

**LLANO ESTACADO REGIONAL WATER PLANNING GROUP MEETING**  
**FEBRUARY 4, 2003** **10:00 A.M.**

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**1. CALL TO ORDER AND WELCOME**

Chairman H. P. Brown Jr. called the meeting to order at 10:00 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 today's meeting has been provided to each member and has been filed in accordance with the Texas Open Meetings Act.

**2. ROLL CALL OF MEMBERS & ESTABLISH QUORUM**

**The following Llano Estacado Water Planning Group members were in attendance:** John Abernathy, Delaine Baucum, Bruce Blalack, Dallas Brewer, H.P. Brown Jr., Ches Carthel, Jim Conkwright, Delmon Ellison, Harvey Everheart, Bill Harbin, Bob Jossierand, Richard Leonard, Don McElroy, Gene Montgomery, Henry Rieff, Kent Satterwhite, Jim Steiert, S.M. True Jr., Lloyd Urban, and Jerry Webster.

**Unable to attend (excused absences):** Those unable to attend today's meeting were: Terry Lopas (meeting conflict).

**Absent members (unexcused absences):** None.

There was a quorum of the Llano Estacado Regional Water Planning Group members in attendance (20 of 21 members or 95.2% attendance). **A total of 32 persons were in attendance.**

**Others in attendance:** Dr. Herb Grubb of HDR Engineering Inc., Comer A. Tuck Jr. with the Texas Water Development Board, Joan Glass with the Texas Parks and Wildlife Department, Don McReynolds with the High Plains Underground Water Conservation District No. 1, Mickey Black with the USDA-NRCS, Ben Weinheimer with Texas Cattle Feeders Association, David Turnbough with Sandy Land Underground Water Conservation District, Dana Porter with the Texas A&M Research and Extension Center at Lubbock, Steve Stevens with Mesa Water Inc., Ronald Bertrand with the Texas Department of Agriculture, and Clyde Crumley with the Llano Estacado Underground Water Conservation District. Carmon McCain of the High Plains Water District staff was present to take minutes of the meeting.

**3. APPROVAL OF MINUTES OF THE AUGUST 29, 2002 LERWPG MEETING.**

A motion was made by Bob Jossierand and seconded by Ches Carthel that the minutes of the August 29, 2002 LERWPG meeting be approved as printed. (Copies of these minutes had been distributed by e-mail to members prior to this meeting.) **All voted "aye," and the motion unanimously passed.**

**4. APPROVAL OF THE TREASURER'S REPORT.**

Secretary-Treasurer Lloyd Urban reported that the LERWPG fund balance was \$0.00 as of the August 29, 2002 meeting. Since then, the LERWPG has received \$64,035.40 from the Texas Water Development Board in Austin and \$70.75 in interest for total funds received of \$64,106.15. Total disbursements during this period were \$39,695.88 to HDR Engineering, Inc. This leaves a balance in the account of \$24,410.27. Dr. Urban also noted that there is one invoice outstanding to HDR Engineering in the amount of \$6,459.36. (A copy of the treasurer's report is included as part of these minutes.) A motion to accept the report as presented was made by Dallas Brewer and seconded by Don McElroy. **All voted "aye," and the motion unanimously passed.**

## 5. REPLACEMENT OF THE NON-VOTING LIAISON BETWEEN REGIONS B AND REGION O.

Since this item has been on the past two agendas, Chairman Brown called for volunteers to serve as a non-voting liaison between Region B and Region O. He told those in attendance that the position is open to anyone and is not exclusive to members of the regional water planning group. **Since there were no volunteers for this position, Chairman Brown and the consensus of the regional water planning group members agreed that this item be tabled again until the next meeting.**

## 6. CONSIDERATION OF AN AMENDMENT TO ARTICLE IV ("MEETINGS") OF THE LERWPG BY-LAWS.

Article IV of the LERWPG By-Laws currently reads as follows: *"All meetings of the planning group shall be in accordance with the Open Meetings Act. The planning group shall meet at least quarterly on the third Thursday of the months of April, July, October, and January."*

Chairman Brown stated that there was no need to hold meetings on these specified dates if there is no business to be conducted. After discussion, a motion was made by Jim Conkwright and seconded by Kent Satterwhite that Article IV of the LERWPG By-Laws be amended as follows:

*"All meetings of the planning group shall be in accordance with the Open Meetings Act. The planning group shall meet at least once in each calendar year and may meet as often as deemed necessary as determined by the Chair. Any member may request that the chair call a regular or special meeting of the regional water planning group as needed. The Chair will determine the date, time, and location of each meeting."*

**All members voted "aye," and the motion was unanimously approved. The amendment is effective February 4, 2003.**

Following the motion, Bob Josserand expressed his displeasure about the way he received notification of today's meeting. He had been out-of-town and had only received e-mail notification of the meeting on January 31. Mr. Carmon McCain apologized for the oversight, explaining that he had accidentally deleted Mr. Josserand's e-mail address from the list used to communicate with the planning group members. A follow-up e-mail was sent immediately to Mr. Josserand on January 31 after Chairman Brown notified Mr. McCain by telephone of the oversight. *(Mr. Josserand and Chairman Brown had visited about the meeting at the Nashville airport.)* As a result, Mr. Josserand asked that he receive printed copies of all LERWPG materials via the United States Postal Service rather than e-mail. In addition, Chairman Brown, Jim Steiert, and S.M. True Jr. indicated that they prefer hard copies of all correspondence rather than e-mail.

## 7. CONSIDER POSSIBLE AMENDMENT TO "OFFICERS AND DUTIES OF OFFICERS" CONTAINED IN ARTICLE III ("MEMBERSHIP GOVERNING BODY") OF THE LERWPG BY-LAWS.

Chairman Brown told the group that Article III of the LERWPG By-Laws contains no provision for officer elections. It simply states "the planning group shall elect a Chairman, Vice-Chairman, and Secretary." After some discussion, a motion was made by Kent Satterwhite and seconded by Dallas Brewer that a subcommittee consisting of Planning Group members Dallas Brewer, Harold P. Brown Jr., and Kent Satterwhite write a By-Laws amendment for review at the next LERWPG meeting. TWBD interim project manager Comer A. Tuck Jr. and High Plains Water District administrative aide Carmon McCain will assist the subcommittee. **All members voted "aye," and the motion was unanimously approved.**

## 8. CONSIDER DRAFT REIMBURSEMENT POLICY/FORMS FOR LERWPG MEMBERS.

Senate Bill 2 provides a mechanism to reimburse the out-of-pocket expenses of regional water planning group members who are self-employed or not otherwise reimbursed by their employers. Chairman Brown provided the group an example of the reimbursement policy and form used by Region A for their review. Mr. Tuck stated that

there was about \$15,000 allocated per region for reimbursement for the current five-year planning cycle. As a result, Region O could possibly have about \$5,000 allocated for reimbursement for the current planning cycle. *(This may be retroactive to planning associated with the scope of work.)* Some regions have decided not to use any of the funding for travel expenses, while others only provide reimbursement for eligible planning group members. Mr. Tuck needs to review the current criteria for allowable reimbursable expenses *(mileage and other travel expenses)*.

Considerable discussion regarding local expenses to and from the regional water planning group meetings followed.

Since there is limited funding, Mr. Ellison suggested that the planning group focus on the "higher ticket" items, such as travel expenses outside the region on LERWPG business—rather than individual out-of-pocket expenses to and from regional water planning group meetings. This would apply only to those members who are not receiving reimbursement by their employers. However, the group felt that any planning group member should be able to submit a request for reimbursement if they have hardship as result of their out-of-pocket expenses. Mr. Montgomery stated that the policy should be flexible enough to allow a planning group member to seek reimbursement, subject to approval of the executive committee. After additional discussion, a motion was made by Delmon Ellison Jr. and seconded by Bob Josserand that the High Plains Water District develop a draft reimbursement policy for review/comment at the next meeting. **All members voted "aye," and the motion was unanimously approved.**

## 9. DISCUSSION OF POTENTIAL INTERREGIONAL COORDINATION BETWEEN REGIONS A & O.

Chairman Brown stated that Panhandle Ground Water District Manager C. E. Williams and Jarrett Atkinson with the Panhandle Regional Planning Commission originally presented this draft document to High Plains Water District Manager Jim Conkwright about three weeks ago. Chairman Brown has reviewed the draft document, and in his opinion, "there is a lot of heavy stuff in this." He believes that it will require and necessitate someone spending a great deal of time to determine the ramifications of the document. There is concern that one region's philosophies could trump and become paramount to another region.

Chairman Brown stated that Region A has an abundance of ground water in storage where Region O has a limited amount of ground water. Because of this, Region A can exercise pumping restrictions where Region O does not. There are different philosophies on aquifer characteristics, ground water management, and irrigation technology between the two regions.

The Texas Water Development Board requires interregional cooperation between regions. Chairman Brown has no problem with that; however, he is troubled if an agreement is reached that would permit another region to dominate the thought processes of another region. In his opinion, some language in the draft document is innocuous while other language is troublesome. Therefore, he recommends that the planning group not respond to this document without time to review and give deep thought to the language.

Mr. Conkwright concurred. During the roundtable stakeholder meetings held last year, it was stressed that "one size does not fit all" pertaining to regional water planning. Each area of the state is unique—not all strategies will work in all areas. He stressed that there are differences between the regions that must be considered. He added that Mr. Atkinson and Mr. Williams offered to attend today's meeting to explain this; however, it was felt that the Llano Estacado Regional Water Planning Group members should have the opportunity to review and comment on this matter first.

Items of concern in the draft document are coordination on interregional water resource data, coordination of irrigation demand development methodology, coordination of shared water management strategy development, and review of initially prepared plans between regions.

Mr. Tuck stated that this coordination originally pertained to a review of water management strategies that might

affect adjoining regions. The initial regional coordination effort in Region A was to have agreements with other regions that might receive water from that area. In essence, it would be important to have coordination so that the region where the water is located and other adjoining regions do not consider the same water resource in their water planning efforts. This would help avoid potential conflicts. Mr. Tuck stated that the TWDB would not consider Region A's request for funding of the interregional coordination unless the other adjoining regions submitted similar requests.

Chairman Brown cautioned the group "not to paint themselves into a corner" by agreeing to the interregional coordination agreement.

For example, if Region A decides to promote aquifer sustainability (pumpage equals recharge), the same concept would not work within Region O.

Dr. Herb Grubb with HDR Engineering in Austin reminded the members that the plan requires an estimate of water needed by user group, compare that amount to available water supplies, identify and calculate the water shortages, and identify the water management strategies to meet these needs. Dr. Grubb was curious as to how the planning group should proceed with notification if a water management strategy is identified in another region, such as the Hartley or Roberts County proposals. Are the regional water planning groups free to go to other regions to look for water? Are they confined to their own regions?

Mr. Tuck stated that Region O is free to identify whatever water management strategies it wishes. It would be prudent to coordinate and discuss that potential water management strategy with the region that would supply the water. As a hypothetical example, the Cities of Abilene, Midland, Odessa, and San Angelo might consider the purchase of surface water from Lake Alan Henry. Region O might consider the use of that water elsewhere within the region. Coordination within the regions could help avoid potential conflicts. Mr. Tuck says he understands Chairman Brown's concerns about wording in the draft document.

Mr. Satterwhite expressed his concern about not having this draft document for review in advance of today's meeting. Dr. Grubb stated that this is becoming an inherent problem with production work—consultants are working on the margins of time and getting materials out for advance review is a real problem. Getting the draft interregional coordination document to the planning group members now is probably enough lead-time for the next RWPG meeting. Mr. Brown asked that all information associated with agenda items be copied and mailed out in advance of the meetings whenever possible. Mr. McCain replied that he tries to do this whenever possible—however, some materials are received late and cannot be reproduced and mailed in a timely manner.

There is no deadline to respond to the draft interregional coordination agreement. The only consequence is that it would delay the interregional coordination funding for Region A.

Mr. Montgomery said it might be best if Region O's response document stated that these items in question are "typical coordination activities" and that Region O will participate in the activities if they are mutually beneficial to both regions. This would allow each region to opt out of the proposed activities.

Mr. Josseland wondered if Region A representatives needed to attend the next Llano Estacado Regional Water Planning Group meeting to explain the thought processes involved with this draft interregional coordination document. He said he believed the regional water planning group may be making quite a few assumptions as to the intent of Region A in this document. It was agreed to invite Region A representatives to the next LERWPG meeting to discuss this issue.

Dr. Urban stated that Senate Bill 1 and 2 mandate coordination between regions. Can this be accomplished through liaisons or is more needed? What is the extent? How much time and money is needed?

Chairman Brown appointed a subcommittee consisting of Chairman Gene Montgomery, Jim Conkwright, and

Lloyd Urban to draft a response to the interregional coordination document for review by the planning group members at their next meeting.

#### **10. REPORT FROM CONSULTANT HERB GRUBB OF HDR ENGINEERING IN AUSTIN.**

Chairman Brown called upon Consultant Herb Grubb of HDR Engineering in Austin to report on the TWDB draft population projections, the TWDB draft water demand projections for water user groups, and the TWDB list of wholesale water providers in Region O.

- A. **ADOPTION OF TWDB POPULATION PROJECTIONS.** The population projections for cities and counties were presented to the regional water planning group last spring. There were no objections or requests to change these data. The comment period closed January 2, 2003. Dr. Grubb noted that population projections for 24 of the 71 cities were higher than the previous planning cycle projections; 37 were lower; 4 were unchanged; 3 had varying (higher-lower) changes during the period; and some new towns and cities were added. He stated that projections indicate Region O may have 48,901 fewer residents in 2050. A motion was made by Kent Satterwhite and seconded by Ches Carthel to approve the draft TWDB population projections as presented. **All voted "aye," and the motion was unanimously approved.**

Chairman Brown called a recess for lunch at 11:40 a.m. The regional water planning group meeting reconvened at 12:40 p.m.

- B. **REVIEW OF TWDB DRAFT WATER DEMAND PROJECTIONS.** Dr. Grubb reviewed the draft water demand projections for water user groups within Region O. He offered his apologies for not being able to have this document completed in time for advance review by the regional water planning group. This was due to the amount of data involved, processing time, and the holidays.

On December 20, 2002, the Texas Water Development Board issued draft water demand projections for water user groups with the water planning regions for review by the respective regional water planning groups. Requests for changes to the draft projections must be submitted in accordance with the criteria for revision outlined in the TWDB guidance for regional water plan development (Exhibit B of the TWDB contract for regional water planning.) Requests for revisions to the draft projections will be due to the TWDB no later than June 2, 2003, and will be presented for TWDB approval at the August 2003 meeting.

Dr. Grubb stated that the TWDB did not offer an explanation of the methodology used to determine the water demand data--with exception of the municipal water use demands.

Dr. Grubb discussed the following data sets:

- The TWDB recommended reduction in per capita water use (Recommended reduction from base GPCD for plumbing code savings.)
- TWDB recommended per capita water use.
- Draft municipal water demand projections for Region O.
- Individual county municipal water demand projections.
- Individual county industrial water demand projections.
- Individual county steam-electric water demand projections.

- Individual livestock water demand projections.
- Individual mining water demand projections.
- Individual county irrigation water demand projections.

It is important to note that the TWDB water demand projections are expressed at the reported and/or calculated quantities for year 2000, which was a dry year. Thus, these "dry year" demand projections, when used as annual demands upon the water source, will result in a projection of water use over time that is greater than will actually be used.

There was considerable discussion among the members regarding these data sets. One significant question was if PET data was used in determining the 2002 irrigation data calculations. Mr. Tuck stated that the 2002 irrigation data was determined by the USDA-NRCS estimate of acreage for individual crops and the local estimate of the amount of irrigation water applied to these crops.

Dr. Grubb stated that it is important for the regional water planning group members to review the data pertaining to the water user group they represent. It is important to determine how the TWDB developed these data, determine the accuracy of these data, discuss additional water management strategies for these water user groups, and answer any questions posed by these data (Why is water use higher in one area than in a similar area?)

Chairman Brown offered the following suggestions:

A copy of the draft water demand projections for review by water user groups should be forwarded to each county judge and each municipality within Region O. Both groups need the opportunity to review these data.

Bill Harbin will review the steam-electric water demand data, Gene Montgomery will review oil and gas water demand data, Ben Weinheimer will review cattle demand data, and the water district managers in Region O, Dr. Dan Krieg, Dr. Robert Lascano, Mickey Black, Delmon Ellison, and Delaine Baucum will review the irrigation water demand data. They will report back at the next regional water planning group meeting.

- C. **REVIEW TWDB LIST OF WHOLESALE WATER PROVIDERS IN REGION.** The planning group simply needs to review the list and identify the wholesale water providers in the region. Mr. Satterwhite asked if the Canadian River Municipal Water Authority (CRWMA) needed to be included in the list. Mr. Tuck replied that it did not since the source of the water was in another regional water planning group area (Region A). Chairman Brown instructed Dr. Grubb to provide an updated list of wholesale water providers in the LERWPG area to the Texas Water Development Board.

## 11. STATUS REPORT ON SOUTHERN OGALLALA GROUND WATER AVAILABILITY MODEL (GAM)

Ches Carthel reported that several Region O representatives attended a January training session for the Southern Ogallala Ground Water Availability model. The draft report is due TWDB approval soon. In the meantime, the draft report and results of the model are available for downloading from the TWDB web site (<http://www.twdb.state.tx.us/>). Mr. Carthel said it does not appear that printed copies of the report will be available. The actual model and the public domain software necessary to run the model is available for downloading from the TWDB web site. Dr. Urban said additional software to run the model and generate 3-D images is available for \$150.

Mr. Carthel said the model results were about the same as reported in the last GAM meeting. The calibration was

fairly good because the trends matched historical data. However, the actual values for some water level measurements were incorrect—as much as 20 to 50 feet off. The results should be used to indicate a general trend and not actual scenarios.

Chairman Brown indicated that he has attempted to obtain a draft copy of the GAM model—but has been unable to do so. The water districts received a review copy and had some concerns with the data contained in the report. Several districts then wrote the TWDB to voice their concerns and objections. Chairman Brown asked that those individuals share copies of their letters with the regional water planning group members at the next meeting. Whenever the final report is released, Chairman Brown has asked that three copies be provided to the regional water planning group for review.

Clyde Crumley and Jim Conkwright indicated they had received a response to their letters of concern from GAM Project Manager Richard Smith.

Mr. Conkwright stated that the High Plains Water District has contacted Daniel B. Stephens (via Neil Blandford) for copies of the draft GAM report. While he realizes the report is voluminous, the district has only received two copies of the document to date. Mr. Conkwright believes it should be the contractor's responsibility to provide a hard copy to the regional water planning group chairman.

## 12. OTHER BUSINESS

A. **REPORT FROM TWDB PROJECT MANAGER COMER TUCK.** Mr. Tuck reported that the TWDB has not appointed a permanent project manager for Region A and O as yet. This has been a slow process due to reorganization of the agency and the state budget shortfall. They are waiting to see how legislators will handle future state agency funding in the new appropriations bill.

### B. OTHER BUSINESS.

1. **LEGISLATIVE UPDATE:** Chairman Brown referenced Senator Duncan's water-related op-ed piece that appeared in the February 2, 2003 *Lubbock Avalanche-Journal*.

Jim Conkwright reported that 1,120 pieces of legislation have been filed to date during the 78<sup>th</sup> Texas Legislative Session. There are few water-related bills thus far because of the state budget shortfall, medical malpractice, and the insurance problem. Groundwater conservation districts are taking a low-profile stance. They will be monitoring all water-related legislation. Mr. Everheart concurred. He stated that several former committee chairs are now working with water marketers—so it will be important to monitor that type of legislation.

2. **LAKE MACKENZIE:** Mr. McCain has been in contact with Mr. Tom Davey of the MacKenzie Municipal River Authority. Mr. Davey was unable to attend today's meeting—but provided information to Mr. McCain via telephone, which was transcribed into a memo for the RWPG members.

Mr. Satterwhite reported that Lake Meredith is at its second lowest level in history. The lake received 40,000 acre-feet of inflow last year. The average is 125,000 acre-feet. 51,000 acre-feet of water was lost to evaporation, 53,000 acre-feet was pumped from the reservoir, and 31,000 acre-feet was pumped from Roberts County. Mr. Satterwhite reported that CRMWA and its member cities would now be under drought contingencies plans if CRMWA did not have the Roberts County well field. The area has received below average rainfall in the Lake Meredith watershed. The lake could be in serious trouble if the trend continues; hopefully, the area will receive beneficial rainfall in the future.

C. **PUBLIC COMMENT**

Gene Montgomery has gathered data on how water is used in the oil and gas industry. Due to time constraints, Mr. Montgomery has asked that he be given an opportunity to explain his information at the next LERWPG meeting. He also distributed copies of two papers pertaining to brush control. Copies will be provided to all LERWPG members for their review. The papers state that brush control may not be beneficial in cases where the evapotranspiration rate exceeds precipitation. The only useful area for brush control may be along river banks with salt cedar infestation. Chairman Brown asked that a copy also be submitted to Mickey Black for review.

Mr. Carthel told the group that the City of Lubbock's "sub-regional water plan" that was presented to the group last fall had been put on hold due to new priorities and other reasons. One component is the status of Lake Alan Henry. Some legislation will be introduced this session to create a water supply district in Garza County. This will allow sale of the surface water to other cities in the region, if so desired. The Llano Estacado Regional Water Management Plan designates Lake Alan Henry as a City of Lubbock water supply. Any other use will require amendment of the regional water plan. Mr. Carthel asked for the group's forbearance and, if the legislation is passed, attendance at a series of public hearings to amend the plan.

Chairman Brown told the group that Senator Robert Duncan might introduce legislation in the Senate to create another water district in Garza County. Water from Lake Alan Henry would be sold to the water district, which would sell it to the Cities of Jayton, Post, Clairemont, and Gerard. Water would be supplied to these towns until the City of Lubbock needs it. It is Senator Duncan's hope to have the regional water plan modified before he goes to committee with the proposed legislation. Chairman Brown does not think that can be achieved; however, it is possible to amend the plan by the time Senator Duncan introduces the legislation on the Senate floor.

Chairman Brown believes the regional water plan can be amended on a 45-day "fast-track" scenario. If the work effort begins on February 15, 2003, it is possible that it could be completed by April 1. It takes 2/3 of the regional water planning group to amend the plan. Because of this, Chairman Brown emphasized the importance of attending future regional water planning group meetings.

Chairman Brown showed the group a map of the groundwater management areas (GMAs) recently finalized by the TWDB.

Chairman Brown told the group that the TWDB grant application for the White River Municipal Water District has been approved. The LERWPG had authorized a letter of support to the TWDB for the application. The project would involve picking up gray water transported down the Brazos River in the headwaters of the proposed Post Reservoir site. The water would then be pumped to White River.

There is still a great deal of talk about water importation and the sale of water. Salem Abraham is still trying to merchandise Amarillo's Hartley County water for sale. In addition, T. Boone Pickens is still trying to merchandise water in Roberts County.

Mr. Conkwright expressed his appreciation to the High Plains Underground Water

Conservation District staff that handled the arrangements for today's regional water planning group meeting.

Dr. Urban asked if there was an idea as to when the next regional water planning group meeting would be scheduled. Chairman Brown replied that he is now serving as a mediator between the City of Lubbock and the counties of Garza and Kent. All three entities want to do something—but there will need to be some facilitation. Once the proposed legislation creating the fresh water supply district is written, it will be given to Senator Duncan for introduction on the Senate floor. After this takes place, the Llano Estacado Regional Water Planning Group can then begin the process of amending the regional water plan.

It was the group's opinion that a planning group meeting will be needed to authorize posting of notice of the proposed amendment. A 30-day comment period will follow, and then a public hearing will be conducted. The regional water planning group can meet immediately following the public hearing to approve amendment of the plan. Chairman Brown asked Dr. Grubb and Mr. Tuck to verify this sequence of events.

Mr. Jossierand asked if the meeting could be conducted by conference call. Chairman Brown responded that the TWDB guidelines do not allow this.

In response to Dr. Urban's question, Chairman Brown said he did not know when the next LERWPG meeting could be scheduled—it is contingent upon the "fast-track" legislation. He said Senator Duncan is counting on the regional water planning group's assistance with this legislation.

**13. ADJOURN**

There being no other business, Chairman Brown adjourned the meeting at 2:20 p.m.

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

**Respectfully submitted,**

**Lloyd V. Urban  
Secretary-Treasurer**