

**MINUTES OF THE
LLANO ESTACADO REGIONAL WATER PLANNING GROUP (“Region 0”)
PUBLIC HEARING**

JUNE 18, 2009 at 6:30 p.m.

**High Plains Underground Water Conservation District No. 1 office
2930 Avenue Q, Lubbock TX**

1. Call To Order and Welcome

The public hearing was called to order at 6:34 p.m. by Llano Estacado Regional Water Planning Group Chairman H.P. (Bo) Brown Jr. Chairman Brown welcomed those in attendance and then introduced the following persons: Tom Adams, Aubrey Spear, Bruce Blalack, and Mike McGregor with the City of Lubbock; Gary R. McLaren, who will serve as moderator for the hearing; and Carmon McCain, who is serving as recording secretary.

Regional water planning group members in attendance included: Chairman Brown, Mr. Adams and Mr. Blalack.

Other attendees included: Alan Davidson of Amarillo, Rebekah Filley of Tahoka, Kevin Hopson of Lubbock, Jason Janes of Slaton, Marty Middleton of Lubbock, and Rusty Winn of Lubbock. Hannah McLaren, daughter of Mr. McLaren, was also in attendance.

2. Introductory Statement

Chairman Brown introduced Gary R. McLaren, attorney for the High Plains Underground Water Conservation District, and asked him to moderate the hearing.

Mr. McLaren gave a brief overview of the agenda and procedures for the hearing.

He then noted the following for the official record:

Tonight’s public hearing is being held in accordance with Chapter 357.12 of the Texas Administrative Code.

Notice of this meeting was:

- Filed with the Office of the Texas Secretary of State, May 15, 2009.
- Posted at the Lubbock County Courthouse, May 15, 2009.
- Posted at the High Plains Underground Water Conservation District office, May 15, 2009.
- Posted on the LERWPG web site, www.llanoplan.org and the High Plains Water District web site, www.hpwd.com , May 15, 2009.
- Provided to County Clerks within the LERWPG area, May 15, 2009.

- Published in the Friday, May 15, 2009 legal notice section of the *Amarillo Globe-News* and *Lubbock Avalanche-Journal*, two newspapers of general circulation within the region.

Notice of the hearing and copies of the proposed amendments were:

- Provided to each mayor of a municipality with a population of 1,000 or more or which is a county seat located in whole or in part of the regional water planning group area.
- Provided to each county judge of a county located in whole or in part of the regional water planning group area.
- Provided to each special or general law district or river authority with responsibility to manage or supply water in the regional water planning area based upon lists of such water districts and river authorities obtained from TCEQ.
- Provided to each retail public utility, defined as a community water system, which serves any part of the LERWPG, or receives water from the RWPG based upon lists of such entities maintained by the TCEQ.
- Provided to each holder of record of a water right for the use of surface water the diversion of which occurs in the RWPG based upon lists of such water rights holders obtained from the TCEQ.

Copies of the proposed amendments are available for public inspection through August 18:

- At one public library in each county in LERWPG.
- At either the county courthouse's law library, the county clerk's office, or some other accessible place within the county courthouse of each county having land within the RWPG.
- At the High Plains Underground Water Conservation District office, 2930 Avenue Q, Lubbock.
- On these web sites: www.llanoplan.org & www.hpwd.com

Notice of the meeting was also:

- Provided to media within the 22-county LERWPG region via a news release.
- Provided to the public via an article published in *The Cross Section*, newsletter of the High Plains Underground Water Conservation District No. 1. (May 2009 circulation is 6,763)
- Provided to the public via a June 16 media interview with Jim Stewart of KRFE-AM radio in Lubbock.

Mr. McLaren noted that the purpose of tonight's hearing is to receive oral and/or written comments regarding the City of Lubbock's proposed requested amendments to the 2006 Llano Estacado Regional Water Management Plan. He noted that a quorum of the regional water planning group membership is not required to be in attendance at the hearing.

3. Overview Of Requested Amendments To The 2006 Llano Estacado Regional Water Plan For the City of Lubbock

Mr. Spear provided the following overview in a PowerPoint presentation:

Background

- ✓ City of Lubbock has refined its future water supply plans regarding:
 - Lake Alan Henry Supply Project
 - North Fork Diversion Operation – reclaimed wastewater and developed playa lake storm water flows
 - Post Reservoir
- ✓ October 2008 – Lubbock requested LERWPG to consider amending the 2006 Plan so that it more closely reflects Lubbock’s initiatives
- ✓ April 23, 2009 – Proposed plan amendments presented to planning group
- ✓ May 25, 2009 – Public hearing notice posted
- ✓ **June 18, 2009 – Public hearing**
- ✓ August 2009 – LERWPG to consider adopting amendments

Lake Alan Henry Supply Amendment

- ✓ Updates to specific aspects of the project
 - Refined pipeline route
 - Updated project costs
 - Refined water treatment plant location
 - Inclusion of treated water transmission lines
- ✓ Draft amendment documents are posted on the LERWPG website (www.llanoplan.org)

North Fork Diversion Amendment

- ✓ Replaced “Scalping” with “Diversion” in project title
- ✓ Developed playa lake stormwater flows diverted from North Fork into Lake Alan Henry
- ✓ Wastewater discharges diverted from North Fork directly to Lake Alan Henry pipeline
- ✓ Increases supply from Lake Alan Henry by 15,700 ac ft/yr
- ✓ Draft amendment documents are posted on the LERWPG website (www.llanoplan.org)

Post Reservoir Amendment

- ✓ Included in 2006 Plan as a potential future water management strategy for the region
- ✓ Lubbock and White River MWD are negotiating potential transfer of water right
- ✓ Identify the project as a recommended strategy for Lubbock
- ✓ Utilize developed playa lake stormwater and indirect reuse flows in addition to state water – increases supply
- ✓ New environmental and costing information developed for amendment package

- ✓ Draft amendment documents are posted on the LERWPG website (www.llanoplan.org)

4. Public Comment

Mr. McLaren then asked for comments from the public regarding the requested amendments to the 2006 Llano Estacado Regional Water Plan for the City of Lubbock.

- ***Comments of Jason Janes, R. E. Janes Gravel Company, Slaton TX***

Mr. Janes said he wanted to offer some oral comments—and added that specific comments would be provided in written form to the regional water planning group by the August 18 deadline.

He said he is not against ensuring that the City of Lubbock will have an adequate water supply. However, he just wants to make sure that his water diversion rights from the North Fork of the Brazos River are not jeopardized as this is the water used in the family's gravel business. His diversion is minimal compared to that of the City of Lubbock.

He questions the fact that someone can claim ownership to water that flows by an approved diversion point on the North Fork of the Brazos River.

Mr. Janes said the City of Lubbock still has an application for a permit to construct Lake 8 of the Jim Bertram Canyon Lakes project. He understands that it is being removed from the regional water plan—but the application for permit is still on file.

He said he would like to see more specific details about the amendment in the 2006 plan.

- ***Response by Tom Adams, Deputy City Manager, City of Lubbock***

Mr. Adams said the 2006 regional water plan is essentially “a planning document.” The City is removing Lake 8 from the plan, but Lake 7 is still included. This lake would hold up to 20,000 acre-feet of water per year (1/2 of city's annual supply). This could be filled within a year's time with treated wastewater. The City of Lubbock is now doing a feasibility study to see if Lake 7 and the Post Reservoir are feasible.

Mr. Adams said there are two issues relating to the TCEQ permit process. One is that fact that the State of Texas will identify “state water” in the stream and a certain amount of water must be released to maintain environmental flows. He added that the City has been releasing groundwater into the head of the canyon for some time. This will be halted sometime in the future—probably 3-5 years from now. He said he is excited about the use of developed stormwater as a source of water for the City of Lubbock in the future.

- ***Comments of Alan Davidson, Amarillo, TX***

Mr. Davidson had two questions: 1) How can anyone keep two water sources in the North Fork separate? And 2) Why does the City of Lubbock plan to pump water all the way to Lake Alan Henry, pump it back uphill, and then take it to the water treatment plant?

- ***Response by Aubrey Spear, City of Lubbock Water Utilities***

In response to the first question, Mr. Spear said obviously there is no way to separate the two water sources. Following a storm event, there would be more storm water runoff flowing down the canyon rather than wastewater. Mr. Spear said the storm water would be handled differently than wastewater.

In response to the second question, Mr. Spear said there are several alternatives available to the City of Lubbock for use of wastewater. He said putting wastewater into Lake 7 would not allow sufficient stream time for “polishing” of the water. He said “the solution to pollution is dilution.” The longer the wastewater is in the North Fork of the Brazos, then the more opportunity for the water to be cleaned and polished. However, this is not without problems. Mr. Spear said longer stream time also means greater water losses due to evapotranspiration, plant use, and infiltration. He estimated as much as 30 to 40 percent of the water could be lost at Post and 60 to 70 percent of the water could be lost by the time it reached the Lake Alan Henry diversion point.

Mr. Adams added that the South Fork of the Brazos River flows into Lake Alan Henry. The North Fork bypasses Lake Alan Henry and flows into Lake Possum Kingdom.

Finally, Mr. Janes commented that he would like to see extra clarification of the amendments in the regional water plan. He said the plans are the “will of the region” and information contained in the regional water plans are later included in the State Water Plan. It would be best to understand all issues and work out any problems now—instead of being “steamrolled” later.

5. Comment Period

There being no additional public comment, Mr. McLaren noted that written comments about the proposed amendments will be accepted until 5:00 p.m., Tuesday, August 18, 2009. They should be sent to: Jim Conkwright General Mgr. High Plains Water District & Administrator for “Region O” 2930 Avenue Q, Lubbock TX 79411-2499.

These comments will be considered at the next Llano Estacado Regional Water Planning Group meeting.

6. Adjournment

Mr. McLaren thanked everyone for their attendance and participation in tonight's hearing. The hearing was adjourned at 7:18 p.m.

Respectfully submitted,

Carmon McCain for Doug Hutcheson, LERWPG Secretary-Treasurer