

Llano Estacado Regional Water Planning Group Meeting

January 16, 2014

10:00 A.M.

1. Call To Order and Welcome.

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 to each member and was also filed/posted in accordance with the Texas Open Meetings Act at the following locations: *Office of Texas Secretary of State, Office of Lubbock County Clerk, Lubbock County Courthouse, Administrative Offices of the High Plains Underground Water Conservation District No. 1, the High Plains Water District web site at www.hpwd.com and the regional water planning group web site at www.llanoplan.org.*

2. 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 Aubrey Spear, and members Dr. Melanie Barnes, Jack Campsey, Delmon Ellison Jr., Harvey Everheart, Bill Harbin, Ronnie Hopper, Bob Josserand, Mark Kirkpatrick, Richard Leonard, Michael McClendon, Don McElroy, Dr. Ken Rainwater (*will arrive at 11:30 a.m.*), and Kent Satterwhite.

The following non-voting members were in attendance: John Clayton, Malcolm Laing, and Doug Shaw.

Unable to attend (excused absences): Those unable to attend today's meeting were: Delaine Baucum, Bruce Blalack, Doug Hutcheson, Jim Steiert, and John Taylor. Non-voting members unable to attend were Andy Donnelly and Matt Williams.

Absent members (unexcused absences): None.

There was a quorum of the Llano Estacado Regional Water Planning Group members in attendance (14 of 23 voting members or 61% attendance).

Others in attendance: William Asquith, USGS; Neil Blandford, Daniel B. Stephens & Associates, Inc.; Bech Bruun, Texas Water Development Board; Jim Conkwright; Amy Crowell, Mesquite GCD; Amy Ewing, DBS&A; Seth Fulton of Crosbyton; Tom Fulton, White River MWD; Lauren Graber, Texas Water Development Board; Debby Hansard, Sen. Robert Duncan's office; David Harkins, RPS Group in Austin; Lindy Harris, South Plains UWCD; Matt Hogue of Meadow; Mark Howard of Dalhart; Bob Joseph, USGS; Joel Riedel, Sen. Robert Duncan's office; Greg Stanton, USGS; Ben Weinheimer, Texas Cattle Feeders Association; Justin Weinheimer, Sorghum Checkoff; and Michael Williamson of Littlefield. (*These names were obtained from a sign-in sheet in the A. Wayne Wyatt Board Room.*)

Carmon McCain of the High Plains Water District staff served as recording secretary for the meeting.

3. Remarks by Bech Bruun, Texas Water Development Board member.

Chairman Brown introduced Rep. John Frullo and welcomed him to today's meeting.

Chairman Brown called on Doug Shaw of the Texas Water Development Board (TWDB) to make a special introduction.

Mr. Shaw explained that the passage of House Bill 4 changed the TWDB's governing structure from a six-member volunteer board to a three-member full time board. Mr. Shaw then introduced TWDB Board Member Bech Bruun and invited him to speak to the LERWPG members and guests.

Director Bruun thanked the LERPWG for allowing him to attend today's meeting. He offered the following comments:

- Overview of agency reorganization/streamlining of programs since Sept. 1, including hiring of new Executive Administrator Kevin Patteson.
- Special thanks to LERWPG Vice-Chairman Aubrey Spear for his work in serving as the Region O representative to the stakeholder committee that produced uniform standards as directed by House Bill 4. The group had a lot of work to accomplish by the Dec. 1 deadline.
- Overview of the HB4 prioritization process and "where we go from here..."
- Special thanks to each voting and non-voting member for the time they spend preparing the Llano Estacado Regional Water Management Plan.

ACTION ITEMS:

4 & 5. Report from the Nominating Committee/Election of 2014 Officers.

Chairman Brown called for a report from Bob Josserand, chairman of the nominating committee. Mayor Josserand recognized Delaine Baucum and Michael McClendon, who also served on the committee.

Mr. Brown and Mr. Spear left the meeting at this time.

The nominating committee submitted the following nominations for officers to serve during 2014: H.P. (Bo) Brown Jr. for Chairman; Aubrey Spear, P.E., for Vice-Chairman; and Doug Hutcheson for Secretary-Treasurer.

Mayor Josserand then asked for nominations from the floor. There being none, Mayor Josserand moved that the nominations cease and the slate of officers be elected by acclamation. Mr. Satterwhite seconded the motion. **All members voted "aye" and the motion was approved.** Mayor Josserand said he felt the current officers have done an outstanding job for the regional water planning group.

Mr. Brown and Mr. Spear rejoined the meeting.

Mr. Brown and Mr. Spear thanked the group for their confidence.

6. Discuss and Take Possible Action to Approve the October 17, 2013 meeting minutes.

The minutes of the October 17, 2013 LERWPG meeting were provided to members by e-mail / hard copy for review prior to today's meeting. There being no additions or corrections, a motion was made by Delmon Ellison Jr. and seconded by Mayor Josserand that the minutes of the October 17, 2013 LERWPG meeting be approved as printed. **All voted "aye," and the motion was unanimously approved.**

7. Discuss and Take Possible Action to Approve the Financial Report.

The Llano Estacado Regional Water Planning Group financial statement was provided to members for review prior to today's meeting. Chairman Brown said the report shows a balance of \$93,196.45 as of Dec. 31, 2013. A motion to accept the report as printed was made by Mark Kirkpatrick and seconded by Bill Harbin. **All voted "aye," and the motion was unanimously approved.**

8. Discuss and Take Possible Action To Appoint Tom Fulton As An Additional Voting Member Representing Water Districts.

A packet of supporting materials for Mr. Fulton's nomination was provided to members by e-mail/hard copy for review prior to today's meeting. A motion was made by Mayor Josserand and seconded by Mark Kirkpatrick to appoint Tom Fulton as an additional voting member to represent water districts. **All voted "aye" and the motion was unanimously approved.**

Chairman Brown also recognized Jim Conkwright, who entered the meeting at this time. Mr. Conkwright served as the LERWPG Vice-Chairman until his retirement from the High Plains Water District on June 30, 2013.

9. Welcome Ronnie Hopper as the new GMA # 2 Representative.

Chairman Brown introduced Ronnie Hopper of Petersburg as the new Groundwater Management Area # 2 representative on the Llano Estacado Regional Water Planning Group. Mr. Hopper is a farmer in the Petersburg area. He has served in numerous capacities on cotton-related organizations.

10. The LERWPG Will Hear A Project Update From the Technical Consultant.

Chairman Brown called on representatives of Daniel B. Stephens and Associates, Inc. and RPS Group to provide a project update. The report was given by Ms. Amy Ewing, Mr. Neil Blandford, and Mr. David Harkins in Mr. Donnelly's absence.

Ms. Ewing reported that the population projections and water demand numbers for Region O have been approved by the TWDB. Letters that were discussed at the Oct. 17 LERWPG meeting regarding availability of surface water, availability of groundwater in the region, and how to extend the availability estimates of groundwater to 2070 have also been approved by the TWDB.

She added that some of the Task 4D water management strategies for the region, including irrigation conservation, local groundwater development, and municipal water conservation, have also been approved by the TWDB. The LERWPG has notice to proceed with these strategies.

Mr. Harkins discussed the preliminary surface water modeling that he has completed. A recent letter from the LERWPG to the TWDB contained several assumptions on how the planning group would proceed with evaluation of the surface water in the region. One is to look at the water availability models in each of the river basins. These models assume full utilization of all water rights in each of the river basins as well as no return flows. Updates are expected for these models in the future—so the consultant is using the most updated information available at this time.

He added that one item for consideration in the modeling process is surface water capacity and how it changes over time due to reservoir sedimentation. The sedimentation rates that have been used in the surface water modeling to date are based on the surveys that the TWDB has conducted over time. Methodologies and technologies have changed—so it is important to compare “apples to apples” during the evaluation process.

Mr. Harkins also added that watershed management has changed throughout the past 50 years. Many of the watersheds now have urban components—instead of being totally rural as in the past. This impacts the sedimentation rates and water availability.

11. The LERWPG Will Hear an Update Regarding The Water User Group Surveys.

Ms. Ewing reported that six additional surveys have been completed since the Oct. 17 meeting. As a result, 49 of the 53 communities in the region have provided information. Ms. Ewing asked the planning group members to provide contact information for the remaining four towns.

Chairman Brown suggested that she contact the respective County Judges.

Mr. Blandford noted that DBS&A representatives placed calls to each of the communities—but have not been able to contact the right person or have not had calls returned. They will continue to pursue this information.

12. The LERWPG Will Discuss and Take Possible Action To Approve A Letter To The TWDB Requesting Notice To Proceed With 10 Additional Water Management Strategies And Their Associated Scopes of Work/Budgets As Outlined In Task 4D.

Ms. Ewing explained that DBS&A put together a scope of work and budgets for 10 additional water management strategies, which have been discussed at previous meetings.

The current list includes:

- Water re-use
- Water importation
- Water infrastructure and development
- Watershed management
- Drought management
- Water transfers
- Acquisition of available supplies
- Brackish water desalination
- Electric dry-power generation
- Confined animal feeding operation (CAFO) groundwater and development

As background, Mr. Shaw said all these tasks are included in the scope of work. Task 4D is the development of water management strategies to meet the needs in the region. All regional water planning funds were released to Region O; however, a hold was placed on Task 4D funding until the initial needs analysis was completed by the consultants. The analysis was provided at the Oct. 17 meeting. A scope of work for water management strategies would be presented to the LERWPG for consideration/approval. Once approved, it would be forwarded to the TWDB for approval and notice to proceed with these strategies. An amendment to the High Plains Water District/TWDB contract would also be needed.

Chairman Brown noted that the LERWPG members should have received a draft letter from the LERWPG to the TWDB for review and comment. He asked if there were any additions/revisions needed to the letter. A motion was made by Mr. Harbin and seconded by Mr. Kirkpatrick that Chairman Brown sign the letter as presented. **All voted “aye” and the motion was unanimously approved.**

13. Discuss and Take Possible Action Regarding Preliminary Initial Needs Assessment By County, WUG, and Supply Source.

Ms. Ewing called the LERWPG members' attention to a table in their handout materials relating to the updated water needs assessment. She noted that there have been updates to the water supply section based upon information received since the Oct. 17 meeting. In addition, the table shows the preliminary calculated water needs as shown by numbers with positive values. There will be some additional changes made based upon the recent letters submitted to the TWDB.

She said there are some questions that could either be addressed by the LERWPG membership or a possible subcommittee.

In essence, the modeling says one thing and the actual water user group indicates something else. For example, she said the model indicates there will be no water supply for a couple of different water user groups by 2020. However, the actual surveys completed by the water user groups do not indicate any limitations. The LERWPG needs to determine how this will be addressed.

Dr. Barnes asked if there is a recommendation on how to address this in the planning process. Is there no way to make adjustments to the water supply numbers?

Mr. Shaw noted that the regional water planning shall be in accordance with the desired future conditions (DFCs). The Managed Available Groundwater (MAG) is the numerical representation of the DFC. So, if the MAG shows zero—then that is the number that must be used. Shaw noted that the TWDB is seeing several unintended consequences that came out of the process and this is one of them.

Dr. Barnes asked if there was any place to document this, other than in discussion, that lets the TWDB and Texas Legislature know that there are issues and problems—and that the regional water planning groups are able to represent things as they are.

Mayor Josserand asked Director Bruun for guidance.

Director Bruun said the TWDB has seen this issue in other regions. This is mainly due to the fact that this is the first time the planning groups have gone through the process post-DFCs. He has had conversations with some members of the Legislature about this. This is something that he would like to see addressed during the interim session. Hopefully, there will be a fix during the next legislative session. He added that the TWDB is trying to work within the parameters set by the Legislature—and that says that the plans must be consistent with the MAG. He encouraged

the LERWPG to point any unintended consequences and share them with the agency. They welcome this as does the Legislature.

After discussion, Mr. Harkins recommended that the LERWPG document possible problems associated with each of the water user groups. About 3-4 summaries should be compiled and forwarded to Mr. Shaw to help the TWDB understand some of the issues the LERWPG is dealing with.

Dr. Barnes made a motion to authorize DBS&A to compile data to be included in a letter from Chairman Brown to the TWDB. Mr. Kirkpatrick seconded the motion. **All voted “aye” and the motion was unanimously approved.**

Ms. Ewing said there is still a question on how the LERWPG should be dealing with Canadian River Municipal Water Authority leases for non-members. Should they remain under the category “member supplies” or should they be subtracted and be included under “water leases?”

Mr. Shaw said some regions have shown the water in the member supplies and then 20-30 years down the line, the small city has a need—and the strategy to meet the need is to simply renew the lease, renew the contract, and it is a paper strategy. However, it is up to the LERWPG to decide how they want to go about showing this.

After discussion, a motion was made by Mayor Josserand to leave the supplies under the CRMWA members. The motion died for lack of a second.

After clarification of the previous motion, a motion was made by Mayor Josserand and seconded by Mr. Kirkpatrick that the water be left under the member supplies with the understanding that it will be documented vis-à-vis the contracts and ability to renew. **All voted “aye” and the motion was unanimously approved.**

Ms. Ewing concluded her report with an update on steam electric generation data in Hale County, manufacturing demand in Gaines County, and the mining demand in Floyd County. Progress has been made in obtaining these data.

14. Discuss and Take Possible Action Regarding Drought Management Requirements in Chapter 7.

Ms. Ewing said DBS&A is just now beginning work on this portion of the regional water plan. For this chapter, the LERWPG needs to discuss the droughts of record and determine what the responses will be. Drought contingency plans, water management strategies, emergency interconnects, and possible emergency response must be addressed in this chapter.

This is a new chapter added for this round of regional water planning. During 2011, the TWDB heard feedback from the U.S. Army Corps of Engineers, the Texas Commission on Environmental

Quality, the Legislature, and others that more drought-related information needed to be included in the next regional water planning cycle. Many of these requirements were already included in the plans—but were scattered throughout the documents. A new section, Chapter 7, was created to put all drought-related information in one section of each respective regional water plan.

The agenda for the next LERWPG meeting will include an update on how Chapter 7 is progressing.

All drought contingency plans by water user groups in the region will need to be included as an attachment in the next regional water plan.

15. Discuss and Take Possible Action Regarding Prioritization of Projects in Regional Water Plans As Established by HB 4 Passed During the 83rd Texas Legislature.

Chairman Brown asked Mr. Spear to give his report on the project prioritization process.

Mr. Spear noted that this was a daunting task for each of the representatives from the 16 regional water planning groups. A letter sent from the RWPG representatives to the TWDB underscored the fact that there was a tight deadline, a very diverse group, and the task to put together a standardized way of scoring and prioritizing projects in the regional water plans. This will allow the TWDB to work through the funding process.

Mr. Spear told Director Bruun that the representatives appreciated the opportunity to sit down with the TWDB in a roundtable setting and allow each person to share their concerns, thoughts, and ideas.

Several common themes emerged, such as implementation of the agricultural conservation component. How do you prioritize this in an objective way? The prioritization score weighs heavily on municipalities.

Mr. Spear also noted that there is an issue with simplicity and spreading out the scores. The more complex the scoring, the more spread out it is. This could result in many tie scores—so the prioritization group decided to keep it simple.

There are only four or five different parameters that must be considered under statute. The representatives decided to keep it within those bounds and not to exceed them. We prioritized the project, weighed them—but Mr. Spear said you have to wonder what percent of the overall weighing and prioritization is part of the big picture that the TWDB Board has to look at.

Director Bruun said there have been no additional updates since the roundtable meeting. Much is still to be determined.

Mr. Shaw said it is important for the TWDB to get input throughout the rulemaking process. He encouraged LERWPG members to engage in the process, come to the table, and provide comments prior to the submission of the draft prioritized list on June 1, 2014. This will allow time for revisions prior to the final approval of the list.

Mr. Spear said one problem in the prioritization process is a possible sponsor for agricultural conservation projects. He noted that in the agricultural community, the projects would be for a large group—rather than an individual farmer. There are no sponsors, unless an underground water conservation district or a co-op could receive money—but there are limitations on who can receive TWDB funding. There would not be a score without a sponsor as well.

Mr. Shaw said there had been discussion about this in other regions also. There is discussion about structuring the agricultural water conservation projects in a manner that would allow funding—perhaps something similar to the low-interest agricultural water conservation equipment loan programs. This is important as 10 percent of the funds are earmarked for agriculture and another 20 percent is tagged for conservation projects.

Mr. Shaw suggested that it would be good for the LERWPG to approve how they want to go about completing this task, which is due June 1.

Chairman Brown suggested that this could be handled by the LERWPG water management strategies subcommittee. The members are: Aubrey Spear, chairman; Dr. Ken Rainwater, vice-chairman; and members Dr. Melanie Barnes, Ray Brady, Jason Coleman, Delmon Ellison Jr., Mark Kirkpatrick, Kent Satterwhite, and Jim Steiert. Chairman Brown asked for any other volunteers. Mr. Laing said he would like to serve as well.

Mr. Shaw noted that if the subcommittee membership exceeds the quorum of the LERWPG voting membership, then the meeting must be posted under the Texas Open Meetings Act. The current quorum is 12 and there are 10 members of the subcommittee. A posting would not be needed.

Mr. Harbin made a motion that the subcommittee members move forward with the prioritization work with the consultants. Mr. Satterwhite seconded the motion. **All voted “aye” and the motion was unanimously approved.**

RECESS FOR LUNCH

Chairman Brown called a recess for lunch at 11:50 a.m.

RECONVENE

Chairman Brown reconvened the meeting at 12:27 p.m.

COMMITTEE REPORTS AND OTHER INFORMATION:

16. The LERWPG Members Will Receive A Report From The TWDB Project Manager.

Mr. Shaw said the consultants will submit a technical memorandum to the TWDB on or about August 1. This is basically a needs report which will require approval of the LERWPG at either a spring or summer meeting. Mr. Shaw also noted that the end of the planning cycle is drawing near. The LERWPG will submit its initially prepared plan in about 14 months.

Mr. Shaw said he has been named the new TWDB Agricultural and Rural Texas Ombudsman. He will be visiting with agricultural interest groups in rural Texas to hear what they are saying and to make sure they are being represented in the water planning process. Rural Texas may not be seeing the population grown as in other portions of the state—but it is very important to the state's well-being. Shaw said he will be doing a lot of public outreach and encouraged the LERWPG members to contact him if he is needed to speak at board meetings or city council meetings. He will be glad to do so.

17. The LERWPG Members Will Receive A Report From The Region O Technical Consultant.

Ms. Ewing said she had no other information to report.

18. The LERWPG Members Will Receive A Report From The Region O Administrator.

Mr. Coleman had no report.

19. The LERWPG Members Will Receive A Report from the GMA # 2 and GMA # 6 Representatives.

Mr. Hopper said he had no report as this is his first meeting to serve as the GMA # 2 representative.

Mr. Campsey said a third stakeholders' meeting for the part of the Seymour Aquifer in Baylor, Haskell, and Knox Counties will be held at 1:30 p.m., Jan. 29, in Munday. This is just before the GMA # 6 meeting which will be held at 2:00 p.m.

Mr. Coleman added that GMA # 2 met Dec. 18 in Brownfield. It was at that time that Mr. Hopper was elected to serve as the GMA # 2 representative.

Mr. Everheart introduced Ms. Amy Crowell, manager of the Mesquite Groundwater Conservation District at Wellington. Mesquite GCD includes a portion of Briscoe County, a portion of Childress County, and all of Collingsworth County, and Hall County. The portion of Briscoe County is in GMA # 2 and Region O. Ms. Crowell also serves as the GMA # 6 representative on the Region A (Panhandle) water planning group. She previously served 10 years as the hydrologist for the Panhandle Groundwater Conservation District.

20. Liaisons To Other Regional Water Planning Groups (*Regions A, B, F, and G*).

Mr. Shaw offered the following report:

- Region A meets Feb. 6, 2014 to discuss prioritization of projects.
- Region B meets next week to discuss similar issues.
- Region F won't meet until March 2014.

Mr. McClendon said Region G will address similar issues at a tentative meeting in Feb. 2014.

All the regions are discussing and handling the same type of issues.

OTHER BUSINESS:

21. The LERWPG Members Will Receive Public Input and Comments.

No public comment was offered at this time.

22. The LERWPG Members Will Consider A Date and Agenda Items For the Next Regular Meeting.

Chairman Brown said the LERWPG has traditionally held meetings on the third Thursday as needed. However, Dr. Ken Rainwater has a conflict with that date due to class scheduling this semester. Chairman Brown suggested moving the next meeting date to the third Wednesday to accommodate Dr. Rainwater's schedule.

After discussion, it was agreed to schedule the next meeting for April 16. This would allow the group to receive the results of the project prioritization and approve its submission to the TWDB.

Dr. Rainwater expressed his appreciation to the group for moving the meeting to avoid a conflict with his class schedule.

23. The LERWPG Members Will Consider Other Business And Announcements.

Chairman Brown noted that the next Regional Water Planning Group Chairs' conference call will be at 1:00 p.m. on January 24.

Chairman Brown said he recently received the 2013 Farm and Ranch Irrigation Survey from the USDA Census of Agriculture. This is a supplement to the 2012 Census of Agriculture. A group of farmers, who indicated on their 2012 survey that they use irrigation on their operation, are being sampled in 2013. Approximately 35,000 producers are included in the survey which is required by law to be returned by Feb. 10, 2014.

Chairman Brown said he was very concerned about the intensity of the questions being asked.

24. Adjournment

There being no additional business, Chairman Brown adjourned the meeting at 12:42 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,

H. P. "Bo" Brown Jr.
Chairman