

Meeting of the
Groundwater Management Area 8
September 24, 2013 in Cleburne, TX

Minutes

The Groundwater Management Area 8 district representatives (referred to herein collectively as “the Committee” for easy reference), which consists of representatives from the Central Texas Groundwater Conservation District, Clearwater Underground Water Conservation District, Fox Crossing Water District, Middle Trinity Groundwater Conservation District, North Texas Groundwater Conservation District, Northern Trinity Groundwater Conservation District, Post Oak Savannah Groundwater Conservation District, Prairielands Groundwater Conservation District, Red River Groundwater Conservation District, Saratoga Underground Water Conservation District, Southern Trinity Groundwater Conservation District, and Upper Trinity Groundwater Conservation District (GCD), held a *Joint Planning meeting at 10:00 A.M. on Tuesday, September 24, 2013*, in the Cleburne Conference Center in Cleburne, Texas.

Groundwater District Representatives Present:

Central Texas GCD: Charles Shell
Clearwater UWCD: Judy Parker
Fox Crossing WD: None
Middle Trinity GCD: Joe Cooper
North Texas GCD: Eddy Daniel
Northern Trinity GCD: Craig Schkade

Post Oak Savannah GCD: Gary Westbrook
Prairielands GCD: Charles Beseda
Red River GCD: David Gattis
Saratoga UWCD: Jason Jones
Southern Trinity GCD: Scooter Radcliff
Upper Trinity GCD: Mike Massey

1. *Invocation*

Eddy Daniel, North Texas GCD presided over the meeting and Gary Westbrook, Post Oak Savannah GCD provided the invocation.

2. *Call meeting to order and establish quorum.*

The Groundwater Management Area 8 (GMA 8) meeting was called to order at 10:05 AM at the Cleburne Conference Center in Cleburne, TX. Mr. Daniel welcomed the new members, took roll and established that a quorum was present. 11 Districts were present at the time of roll call, with Fox Crossing WD absent. The representative for Southern Trinity GCD was present at the meeting, but was not a voting member. Mr. Radcliff stated that he was present to represent the Southern Trinity GCD, but was waiting for confirmation from his Board of Directors before he could participate as a voting member of GMA 8.

3. *Welcome and introductions.*

Mr. Daniel asked members of the Committee to introduce themselves. Mr. Daniel noted that the Fox Crossing WD has internally dissolved, but the State has not approved the dissolution. As such, the agenda must still be posted in their name and at the Mills County Courthouse. Mr. Daniel thanked Joe Cooper from Middle Trinity GCD for his generosity in posting the agenda for Fox Crossing WD in their absence.

4. *Public Comments.*

No public comments were received.

5. *Approve minutes of February 29, 2012 GMA 8 meeting.*

Joe Cooper, Middle Trinity GCD moved to approve the minutes of the February 29, 2012 GMA 8, seconded by Charles Beseda, Prairielands GCD. The motion carried unanimously, 10-0.

6. Confirmation of replacement of representative for the Region K Water Planning Committee

Only one groundwater district is located in Region K Water Planning Region, which is the Central Texas GCD. GMA 8 must approve and confirm the designated representative for Region K. The Central Texas GCD had taken action to replace the previous representative with Bill Luedecke and the alternate representative with Charles Shell.

Mike Massey, Upper Trinity GCD motioned to approve Bill Luedecke as the primary representative for Region K Water Planning Committee with Charles Shell as the alternate representative. The motion was seconded by Charles Beseda, Prairielands GCD and passed unanimously, with Charles Shell, Central Texas GCD abstaining, 9-0.

7. Discussion and review of GMA 8 groundwater conservation district management plans, accomplishments of GMA 8 and any proposals to adopt or amend existing desired future conditions (GMA 8 District Representatives).

Chapter 36 of the Texas Water Code requires that each groundwater district update the other members in GMA 8 of the status of their management plan.

Eddy Daniel, North Texas GCD reported that their management plan was approved in 2011 and the district is currently working to register new wells and existing non-exempt wells. The general manager is providing annual reports, beginning with January 2012. All non-exempt wells are required to report quarterly with their production information. Their current large project is contributing to the updated groundwater availability model (GAM) for the Upper Trinity aquifer. The temporary rules were adopted in October 2010 with an amendment in January 2013 and a public hearing scheduled for October 8th. Mr. Daniel briefly discussed the changes being addressed at the public hearing.

Joe Cooper, Middle Trinity GCD reported that their management plan was adopted in May 2012. Their annual report includes information provided to their Board with information on the desired future conditions and the status of the drawdown in the aquifer. Their wells are not metered, but they use static water measurements to follow the pumpage from their aquifer. Comanche and Erath Counties had a small drawdown, but Bosque County had a more than 8 foot reduction in aquifer levels.

Craig Schkade, Northern Trinity GCD reported that their District was created in 2008, but not active until 2010. Since the adoption of their management plan, they still have no staff and operate on a volunteer basis. All of their revenue goes toward keeping the district afloat and paying for their portion of the GAM update. Their goals are now to hire a staff and meet the goals of their management plan.

Mike Massey, Upper Trinity GCD provided a written report and paraphrased that information. Their district was created in 2007 and adopted a management plan in 2010. A water well monitoring program was started and is now in phase 2. Montague County has a large population that relies on a Paleozoic aquifer that is not recognized as a water source by the State. The staff prepares an annual report, beginning in 2011, and shows that they are following their rules and management plan. They were also approached by the State Auditor's Office for an audit this year. It appears that the audit will be clean.

Jason Jones, Saratoga UWCD is a very passive district formed in 1989. The district is non-taxing and has no fees and no revenue, except what is provided by the County. The district is operated by volunteers in order to prevent them from being overtaken by other groundwater districts. Lampasas County has limited groundwater resources. The management plan was adopted in 2008 and an update is expected to be adopted soon.

Joshua Grimes, Prairielands GCD reported that the management plan was adopted in 2012 and the first annual report will be provided in 2014. They have just started collecting meter readings and production and are working to put a monitoring program in place.

Gary Westbrook, Post Oak Savannah has a limited groundwater production in GMA 8 because only the deepest part of the Trinity Aquifer is in GMA 8. Most of their district is in GMA 12. Should there become a need to regulate pumping from the Trinity Aquifer they have rules in place to begin that process. Their rules were last amended in June 2012 and their management plan was amended in October 2012.

Judy Parker, Clearwater UWCD was enabled in 1989 and was confirmed in 1999. Their management plan was adopted in 2005 and amended in 2011. They require permits for non-exempt wells and maintain a well location database. They have a district newsletter that is provided on the waste of groundwater and educating citizens on the use of groundwater. They participate in Region G Water Planning Group. They are the only groundwater district in GMA 8 to use the Edwards Aquifer. They monitor the water levels in the aquifers with stream-flow and static water level monitoring.

Charles Shell, Central Texas GCD reported that their management plan was adopted in 2004 and then amended in 2012. They have monitoring wells that monitor six aquifers. The information collected from those wells are available on their websites and are working on two USGS studies on the Ellenberger Model. They help fund rainwater harvesting programs and participate in hazardous waste collection events. The staff reports quarterly and annually to the Board and were audited last year and received a clean report. All wells that pump more than 25,000 gallons per day are required to be permitted.

Jerry Chapman, Red River GCD reported that the district was created in 2009 and adopted a management plan and temporary rules in 2011. They have a registration and metering program for non-exempt wells, in addition to a well sealing program to protect the integrity of the wells. The district is shadowing the Texas Water Development Board (TWDB) to take over the water monitoring program in the area. The temporary rules were amended in 2012.

Mr. Daniel reported that while GMA 8 has not met since February 2012, a significant amount of work has been happening behind the scenes, including work on the desired future conditions (DFC) and GAM update. The GAM update and modeling is being developed by INTERA, the Bureau of Economic Geology and LBG Guyton. The model is expected to be completed in 2014, which will be right in time for the DFC process to begin.

Mr. Cooper thanked Mr. Daniel and the North Texas GCD for their work administering the GMA 8. Participation is not voluntary, but they put forth a great deal of effort organizing GMA 8.

Mr. Cooper also requested to discuss a DFC that is impacting his district negatively. They are experiencing a great deal of drawdown centered around McLennan County and affecting Bosque County. He expressed that he did not have a solution and that it would take all of GMA 8 to provide a solution. He provided a 50 year prediction of drawdown provided by GAM Run 08-06. He expressed that some drawdown is being experienced and it is showing a predicted 489 feet of drawdown. The Hosston Aquifer, which is their deepest level of the aquifer, is expected to have 527 feet of drawdown over 50 years. He expressed that it is not fair for him to limit the production on his permitted wells, when the problem is centered around McLennan County. If these issues are not addressed, the groundwater districts and GMA 8 are not doing their job.

It appears that the areas around Waco are using the most groundwater. Some of the suburbs are trying to get a surface water permit in order to reduce the amount of groundwater used. The City of Waco is looking at impounding more water in the lake, but the State wants them to send the water back downstream. Mr. Cooper explained that he is not asking for action at this time, but wants it to be included in discussions.

Mr. Daniel agreed that there are some issues and as the next DFC process begins, those issues will be discussed and addressed. Mr. Massey explained that his district will be requesting GMA 8 to address the Paleozoic aquifer in his district. They are not included in any reports by the TWDB and he feels this needs to be changed. Mr.

Chapman explained that Senator Fraser provided a presentation at the Groundwater Summit earlier this fall that the groundwater districts need to work together more or the State will take action. Ms. Parker explained that they have a drawdown problem, but do not have a district to work with, which is a problem. The southern side of Bell County is experiencing a significant level of drawdown, but until the State backs up the DFCs, they are just a recommendation on paper. Mr. Shell said that they have a common problem with a county that has no groundwater district and is over pumping the Trinity Aquifer.

8. Briefing and discussion on changes to the Desired Future Conditions process resulting from the passage of Senate Bill 660 by the 2011 Texas Legislature (Bill Mullican)

Bill Mullican, a consultant working on the GAM update, was requested to address the GMA 8 committee regarding the changes to the DFC process. SB 1282 reset the clock for all GMAs in the state to adopt their DFCs by May 2016. The old process of adopting DFCs is completely different. The process has adapted over the last 16 years. Including aquifers that are not currently considered, such as Paleozoic aquifers, will change the process again. Chapter 36.108 of the Texas Water Code was modified considerably. There is too much required up to the point of adopting the proposed DFCs to make last minute decisions. GMA 8 must now have two official votes in order to adopt DFCs. There is a required vote to adopt DFCs by May 1, 2016. Those will then go to the groundwater districts for public hearings and public comment. Those comments will then go back to the GMA 8 for a final vote. The DFCs will also have to be run through the considerations before they can be approved. Each district will need to provide historical use and projected use in order to include them in the proposed DFCs. The considerations will take a great deal of time and discussion to work through, so they should only be taken two or three at a time. Mr. Mullican reviewed in detail the process of each of the nine considerations and the information that will need to be collected.

Each of the nine considerations will need to have an administrative record. This would include an agenda posting with the consideration clearly listed, all discussion materials, and then the approved minutes with the discussion memorialized. GMA 8 will also have to consider the impacts of the DFCs on the socioeconomics of the area, effects on private property rights, and the feasibility of achieving the proposed DFCs. The DFC process will require GMA 8 to be much more deliberate than in the previous round.

The revised model will be completed in 2014 and will hopefully be able to make conceptual projections as early as April or May 2014. Groundwater districts should begin to collect their groundwater production information to put into the model in order to begin running projections. Mr. Daniel recommended that after the first of the year GMA 8 begin meeting regularly to begin working through the information in order to meet the deadlines. He recommended scheduling quarterly meetings until the DFCs have been adopted. He also recommended the groundwater districts consider hiring a consultant to manage the process and mediate between the districts. The TWDB will not be running predictive simulations for GMAs before adoption of the DFCs without funding from the GMAs.

Mr. Massey recommended GMA 8 hire Mr. Mullican in order to work as the contract manager for the DFC process. Mr. Mullican is currently working with as project manager for the GAM update. Ms. Parker asked if GMA 8 was required to submit bids for consultants and Mr. Daniel responded that he did not believe so, but would verify.

9. Receive update on groundwater related legislation and other matters.

Mr. Larry French with the TWDB provided a brief review. The last legislative session focused on the energy exploration. The State Water Implementation Fund of Texas (SWIFT) dealt with modifying the setup of the TWDB, which included changing to a three-member employed administrative board. It also hired a new Executive Administrator, Kevin Patterson who is currently with the Governor's office. He will begin work in October.

The total estimated recoverable storage will be provided to GMA 8 by the TWDB. This is the total amount of water within the aquifer. The TWDB is currently in the process of issuing a report to each GMA with the

information. It should be complete by the end of 2013. The information is available on the TWDB website. The website also includes a number of documents that will provide background information on how the TWDB is moving forward with options for how the reports for the DFCs could look. Their website also includes information on how the TWDB will move from the DFCs to the managed available groundwater.

Mr. French also explained the method to add relevant aquifers, including Paleozoic aquifers. GMA 8 should develop DFCs and provide them to the TWDB for managed available groundwater information to be developed.

Mr. Massey expressed appreciation on behalf of the four groundwater districts participating in the groundwater model update for the assistance of the TWDB.

Ms. Kristen Fancher of the Lloyd Gosselink firm addressed the committee. She recommended that a scope of services be developed to take back to the groundwater district boards for approval to move forward with approval to enter into an agreement to hire a consultant to guide the DFC process. The groundwater districts will need to collect all public comments received in the 90-day period and provide them to the GMA 8 for inclusion in the report. Every district will need to follow the due process in order to prevent the actions taken by the GMA 8 from being unusable. Every public comment or recommendation that the GMA 8 does not use will need an explanation as to why it was not used.

Ms. Fancher also expressed that the 2013 Legislature saw brackish water bills and long-term permitting issues, but this was just a preview of the 2015 session. She expressed a belief that those will return in 2015, but did not expect major changes to the DFC process. This is the chance for GMAs to show the State that local control will work for developing future goals. The Railroad Commission was surprised at the response from groundwater districts on their proposed rule changes. This started the dialogue between the energy exploration and the groundwater interests.

10. Set date, time, and place of next meeting and discuss agenda items.

Mr. Daniel expressed a desire to schedule a meeting for January 2014. He offered to develop a talking points memo to circulate to each groundwater district from a GMA 8 perspective to include on groundwater district agendas. GMA 8 needs to begin meeting at least quarterly. Mr. Cooper agreed with the quarterly meetings being the minimum schedule. Mr. Schkade also requested a Scope of Services being developed. The next meeting was scheduled tentatively for the third Tuesday in January, which is the 21st.

11. Closing comments.


Mr. Daniel reminded the audience to please sign in so that the GMA 8 can include all present visitors. He thanked Mr. Cooper for posting the agenda for Fox Crossing WD. He also thanked the staff for their assistance. Mr. Massey thanked the Cleburne Conference Center and Prairielands GCD for scheduling the meeting and securing the location for the meetings. The Committee discussed the meeting location and agreed that the Cleburne Conference Center served as the preferred meeting location.

12. Adjourn.

The Committee unanimously agreed to adjourn the meeting at 11:55 AM.

The GMA 8 Committee unanimously approved the minutes on this 21st day of January, 2014.


Recording Secretary


Chairman