWG members that Senate Bill 2 now provides for reimbursement of some administrative costs if the LERWPG member does not have an employer absorbing these costs. Some of these expenditures could include meals, meeting costs, airline expenses, and mileage. The High Plains Water District will develop a procedure to administer these expenses for eligible LERWPG members. Mr. Schuster will send a template to HPWD for the voucher form. Mr. Conkwright and Mr. Leonard will work on the procedure. ***No action was needed regarding this agenda item.***

17. Other Business

Mr. Conkwright asked Mr. Schuster if the requirement that the regional water planning groups conduct an inventory of all oil and water pipelines in their area to determine which, if any, could be used to transport water was still viable. Mr. Schuster stated that this may be eliminated due to national security issues and that the \$10,000 funding budgeted for this task per region would likely be returned to each of the 16 regional water planning groups.

Chairman Brown reminded the group that Mr. Carthel will chair the Technical Committee and Mr. Steiert will chair the Environmental Committee. Other committees will be appointed at a later date.

Fred Kuntz of Dimmitt asked Mr. Steiert to convey a message to the regional water planning group members. Mr. Kuntz is a strong proponent of water importation from either Toledo Bend Reservoir or Lake Sam Rayburn to the Texas High Plains. Mr. Kuntz believes this was not adequately addressed during the Senate Bill 1 planning process. He said he feels that there is water somewhere in the state that could be imported for use in the IERWPG area.

Chairman Brown reminded the group that its next meeting will be at 1:30 p.m., April 18, 2002, in the A. Wayne Wyatt Board Room of the High Plains Water District office. An agenda, draft copies of the minutes, and a draft copy of the infrastructure funding report will be distributed to members for review prior to the meeting.

There being no other business, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

**Lloyd V. Urban
Secretary-Treasurer**