

**MINUTES OF THE  
LLANO ESTACADO REGIONAL WATER PLANNING GROUP (“Region 0”)  
Thursday, December 10, 2009**

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

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 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, Bill Harbin, Richard Leonard, Mark Kirkpatrick, Michael McClendon, Gene Montgomery, Dr. Ken Rainwater & John Taylor.

**Unable to attend:** (*Excused Absence*): Harvey Everheart, Mayor Bob Josserand, Don McElroy, Kent Satterwhite, & Jim Steiert.

**Absent members** (*Non-excused Absence*): Tom Adams (*Action pending on resignation letter at this meeting.*)

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

**Absent non-voting members:** Steve Jones, Texas Department of Agriculture,

**A quorum of the Llano Estacado Regional Water Planning Group members was present.** There were 15 of 20 voting members present, or 75 percent attendance.

**Others in Attendance:**

Judge Alan Bayer of Brownfield, Joe Bryant of Lubbock, Sarah Clifton, Senator Robert Duncan’s Lubbock office; Jason Coleman, South Plains Underground Water Conservation District; Mike McGregor & Aubrey Spear, City of Lubbock; Sherry Stephens, High Plains Underground Water Conservation District, and Andy Weinberg, Texas Water Development

Board in Austin. (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 October 15, 2009 Regular Meeting Minutes.**

The minutes of the October 15, 2009 LERWPG meeting were provided to members by E-mail and/or hard copy for review prior to this meeting. There being no additions or corrections, a motion was made by Mark Kirkpatrick and seconded by Delmon Ellison Jr. to approve the October 15, 2009 meeting minutes as printed. **The motion was unanimously approved.**

#### **4. The LERWPG Will Discuss and Consider Approval Of The Financial Statement.**

Secretary-Treasurer Doug Hutcheson reported a balance of \$1,046.02 as of December 10, 2009. A motion to accept the financial statement as printed was made by Jim Conkwright and seconded by Delaine Baucum. **The motion was unanimously approved.**

#### **5. The LERWPG Will Discuss and Consider Appointing a Nominating Committee To Propose A List Of Candidates For 2010 Officers.**

Chairman Brown appointed the following members to serve as a nominating committee: Bill Harbin, Delmon Ellison Jr., and Kent Satterwhite. The committee was asked to submit their proposed slate of officers to the LERWPG administrator (High Plains Water District) in January, so that it can be distributed to members in advance of the next meeting.

#### **6. The LERWPG Will Discuss and Consider Accepting The Resignation Of Tom Adams, Who Represents Large Municipalities.**

Chairman Brown noted that members had previously received a copy of the November 23, 2009 resignation letter from Tom Adams. In his letter, Mr. Adams stated that he is resigning as a LERWPG member due to his recent retirement and intent to consider other employment opportunities. A motion to accept Mr. Adams resignation, with regret, was made by John Taylor and seconded by Richard Leonard. **The motion was unanimously approved.**

Chairman Brown asked the LERWPG administrator to draft a letter of appreciation to Mr. Adams for his service as a member of the Llano Estacado Regional Water Planning Group.

**7. The LERWPG Will Discuss and Consider Appointing Terry County Judge Alan Bayer To Fill The Vacant County Government Position.**

Chairman Brown called upon Jason Coleman, manager of the South Plains Underground Water Conservation District, who gave a brief statement of support for Judge Alan Bayer's appointment as a member of the regional water planning group. In accordance with the LERWPG By-Laws, a letter of interest was provided by Judge Bayer, and letters of support were provided by LERWPG member Harvey Everheart, Mr. Coleman, and G. M. (Max) Grice, Vice-President and General Manager of Birdsong Peanut Company in Brownfield. A motion was made by Mr. Ellison and seconded by Ms. Baucum to appoint Judge Bayer to serve the unexpired term of the County Government representative. **The motion was unanimously approved.**

Chairman Brown then invited Judge Bayer to join the other regional water planning group members at the tables.

**8. The LERWPG Will Discuss and Consider Reappointing Members Whose Terms Expire In 2009.**

Chairman Brown called attention to a list of members whose terms expire in 2009. They are Tom Adams (resigned), Dr. Melanie Barnes, Bruce Blalack, Delmon Ellison Jr., Dr. Don Ethridge, Harvey Everheart, Bill Harbin, Doug Hutcheson, Mayor Bob Josserand, Richard Leonard and Gene Montgomery. He then asked if there were any members who did not wish to be reappointed to serve on the regional water planning group. There being none, Chairman Brown continued with discussion of this agenda item.

Article III of the LERWPG By-Laws reads as follows:

*"The term of all initial members to the Planning Group shall extend to September 1, 2001.*

*"Upon the expiration of the initial terms, all voting members shall draw lots for additional terms of two or five years, such that half of the voting members' terms will expire in two additional years and the other half in five additional years. If there is an odd number of voting members at the time the lots are drawn, one more than half shall draw lots for the two-year terms."*

After discussion, a motion was made by Dr. Melanie Barnes and seconded by Dr. Ken Rainwater to have Chairman Brown appoint a committee to rewrite the "Terms of Membership" section of the LERWPG By-Laws to allow for staggered five-year terms for members. In addition, action on today's agenda item is deferred and terms of membership for the members listed above shall be extended into 2010, when additional action on this agenda item is expected at the first meeting of the year. **The motion was unanimously approved.**

Chairman Brown then appointed Dr. Ken Rainwater to chair the committee, consisting of Dr. Melanie Barnes, Judge Alan Bayer, and Kent Satterwhite.

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

### **9. The LERWPG Will Discuss The Following Draft Versions Of Sections 4,5,6,7, and 8 Of The Initially Prepared Plan.**

Technical Consultant Dr. Herb Grubb reported on the work status and schedule for completion of the 2011 Llano Estacado Regional Water Plan.

- Drafts of Sections 1-7 have been provided to the members.
- Revisions to Sections 1-3 are in progress and will be forwarded to members by December 17.
- Sections 4-7 are to be discussed at today's meeting.
  - Subsections on CAFO and CRMWD water management strategies are being reviewed and will be forwarded to members in mid-January.
  - Social and economic impacts by the TWDB will be included after March 1.
  - The infrastructure survey of cities will be conducted in April 2010, and included in the final draft of the Regional Plan.
  - The LERWPG input to Section 8 is needed by Feb. 1.
- The following will be done after the December 10, 2009 meeting:
  - HDR Engineering will prepare the draft initially prepared plan (IPP) with copies to members on or about January 14-21.
  - The LERWPG will need to consider approval of the draft IPP and set a date for a public hearing. (This date needs to be no later than April 20, 2010.)
  - HDR will make necessary revisions and prepare the IPP for submission to the TWDB.
- No later than March 1, 2010, the IPP will be delivered to the Texas Water Development Board. The LERWPG must then publish notice of public hearing regarding the IPP.
- On or before March 10, 2010, copies of the IPP must be delivered to libraries and courthouses within the regional water planning group area.
- From March 15 to April 30, HDR Engineering will conduct the IFR study and prepare draft Section 9 for review and comment by the members.

He also discussed other deadlines relating to comment and review of the IPP by state and federal agencies. Responses to the comments are set to be approved and adopted in July/August 2010 with delivery of the completed plan to the TWDB on August 31.

Dr. Grubb then discussed the respective revisions made to Sections 4, 5, 6, 7, and 8 of the IPP. *(A copy of Dr. Grubb's PowerPoint presentation outlining these revisions is included in the files of the LERWPG administrator—and are not discussed in detail here.)*

### **RECESS/BREAK:**

Chairman Brown called a brief recess at 11:04 a.m.

### **RECONVENE:**

The meeting reconvened at 11:14 a.m.

Chairman Brown asked members if they had any discussion and/or comments for Dr. Grubb. Mike McGregor, Gene Montgomery, Dr. Rainwater, and Michael McClendon offered questions and/or comments.

A motion was made by Jim Conkwright and seconded by Doug Hutcheson that the deadline for review comments of LERWPG members on Sections 4-7 be December 18, 2009 at 5 p.m. and that the Chairman appoint a committee to assist the Technical Consultant in incorporating material into the Initially Prepared Plan, which will be prepared and submitted to the Texas Water Development Board by March 1, 2010 as required—along with all required copies to public libraries and courthouses and LERWPG members. Further, Section 8 of the draft IPP should be delegated to the same committee which coordinates with the consultant for completion and incorporation as well, and that April 15, 2010 be set as the date of the public hearing.

Mr. Blalack left the meeting at 11:30 a.m.

### **LUNCH BREAK:**

After considerable discussion concerning the above motion, Chairman Brown called a recess for lunch at 12:14 p.m.

### **RECONVENE:**

Chairman Brown reconvened the meeting at 12:45 p.m.

Mr. Conkwright and Mr. Hutcheson rescinded their motion and second.

A motion was made by Mr. Conkwright and seconded by Dr. Barnes that the deadline for review of Sections 4-7 of the IPP be December 18 at 5:00 p.m.; that a committee be appointed by Chairman Brown to work on Section 8, that the Technical Consultant have the plan available for member review/comment on the web site by Jan. 21, and that if

necessary, the LERWPG meet on February 4, 2010 to approve the draft IPP moving forward for a public hearing in April. **The motion was unanimously approved.**

Chairman Brown then appointed the following to serve on the committee: Dr. Barnes, Mr. Conkwright, Mr. Ellison, Mr. Everheart, Mr. Harbin, Mr. Kirkpatrick, Mr. McClendon, Mr. Montgomery, Dr. Rainwater, & Mr. Steiert.

Mr. Montgomery will work on draft language for Section 8, which will be forwarded to the LERWPG administrator for distribution to the committee members.

**10. 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)**

Mr. Conkwright reported on recent events in GMA # 1. As stated at earlier meetings, three separate desired future conditions have been set within GMA # 1. As a result, petitions were filed by Arrington Ranches and Mesa Water Inc. in protest of the set DFCs. The Texas Water Development Board held an administrative hearing on Nov. 11 in Amarillo. Mr. Conkwright reported that the TWDB is expected to deliberate as to the reasonableness of DFCs set in GMA # 1 at their February 2010 meeting.

Mr. Coleman said GMA # 2 had nothing new to report. The group hopes to meet after the first of the year.

**11. The LERWPG Will Hear A Presentation From The High Plains Underground Water Conservation District No. 1 Regarding The Setting Of A 50/50 Desired Future Condition For Portions Of Its Service Area Within GMA # 1 and GMA # 2.**

Mr. Conkwright reported that the High Plains Water District has set a 50/50 desired future condition for its service area. It is the district's goal to have 50 percent of the Jan. 1, 2010 saturated thickness available for use on Jan. 1, 2060. This DFC was set for the portions of the district's service area in both GMA 1 & GMA 2 to allow flexibility for varying conditions. It may take from 24-39 months to accomplish this task. Mr. Conkwright said the district is contemplating establishing study areas based upon excessive groundwater declines as pinpointed by data from the district's observation well program.

Mr. Conkwright answered several questions from members following his comments.

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

No report was given as Mr. Ingham was unable to attend today's meeting.

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

Mr. Montgomery said the Texas Water Conservation Advisory Council is working to better define gallons per capita per day data for municipal and light commercial water users. Addition of large municipal water use and agricultural water use data will skew the per capita per day water use figures. Purer data are needed. In addition, a workgroup is looking to update the best management practices in the BMP guide created by the Water Conservation Task Force five years ago. It needs to be a living document that is regularly revised.

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

Ms. Kennedy told the group that the City of Lubbock amendments to the 2006 Llano Estacado Regional Water Plan were originally to be considered by the TWDB in November 2009; however, it will be considered at the January 2010 TWDB meeting.

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

Dr. Grubb had no additional comments following his earlier report.

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

Mr. Conkwright reported that the remaining funding for the regional water planning effort in Texas was approved by the Legislature. The contract between the TWDB and the LERWPG Administrator (High Plains Water District) has been amended accordingly.

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

**Region A:** (Kent Satterwhite) No report as Mr. Satterwhite was absent at today's meeting.

**Region B:** (Angela Kennedy) Region B is set to meet at 10:00 a.m., Jan. 6, 2010 in Wichita Falls. They are going to review/discuss Sections 4-8 of their draft IPP.

**Region F:** (Harvey Everheart) No report as Mr. Everheart was absent at today's meeting.

**Region G:** (Michael McClendon) Mr. McClendon gave no report.

## **18. Other Business**

### **a. Public Comment**

Andy Weinberg told the group that he was just hired by the TWDB to look at artificial recharge and playa basins in the Texas Panhandle. He invited members to visit with him following the meeting with any concerns/issues to be addressed.

Mr. Ellison said he is working with Dana Palmer to develop a water budget guideline applicable for agricultural producers. It is hoped that this will give producers an idea on the best dates to apply groundwater during a growing season for maximum benefits. He added that while some farmers are striving to be in the "One-Ton Growers Club," he would be satisfied to simply be a grower that has water available for use!

### **b. Announcements**

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

The Llano Estacado Regional Water Planning Group's next meeting is tentatively set for 10:00 a.m., Thursday, February 4, 2010, in the A. Wayne Wyatt Board Room at the High Plains Underground Water Conservation District office, 2930 Avenue Q, in Lubbock.

## **19. Adjourn**

There being no other business, Chairman Brown adjourned the meeting at 1:32 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*

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Doug Hutcheson  
Secretary-Treasurer

These minutes were approved by the LERWPG membership at their February 18, 2010 regular meeting.