

**MINUTES OF THE  
LLANO ESTACADO REGIONAL WATER PLANNING GROUP (“Region 0”)  
Thursday, August 27, 2009**

---

**1. Call To Order and Welcome By Chairman H.P. Brown Jr.**

Chairman H.P. Brown Jr. called the meeting to order at 10:03 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 in advance to each member and was also filed/posted in accordance with the Texas Open Meetings Act at the following locations: *Office of the Texas Secretary of State; Lubbock County Courthouse, Administrative Offices of the High Plains Underground Water Conservation District No. 1, the regional water planning group web site at [www.llanoplan.org](http://www.llanoplan.org) and the High Plains Underground Water Conservation District web site at [www.hpwd.com](http://www.hpwd.com)*

**2. Roll Call of Members To Establish Quorum**

**The following Llano Estacado Regional Water Planning Group members were in attendance:** Chairman H. P. Brown Jr., Vice-Chairman Jim Conkwright, Secretary-Treasurer Doug Hutcheson, Dr. Melanie Barnes, Delaine Baucum, Bruce Blalack, Delmon Ellison Jr., Dr. Don Ethridge, Harvey Everheart, Mayor Bob Josserand, Richard Leonard, Michael McClendon, Don McElroy, Gene Montgomery, Dr. Ken Rainwater, Kent Satterwhite, and Jim Steiert.

Judge Jim Barron submitted a letter of resignation from the LERWPG on August 19, 2009. *(Please see Agenda Item # 8 of these minutes.)*

**Unable to attend:** *(Excused Absence):* Bill Harbin and John Taylor.

**Absent members** *(Non-excused Absence):* Tom Adams.

**Non-voting members in attendance:** John Clayton, Texas Parks and Wildlife Department, Dr. Herb Grubb, HDR Engineering Inc., Steve Jones, Texas Department of Agriculture, Angela Kennedy, Texas Water Development Board, and Malcolm Laing, Texas Commission on Environmental Quality.

**A quorum of the Llano Estacado Regional Water Planning Group members was present.** There were 17 of 21 voting members present, or 81 percent attendance.

**Others in Attendance:**

Lori Barnes, Llano Estacado Underground Water Conservation District; Denton Baucum of Seminole; Ray Brady of Floydada; Sarah Clifton, Senator Robert Duncan’s Lubbock office; Jason Coleman, South Plains Underground Water Conservation District; David Dunn, HDR Engineering, Inc., Austin; Lee Franks of Lubbock; Mark Kirkpatrick of Post; Mike McGregor, City of Lubbock; Mike McGuire, Rolling Plains GCD; Don McReynolds, High Plains

Underground Water Conservation District; Cleon Namkin, USDA-NRCS; Bruce Rigler, High Plains Underground Water Conservation District; Aubrey Spear, City of Lubbock; Darren Turley, Texas Association of Dairymen, Dublin; and Ben Weinheimer with Texas Cattle Feeders Association.

*(This was derived from a sign-in sheet provided at the back of meeting room.)* Carmon McCain of the High Plains Water District staff was present to record the minutes.

### **ACTION ITEMS:**

#### **3. The LERWPG Will Discuss and Consider Approval of the April 23, 2009 Regular Meeting Minutes.**

The minutes of the April 23, 2009 LERWPG meeting were provided to members by e-mail and/or hard copy for review prior to today's meeting. There being no additions or corrections, a motion was made by Mayor Bob Josserand and seconded by Dr. Melanie Barnes to approve the April 23, 2009 meeting minutes as printed. **The motion was unanimously approved.**

#### **4. The LERWPG Will Discuss and Consider Approval of the June 18, 2009 Public Hearing Minutes.**

The minutes of the June 18, 2009 LERWPG public hearing were provided to members by E-mail and/or hard copy for review prior to today's meeting. There being no additions or corrections, a motion was made by Jim Conkwright and seconded by Bruce Blalack to approve the June 18, 2009 public hearing minutes as printed. **The motion was unanimously approved.**

#### **5. The LERWPG Will Discuss and Consider Approval of the Financial Statement.**

Secretary-Treasurer Doug Hutcheson reported a balance of \$26,126.65 as of August 27, 2009. A motion to accept the financial statement as printed was made by Kent Satterwhite and seconded by Dr. Barnes. **The motion was unanimously approved.**

#### **6. The LERWPG Will Discuss and Consider A Report From The Nominating Committee.**

Chairman Brown declared the Executive Committee positions of President, Vice-President, and Secretary-Treasurer vacant at this time. He then left the meeting. Nominating Committee Chairman Josserand reported that he and the other committee members (*Delaine Baucum and Bill Harbin*) had met. Mayor Josserand also acknowledged receipt of a letter from Dr. Melanie Barnes nominating Dr. Ken Rainwater for LERWPG chairman. He thanked Dr. Barnes for submitting her letter.

Dr. Ken Rainwater said he appreciated the nomination for chairman by Dr. Barnes; however, he said he must decline due to increased work responsibilities.

The nominating committee recommends the following slate of officers:

Chairman	H.P. (Bo) Brown Jr.
Vice-Chairman:	Jim Conkwright
Secretary-Treasurer:	Doug Hutcheson

#### **7. The LERWPG Will Elect Officers For 2009.**

A motion was made by Delaine Baucum and seconded by Gene Montgomery that the nominations cease and that the proposed slate of officers be elected by acclamation. **The motion was unanimously approved.**

Mr. Brown re-assumed his duties as Chairman. He thanked the membership for the honor of serving as LERWPG chairman.

#### **8. The LERWPG Will Discuss and Consider Accepting The Resignation of Yoakum County Judge Jim Barron, who represents County Governments.**

Jim Barron submitted a letter of resignation on August 19, 2009, stating his position as Yoakum County Judge does not allow him the time needed to adequately fulfill his duty and obligation as a member of the Llano Estacado Regional Water Planning Group. A motion to accept the resignation letter was made by Delmon Ellison Jr. and seconded by Richard Leonard. **The motion was unanimously approved.** A letter will be forwarded to Judge Barron thanking him for his service as a member of the LERWPG.

#### **9. The LERWPG Will Discuss and Consider Amending The 2006 Regional Water Management Plan As Follows:**

- a. **Discussion and Acceptance of Public Comments Received From The June 18 Public Hearing and the Subsequent 60-Day Comment Period Which Ended August 18, 2009.**

For the record, Chairman Brown noted that comments were received at the June 18 public hearing from Jason Janes, representing R. E. Janes Gravel Company of Slaton, and Alan Davidson of Amarillo.

Written comments were received from Scott Shoemaker with the Terrill Firm PC of Austin (representing R. E. Janes Gravel Company) and Garza County Judge Lee Norman within the comment period.

Copies of the minutes of the June 18 public hearing and copies of the two letters were forwarded to the LERWPG membership in advance of today's meeting for review.

A motion to accept the written comments was made by Jim Steiert and seconded by Delmon Ellison Jr. **The motion was unanimously approved.**

**b. Updating the 2006 Plan To Include City of Lubbock Water Management Strategies As Presented To The LERWPG On October 23, 2008 And At The June 18, 2009 Public Hearing.**

Chairman Brown asked David Dunn of HDR Engineering to present a PowerPoint presentation summarizing the City of Lubbock's request to amend the 2006 regional water management plan.

The City of Lubbock has refined its future water supply plans regarding the Lake Alan Henry supply project, North Fork Diversion Operation, and Post Reservoir. An initial request to amend the plan was made in October 2008, the proposed plan amendments were presented to the LERWPG on April 23, 2009, notice of public hearing was posted on May 25, 2009, a public hearing was conducted on June 18, 2009, and a public comment period was open from June 18-August 19.

John Clayton with Texas Parks and Wildlife expressed concern that the North Fork Diversion Operation Strategy could allow the introduction of Golden Algae into Lake Alan Henry. Golden Algae is highly toxic and could decimate the fish population in the reservoir and ruin the premium sport fishing that the lake is currently known for. Mr. Steiert concurred by stating that Buffalo Springs Lake near Lubbock also had premium fishing until the introduction of Golden Algae.

Mr. Dunn said this is something that the City of Lubbock will have to address in the future. However, the North Fork Diversion Project could be a lower priority project during the next 20-30 years.

Chairman Brown asked City of Lubbock Water Utilities Director Aubrey Spear to comment on the North Fork Diversion Project. Mr. Spear said this revision to the 2006 regional water plan gives the City of Lubbock an opportunity to evaluate other options. He added that there are several studies that need to be performed before actually moving forward with the project. It is difficult to look at the viability of the project without having it included in the 2006 plan.

Malcolm Laing asked Kent Satterwhite if any zebra mussels had been found as yet in Lake Meredith. Mr. Satterwhite said none had been found at the lake; however, they are in Lake Lavon, near Wylie, Texas.

Mayor Josserand asked if the LERWPG could approve the City of Lubbock's request to amend the 2006 regional water management plan with the addition of language expressing the group's concern about possible Golden Algae introduction. He said he did not want to tie the City of Lubbock's

hands—but that it was important that the regional water planning group’s concerns be noted.

Both Chairman Brown and Vice-Chairman Conkwright serve on the City of Lubbock Water Advisory Commission (LWAC). This subject has been discussed at several LWAC meetings—but it is the Lubbock City Council that has the final decision on how this is handled.

Harvey Everheart asked if the Texas Commission on Environmental Quality, Texas Parks and Wildlife, and other groups would have an opportunity to address this potential problem. Mr. Dunn said that they would have an opportunity through the permitting process. The same environmental issues are examined as part of the TCEQ water rights permit as well as the U.S. Army Corps of Engineers 404 permit process. TCEQ will interface with other agencies as well.

There being no other discussion, a motion was made by Mayor Josserand and seconded by Jim Steiert to update the 2006 Llano Estacado Regional Water Management Plan to include the City of Lubbock water management strategies as presented to the group on October 23, 2009 and at the June 18, 2009 public hearing. **The motion was unanimously approved.** The group asked Dr. Herb Grubb with HDR Engineering to include appropriate language concerning their Golden Algae concerns in the draft Initially Prepared Plan.

**BREAK:**

Chairman Brown called a brief recess at **11:18 a.m.**

**RECONVENE:**

The meeting was reconvened at **11:25 a.m.**

**10. The LERWPG Will Discuss and Consider Submitting A Request To The TWDB For Approval of Projections of Water Demand For Dairies and Ethanol Plants For Inclusion In The 2011 Plan.**

Dr. Herb Grubb with HDR Engineering Inc. told the group that this cycle of the regional water planning process involved looking at changed conditions—especially in the dairy and ethanol industries—since the adoption of the 2006 regional water plan. The LERWPG is examining new data as a result of these dairy/ethanol studies and is required to seek TWDB approval to use these data.

Dr. Grubb referred to the handout for Agenda Item # 10 (which had been provided to members in advance of today’s meeting):

The Page 5 table, “Manufacturing Water Demand Projections—2006 Llano Estacado Regional Water Plan—Table 2.5,” does not include ethanol.

The Page 6 table, Manufacturing Water Demand Projections—Proposed 2011 Llano Estacado Regional Water Plan—Table 2.5,” increases the projected water demand from 15,999 to 19,919 acre-feet. These differences for Deaf Smith, Hale, and Hockley Counties are shown in the table on Page 7.

Letters were sent to dairy and ethanol industry representatives asking their review and comment of these data. No comment was received from Levelland/Hockley County Ethanol, White Energy-Hereford, or White Energy-Plainview.

The table on Page 4 of the handout shows the difference between 2006 and 2011 Dairy Water Demand Projections in the Llano Estacado Regional Water Plan—Table 2-11.

Dr. Grubb said the dairy cattle numbers have increased since the previous study. However, the water use demand for dairies has decreased. The previous plan reported dairy water use at 60 gallons per head per day—it is now 48 gallons per head per day in the current study. The primary growth in the dairy industry appears to be in the Deaf Smith and Parmer County areas of Region O.

Chairman Brown asked Darren Turley, representing the Texas Association of Dairymen, for any comments he might wish to offer. Mr. Turley said the decreased cow numbers are due to the current economic conditions. Because of this, he believes the dairy head numbers will not rebound back to the original projections shown in the 2006 plan.

A motion to submit a request to the TWDB for approval of water demand projections for dairies and ethanol plants for inclusion in the 2011 regional water plan was made by Mayor Josserand and seconded by Don McElroy. **The motion was unanimously approved.**

*NOTE: A two-week public comment period on this agenda item begins today. The projections and any comments received will be submitted to the TWDB in late September.*

**11. The LERWPG Will Discuss and Consider Submitting A Request To The TWDB For Approval of Projections of Water Demand For Steam-Electric Power Generation For Inclusion In The 2011 Plan.**

Dr. Grubb said new steam-electric power generation data from the TWDB are available for use by the regional water planning group. The group has the option to use these new data or they may opt to use the 49,910 acre-feet as currently shown in the 2006 regional water plan. The projections are not based upon price/policies. Agency representatives have suggested that the LERWPG use the 2006 steam-electric data in the 2011 plan.

A motion to submit a request to the TWDB for approval of water demand projections for steam-electric generation for inclusion in the 2011 regional water plan was made by Mayor Josserand and seconded by Michael McClendon. **The motion was unanimously approved.**

*Unlike Agenda Item # 10, this does not require a two-week comment period. The request for approval of the water demand projections (dairies, ethanol, and steam-electric) will be submitted to the TWDB following the two-week comment period.*

### **LUNCH BREAK:**

Chairman Brown called a recess for lunch at 11:42 a.m. Mayor Josserand left the meeting at this time.

### **RECONVENE:**

Chairman Brown reconvened the meeting at 12:15 p.m.

### **COMMITTEE REPORTS AND OTHER INFORMATION:**

**12. The LERWPG will receive an update on the Groundwater Management Area representatives' efforts to set Desired Future Conditions (DFC's) for aquifers in their area. (Jim Conkwright for GMA # 1 and Jason Coleman for GMA # 2)**

Jason Coleman reported that Groundwater Management Area # 2 met August 25 in Stanton. The High Plains Underground Water Conservation District gave a presentation regarding the 50/50 desired future condition set by its board for the 12 counties of the district within GMA # 2. The other six groundwater conservation districts in the GMA asked questions and wanted additional time to study the HPWD desired future condition. Some of the districts in the GMA are also looking at a desired future condition that allows a given percentage of acceptable drawdown, based upon a 10-year average.

Dr. Barnes asked if the HPWD 50/50 presentation would be available on the district's web site. Mr. Conkwright said some minor changes needed to be made—but that it would be posted to the site.

Mr. Conkwright said the High Plains Water District believes its decision to set a DFC of having 50 percent of the groundwater currently in storage available in 50 years was more equitable than using a DFC based upon a set amount of annual drawdown. He said that some people only have 20 feet of saturated thickness beneath their property while others have 180 feet. He added that the water district's observation well network would be used to identify possible study areas in a 4-9 square mile area on a county-by-county basis. These areas would have more intensive water management until they complied with the DFC. The High Plains Water District Board recommends that each county stand alone—without averaging across county lines. Mr. Conkwright said the initial DFC is for groundwater stored in the Ogallala aquifer. The GMA will look at other aquifers at a later date.

At their July 7 meeting, Mr. Conkwright said GMA# 1 reaffirmed their DFC as follows:

- 40 percent of the current groundwater volume in storage remaining in 50 years for Dallam, Hartley, Moore, and Sherman Counties within the North Plains Groundwater Conservation District. (This also includes the portions of Dallam, Hartley, and Moore Counties not within a water district.)
- 50 percent of the current groundwater volume in storage remaining in 50 years for the portions of Armstrong, Potter, and Randall Counties within the High Plains Water District; the portions of Hansford, Hutchinson, Lipscomb, and Ochiltree Counties within the North Plains Groundwater Conservation District; and the portions of Armstrong, Carson, Donley, Gray, Hutchinson, Potter, Roberts, and Wheeler Counties within the Panhandle GCD. (This is also set for the portions of Hutchinson, Oldham, and Randall Counties not within a water district.)
- 80 percent of the current groundwater volume in storage remaining in 50 years for Hemphill County. This is contingent upon legal determination that a 390-acre tract of land in southwest Hemphill County lies within the jurisdiction of the Panhandle Groundwater Conservation District and not the Hemphill County Underground Water Conservation District. If the land is determined to be in the Panhandle district, then it would have a DFC of 50/50. If it is determined to be in the Hemphill County district, then it would have to abide by the 80/50 DFC.

Mr. Conkwright said petitions by Arrington Ranches and Mesa Water, Inc., were filed with the TWDB in opposition of the DFC adopted by GMA # 1. He said the TWDB is expected to send a letter to the groundwater conservation districts in the GMA advising them that they have a 10-day period in which to request a 60-day period to re-evaluate their DFC. Mr. Conkwright said some of the districts, including High Plains, planned to use this 60-day time period as it is allowed in state statute. It is hoped that the districts in GMA # 1 can use this extra time to possibly arrive at a common DFC, rather than the three separate DFCs for different portions of GMA # 1.

### **13. The LERWPG Will Receive An Update Regarding Joint Planning Efforts Between Regions A & O. (Kyle Ingham, PRPC)**

Kyle Ingham with the Panhandle Regional Planning Commission was unable to attend today's meeting because of a conflict with the PRPC Board Meeting. He provided a written report summarizing recent joint planning activities of Region A.

### **14. The LERWPG Will Receive An Update On Activities Of The Texas Water Conservation Advisory Council (Gene Montgomery.).**

Gene Montgomery told the group that the State Energy Conservation Office (SECO) is now addressing both energy and water issues. With responsibilities under Chapter 447 of the Texas Government Code, SECO has a \$2.5 million budget (80% from the federal government and 20% from the State of Texas.) The only restriction on use of federal funds is that they

be used for promotion only—with no research to be conducted. Mr. Montgomery said this is a great opportunity to promote both energy and water conservation.

Additional information is included in the handout material he provided. Mr. Montgomery also called the group's attention to the new TWDB publication discussing Best Agricultural Water Conservation Practices.

**15. The LERWPG will hear a report from LERWPG Project Manager (*Angela Kennedy with the TWDB*).**

Angela Kennedy reported that the TWDB approved the LERWPG's minor amendment to remove Lake 8 from the approved 2006 regional water plan and 2007 Texas Water Plan at their August 20 meeting.

**16. The LERWPG will receive an update from the Technical Consultant (*Dr. Herb Grubb with HDR Engineering, Inc.*).**

Dr. Grubb distributed packets containing the first draft of Section 1 of the Initially Prepared Plan ("Region Description") to the membership for their review and comment. He suggests meeting on a regular basis during the next three months to review other sections of the IPP.

A public hearing on the draft Initially Prepared Plan must be held 30 days after the scheduled delivery date of March 1, 2010. The final plan must be submitted to the Texas Water Development Board in Austin on September 1, 2010.

**17. The LERWPG will hear a report from the LERPWG Administrator (*Jim Conkwright, High Plains Water District*).**

Mr. Conkwright reported that a municipal water conservation survey was mailed to the mayors, city secretaries/managers, and water superintendents of municipalities with more than 1,000 populations within the region. The deadline to return the survey is August 28, 2009. These surveys will be forwarded to Dr. Grubb for review/analysis.

He also called attention to a handout containing a list of towns, cities, and other entities that have provided copies of the drought contingency/water conservation plans to the LERWPG to date.

**18. The LERWPG will hear reports from its liaisons to other regional water planning groups:**

**Region A:** (**Kent Satterwhite**) Mr. Satterwhite said most of his report had been covered under Agenda Item # 11. He did say that Lake Meredith is "holding its own" and is only down a couple of inches. He also gave an update on construction/equipping of the Roberts County well field.

**Region B:** (**Angela Kennedy**) Ms. Kennedy did not have a report as this meeting was attended by David Meeseey of the TWDB staff.

**Region F:** (Harvey Everheart) Mr. Everheart had no report.

**Region G:** (Michael McClendon) Mr. McClendon said Region G is going through the same plan amendment process as Region O. They did approve an amendment by the City of Abilene to change their reservoir safe yield from one year to two years. It was thought that this would be a more conservative estimate since future droughts could be greater than the “drought of record” of the 1950s.

## 19. Other Business

### a. Legislative Update

The groundwater conservation district managers in attendance said the 81<sup>st</sup> Texas Legislature was a good session; however, they expect a very busy interim session as there are several major groundwater-related issues that will likely be addressed when lawmakers convene for the 82<sup>nd</sup> session.

### b. Announcements

#### **Date of next LERWPG meeting.**

The Llano Estacado Regional Water Planning Group will meet at 10:00 a.m. on Thursday, October 15, 2009, in the A. Wayne Wyatt Board Room at the High Plains Underground Water Conservation District office, 2930 Avenue Q, in Lubbock.

## 20. Adjourn

There being no other business, Chairman Brown adjourned the meeting at 1:15 p.m.

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

Respectfully submitted,

*/s/ Doug Hutcheson*

---

Doug Hutcheson  
Secretary-Treasurer

These minutes were approved by the LERWPG membership at their October 15, 2009 regular meeting.