

## *April 21, 2004 Regular Meeting Minutes*

### **Call To Order and Welcome.**

Chairman H. P. Brown Jr. called the meeting to order at 10:08 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 in accordance with the Texas Open Meetings Act at the following locations: *Lubbock County Courthouse, Administrative Offices of the High Plains Underground Water Conservation District No. 1, and the regional water planning group web site at [www.llanoplan.org](http://www.llanoplan.org).*

### **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 Ches Carthel; Secretary-Treasurer Jim Conkwright; and members Bruce Blalack, Judge Dallas Brewer, Harvey Everheart, Bill Harbin, Richard Leonard, Terry Lopas, Don McElroy, Dr. Sukant Misra, Gene Montgomery, Dr. Ken Rainwater, and Jim Steiert. Non-voting members in attendance were Joan Glass of the Texas Parks and Wildlife Department; Dr. Herb Grubb of HDR Engineering, Steve Jones of the Texas Department of Agriculture; Malcolm Laing with the Texas Commission on Environmental Quality, and Temple McKinnon of the Texas Water Development Board (TWDB).

Unable to attend (excused absences): Those unable to attend today's meeting were: Delaine Baucum (illness in family); Delmon Ellison Jr. (planting crop); Don James, (meeting conflict); Mayor Bob Jossierand (out-of-town); and Kent Satterwhite (meeting conflict).

Absent members (unexcused absences): Jerry Webster (*See Later Agenda Item*).

There was a quorum of the Llano Estacado Regional Water Planning Group members in attendance (14 of 20 members or 70% attendance). A total of 34 persons attended today's meeting.

**Others in attendance:** Dr. Melanie Barnes, Lubbock; Clyde Crumley, Llano Estacado Water District, Seminole; Audrey Culpepper, Lubbock; Kevin Hopson, Lubbock; Cleon Namkin, USDA-NRCS, Lubbock; Jim Stefanov, USGS—Austin; Dr. Judy Reeves, High Plains Water District, Lubbock; Bruce Rigler, High Plains Water District Director, Plainview; Steve Stevens, Dallas; David Turnbough, Sandy Land Water District, Plains; Jon Weddle, USDA-NRCS, Lubbock; Colby Waters, Panhandle Regional Planning Commission, Amarillo; Ben Weinheimer, Texas Cattle Feeders Association, Amarillo; and Chris Winn, FoxTalk 950, Lubbock.

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

### **ACTION ITEMS:**

#### **Approval of the March 17, 2005 meeting minutes.**

The minutes of the March 17, 2005 LERWPG meeting were provided to members by e-mail / hard copy for review prior to today's meeting. There being no other additions or corrections, a motion was made by Dallas Brewer and seconded by Jim Conkwright that the minutes of the March 17, 2005 LERWPG meeting be approved as printed. **All voted "aye," and the motion was unanimously approved.**

#### **Approval of the Treasurer's Report.**

The Llano Estacado Regional Water Planning Group financial statement for the period ending April 21, 2005 was provided to members for review prior to today's meeting. Mr. Conkwright said the report shows an ending balance of \$85,048.89. A motion to accept the report as printed was made by Jim Conkwright and seconded by Ches Carthel. All voted "aye," and the motion was unanimously approved.

**The LERWPG will consider appointing Doug Hutcheson with Wolfforth Place Water Systems to fill the vacant water utilities representative position.**

After review of a recommendation letter from Mayor L. C. Childers of the City of Wolfforth, the Executive Committee recommended to the planning group members that Doug Hutcheson be appointed to fill the vacant water utilities position. A motion to appoint Mr. Hutcheson to the position was made by Mr. Carthel and seconded by Richard Leonard. All voted "aye," and the motion was unanimously approved.

**The LERWPG will consider accepting the resignation of Jerry Webster as the small municipalities representative (10,000 to less than 30,000 in population).**

Because of a small staff and large workload, Jerry Webster is no longer able to participate in the regional water planning process. In conversation with Chairman Brown on the telephone, Mr. Webster resigned as the small municipalities representative to the LERWPG. A motion was made by Mr. Conkwright and seconded by Harvey Everheart that Mr. Webster's resignation be accepted with regret. All voted "aye," and the motion was unanimously approved. Chairman Brown then asked the High Plains Underground Water Conservation District staff to contact small municipalities regarding their interest in having their mayor or city manager serve in this position.

**The LERWPG will hear a report from the executive committee regarding the Canadian River Municipal Water Authority's request to add Plainview City Manager Greg Ingham as an additional member of the regional water planning group representing mid-size municipalities (10,000 to less than 30,000 in population).**

In a letter to Chairman Brown, Mr. Ingham asked that his name be withdrawn due to scheduling conflicts with Plainview City Council meetings. Chairman Brown accepted Mr. Ingham's request to withdraw his name from consideration. No additional action was taken on this agenda item.

**The LERWPG will hear a report from the executive committee regarding the Lubbock County League of Women Voters' request to add Dr. Melanie Barnes as an additional member of the regional water planning group representing the public.**

Chairman Brown reported that Dr. Barnes' information packet met the nomination criteria. After review, the executive committee recommended Dr. Barnes' appointment to the LERWPG members. A motion was made by Bill Harbin and seconded by Mr. Conkwright that Dr. Barnes be appointed to the regional water planning group as an additional member representing the public. All voted "aye," and the motion was unanimously approved. Chairman Brown then invited Dr. Barnes to join the other LERWPG members at the table.

**The LERWPG will hear a report from the environmental committee.**

Jim Steiert reported that he has worked with Gene Montgomery on some draft language to be included in the policy recommendations. He also reported on a letter received from the National Wildlife Federation regarding the need to reduce the per capita water use (gallons per person per day) in the LERWPG region. This report was for informational purposes only and no action was taken.

**The LERWPG will hear a report from the ground water conservation district managers in the region regarding revised water supply data for possible inclusion in the 2006 plan.**

At the last meeting, the ground water conservation district managers in the region agreed that if they had additional water supply data, other than that supplied by the TWDB, then they would submit it to the LERWPG for inclusion in the 2006 plan. Chairman Brown then polled each manager in attendance. It was their consensus to use the TWDB data as is for the current planning cycle and to work to obtain better data for the next regional water planning cycle. No action was taken regarding this agenda item.

**The LERWPG will hear a report from the policy committee.**

In the absence of Chairman Bob Josserand, Mr. Montgomery reported that the document titled "Water Planning," distributed at today's meeting is the LERWPG's response to problems associated with the regional water planning process. Chairman Brown said that some LERWPG members wanted to review

and revise some of the language in the document. He asked that Mr. Montgomery meet with those members during the morning break.

In response to a question about Senate Bill 3, Mr. Conkwright reported that the ground water district managers and others in the region have been following this omnibus bill relating to water and water management with great concern.

Article 1 of the legislation addresses instream flows to bays and estuaries; Article 2 deals with conjunctive water use management; Article 3 provides for financing of water projects; Article 4 creates ground water conservation districts in the state; Article 5 addresses the Edwards Aquifer Authority, and Article 6 is the legislation's effective date. He added that there have been more than 70 amendments to this legislation since it was introduced in the Senate in early April.

The ground water district managers in the region are particularly concerned about Article 2, which appears to be a "fix-all for water problems in the state." The district managers in the region oppose the legislation in its entirety. They are working with various lawmakers to remove problem language and to make the bill more beneficial to residents of the Southern High Plains, if possible. The bill is to be heard before the Senate Natural Resources Committee hearing for the fourth time today.

Mr. Conkwright added that there is opposition by municipalities to the proposed "tap tax" contained in the legislation.

Harvey Everheart reported that there has been a very small group of stakeholders working on Article 2 of this legislation. He expressed concern that this has not been an open process with input from the public. Once passed by the Senate, the legislation must go to the House. Mr. Everheart said there would be additional opportunity to work on it there.

Chairman Brown said that while the legislature continues to state that underground water conservation districts are the preferred method of ground water conservation in the state, this legislation seems to put districts on the bottom of the pile—with regional water planning groups, the proposed ground water management advisory council, and the TWDB all above them. He said he considers this to be a similar structure to that used by the New Mexico State Engineer's Office relating to water policy. It appears to be

a “cookie cutter and one size fits all” approach to ground water management. Chairman Brown also expressed concern that this is “a terrible bill,” which could be the precursor to allocation of ground water—due to domination by the state government. He also shared his concern about metering of water wells in the region, with the brunt of expense to be borne by producers.

Mr. Conkwright gave a brief description of the ground water management area council, its membership, and how it would impact the ground water conservation districts. Other concerns include the appointment of a hydrologist by the TWDB for each ground water management area in the state. Also, there is concern that funding for TWDB projects were cut from the general revenue fund and added into the water infrastructure portion of SB3.

Audience member Audrey Culpepper shared her concerns about the bill as well.

### **Morning Break**

Chairman Brown recessed the meeting at 11:15 a.m. for a short break. The meeting reconvened at 11:35 a.m.

Chairman Brown said the policy committee met during the break, but did not complete their business. The committee will meet again immediately following the conclusion of today’s meeting.

### **The LERWPG will hear a report from Technical Consultant Dr. Herb Grubb regarding the following draft sections of the initially prepared 2006 regional water planning report.**

Dr. Grubb explained that the draft handouts are sections to be included in the 2006 regional water plan. It is his goal to have the draft initially prepared plan completed and in the members’ hands by May 1. The plan would be discussed and adopted at the May 19 meeting in order to meet the June 1 deadline to the TWDB.

He told the group that the executive summary is to be written. The group received Section 1, “Description of the Llano Estacado Water Planning Region,” last September and has had the opportunity to review and comment upon it. The same applies to Section 2, “Population and Water Demand Projections,” and Section 3, “Water Supplies Identified By Water User Group.”

Dr. Grubb discussed the following draft sections of the initially prepared plan with the group:

- (4.3) Social and Economic Impacts Of Not Meeting Projected Water Needs.
- (4.4.3) Water Supply From Lake Alan Henry and Ground Water Sources.
  - (4.4.4) Region-Wide Water Management Strategies.
  - (4.5) Llano Estacado Regional Water Plan.
  - (5) Impacts of Water Management Strategies on Key Parameters of Water Quality and Impacts of Moving Water From Rural and Agricultural Areas.
  - (6) Consolidated Water Conservation and Drought Management Recommendations for the Regional Water Plan.
  - (7) Description Of How The Regional Plan Is Consistent With Long-Term Protection Of The State's Water Resources, Agricultural Resources, and Natural Resources.
  - (8) Unique Stream Segments/Reservoir Sites/Legislative Recommendations.
  - (10) Adoption of Plan
  - App. A Threatened, Endangered, and Rare Species of the Llano Estacado Region.
  - App. B Springs and Seeps of the Llano Estacado Region.

Members offered various comments and suggestions to Dr. Grubb as he reviewed each draft section of the plan with them. They will be incorporated into the final draft of the initially prepared plan.

**Lunch Break And Reconvene**

Chairman Brown called a lunch recess at noon and the meeting reconvened at 12:40 p.m. Mr. Malcolm Laing and Dr. Sukant Misra left the meeting at this time.

**COMMITTEE REPORTS AND OTHER INFORMATION:**

**The LERWPG will hear a status report from Consultant Dr. Herb Grubb with HDR Engineering, Inc.**

Dr. Grubb said he had no additional comments at this time.

**The LERWPG will hear a status report from LERWPG Project Manager Temple McKinnon of the TWDB.**

Ms. McKinnon reported on a clarification memo sent out by the TWDB regarding protection of the long-term resources of the state. While there appears to be little impact in Region O, other regions, such as C & D, appear to have conflicts concerning the proposed Marvin Nichols reservoir. Dr. Grubb said he was struggling with appropriate language for inclusion in this section of the plan. Ms. McKinnon suggested that he do the best he can to justify Region O's position.

**The LERWPG will hear a report from the following Regional Water Planning Group Liaisons:**

**Region A: Kent Satterwhite**

Mr. Satterwhite was unable to attend today's meeting and no report was given.

**Region B: Ches Carthel.**

Mr. Carthel said he had no report to give today.

**Region F: Harvey Everheart**

Mr. Everheart reported Region F would meet April 25, 2005.

**Region G: Terry Lopas / Judge Tim Fambrough**

Mr. Lopas reported Region G would meet April 26, 2005.

**Other business**

Due to a ongoing struggle with water demand numbers and questions about sources in Region A that could impact Region O, Chairman Brown asked the group if they wished to ask the TWDB for an extension of the June 1 filing deadline. A motion was made by Mr. Carthel and seconded by Judge Dallas Brewer that the LERWPG seek a 60-day extension of the deadline to submit the initially prepared plan to the TWDB. All voted "aye," and the motion was unanimously approved. Dr. Grubb, Ms. McKinnon, and Mr. McCain will work on an appropriate letter to be sent to TWDB Executive Administrator Kevin Ward.

**A. Public Comment.**

No public comment was offered at this time.

**B. Other business.**

Chairman Brown reminded the group of the May 19 meeting. If the filing extension is allowed, then the LERWPG members would need to meet in June 2005. After discussion, June 16 was suggested as a tentative meeting date.

Dr. Judy Reeves of the High Plains Water District staff asked if anyone had considered requesting a ground water availability model (GAM) run for the Seymour aquifer. There is a small amount of the aquifer in the eastern portions of the LERWPG area. Ms. McKinnon said a request could be made—but the GAM run might not be completed in time for use during this planning cycle. It was the consensus of the LERWPG members present to request the GAM run now and have these data available for use during the next regional water planning cycle.

**Adjournment**

There being no additional business, Chairman Brown adjourned the meeting at 2:21 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,

Jim Conkwright, Secretary-Treasurer