

Meeting of the
Groundwater Management Area 8
April 22, 2014 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, 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, April 22, 2014*, in the Cleburne Conference Center in Cleburne, Texas.

Groundwater District Representatives Present:

Central Texas GCD: Charles Shell	Prairielands GCD: Charles Beseda
Clearwater UWCD: Judy Parker	Red River GCD: David Gattis
Middle Trinity GCD: Joe Cooper	Saratoga UWCD: Jason Jones
North Texas GCD: Eddy Daniel	Southern Trinity GCD: None
Northern Trinity GCD: Craig Schkade	Upper Trinity GCD: Mike Massey
Post Oak Savannah GCD: Gary Westbrook	

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 10:12 AM at the Cleburne Conference Center in Cleburne, TX. Mr. Daniel welcomed the new members, took roll and established that a quorum was present. 10 Districts were present at the time of roll call, with Southern Trinity GCD absent.

3. *Welcome and introductions.*

The members present introduced themselves. Mr. Daniel introduced Mr. Larry French with the Texas Water Development Board (TWDB). Mr. Daniel thanked all visitors for attending the meeting.

4. *Public Comments.*

No public comments were received.

5. *Approve minutes of January 21, 2014 GMA 8 meeting.*

The minutes were provided for review. No changes were proposed.

David Gattis, Red River GCD moved to approve the minutes of the January 21, 2014 GMA 8, seconded by Joe Cooper, Middle Trinity GCD. The motion carried unanimously, 10-0.

6. Consideration and possible action regarding the designation of an Administrative District, a Chair, and Vice-Chair for the GMA 8 in accordance with the adopted administrative procedures.

Mr. Daniel explained that Mr. Massey pointed out that the Administrative Procedures adopted by GMA 8 require that the Chair and Vice-Chair be appointed annually. The North Texas GCD is willing to continue operating as the administrative district if everyone is satisfied. Mr. Cooper thanked the North Texas GCD for their efforts operating the GMA 8.

Mike Massey, Upper Trinity GCD motioned to nominate Eddy Daniel, North Texas GCD as Chair and Joe Cooper, Middle Trinity GCD as Vice-Chair. The motion was seconded by Judy Parker, Clearwater UWCD. Gary Westbrook, Post Oak Savannah GCD motioned to end nominations and to elect the nominated parties. The motion was seconded by Judy Parker, Clearwater UWCD and passed unanimously, 10-0.

7. Update and possible action on the Northern Trinity/Woodbine Aquifer GAM Overhaul Project

Mr. Bill Mullican, Mullican Associates addressed GMA 8 and explained that there was some significant discussion at the previous GMA 8 meeting regarding the timing of the scenarios. As a result of challenges experienced by the consultants, there has been a one month delay in the preparation of the draft model. The model will be available on the project website on May 31st. On June 5th at 10:00 AM at the Prairielands GCD offices, a Technical Advisory Committee (TAC) meeting will be held. The model will be distributed to the representatives at that meeting for a 45 day review period.

The results of the first predictive simulation will be available based on the same information as the old model on June 18th. This is the Modeled Available Groundwater (MAG) based on the same information from the old model, but with the information available in the new model. This will allow everyone to see the differences between the models. Scenarios need to be delivered by July 18th and comments are due on July 21st. The final report and the final model will be delivered to the TWDB on August 31st with a request that it be adopted and approved as the TWDB's official model.

Numbers were sent out for each county. Mr. Mullican reviewed the information provided with the district representatives. The information is available on a Dropbox account as the information is too large to send by email. The information includes a current percentage breakdown of the amount of groundwater and surface water and they were maintained over time to show a possible scenario over time. This is not completely accurate or the only scenario. The information is what is included in the State Water Plan at this time.

Ms. Parker asked if the information was strictly from the 2012 State Water Plan or if changes that have been made for the 2016 State Water Plan. Her district has provided better information to the State and has modified the data. Mr. Mullican explained that this is where good data from the districts becomes extremely valuable. Any information on surface water projects that have been planned or removed from planning need to be included in the data provided to the consultants.

Mr. Gattis requested the information be provided to the TAC in layman's terms, since the technical terminology is too complicated to be understood by the majority of district representatives. Mr. Mullican agreed to make an effort to provide the information as simply as possible.

8. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs)

Mr. Mullican submitted a proposal for guiding the DFC process. Each district was requested to discuss funding the proposal with their boards. Mr. Daniel explained that his intention was for Mullican & Associates to enter into an agreement with the administrative district and then for the bill to be divided among all of the participating districts within GMA 8. He stated that his board understood that the funding could be left for the North Texas GCD and they were willing to take that risk. This would eliminate the need for Mr. Mullican to enter into an agreement with each district and would also eliminate the need for an interlocal agreement. Mr. Brian Sledge with Sledge Fancher, PLLC explained that this was correct. He could draft an interlocal agreement or a memorandum

of agreement, but in the past this has not been met with approval. In the past the method of invoicing and receiving reimbursement from the administrative district has proven successful.

Mr. Shell asked Mr. Mullican how aquifers with DFCs but no models would be addressed. Mr. Mullican explained that part of his role would be to work with the TWDB to develop modeling information for all aquifers. The DFC process would be inclusive for the entirety of GMA 8. Mr. Cooper asked if there is any additional liability in the potential for defending DFCs like there is for defending rules. Mr. Gattis asked if Chapter 36 of the Texas Water Code addressed aquifers not identified as major or minor by the TWDB. Mr. Sledge explained that the law was not completely clear and could be interpreted several ways. His interpretation would be that an aquifer could be managed without DFCs. However, once DFCs are adopted, the districts are required to meet the guidelines of the DFCs and show how they are working to meet the DFCs. He confirmed that the Paleozoic aquifers are now entering into the process of future planning, but should be considered carefully before DFCs are established.

Mr. Daniel stated that the runs will need to be reviewed carefully before they are completed. Each run will need to be defended as to why it was chosen or why not. The new DFC process is very complicated and requires a great deal of support. Mr. Sledge agreed, but further explained that the report must include reasons for why every DFC was considered but not adopted. This includes all comments received from the public and whether they were incorporated or not. A determination must be made as to when information that has been collected should be included in the explanatory report as formally considered. Mr. Sledge recommended procedures be adopted at the next meeting to establish guidelines. Mr. Sledge suggested that the old GAM runs be included, as well as the new GAM runs.

Mr. Daniel acknowledged that most if not all of the districts have hired a consultant to provide input and advice regarding the DFC process. As such, each district's consultant will make recommendations regarding the desired GAM runs for the DFC process. Mr. Daniel suggested that the district's consultants meet as a group with Bill Mullican to discuss the technical aspects of the GAM runs and have a coordinated effort. This process would be simpler and less time-consuming than each district working individually. It would also help to prevent duplication of effort. Mr. Massey explained that he has always seen the group working together. However, defining the DFCs could become incredibly time consuming and exhausting. Finding common ground and defining the method for determining which comments should be addressed formally will be extremely important.

Mr. Jones confirmed that the resolution to establish parameters would be between the GMA 8 districts, not an individual district resolution. Mr. Sledge and Mr. Daniel both agreed that Mr. Jones was correct in his assumption.

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

Mr. Sledge provided an update on the Texas Water Conservation Association (TWCA) and Texas Alliance of Groundwater Districts (TAGD) activities. A committee has been established by the Texas Legislature for desalination review. The House appointments to the TWDB SWIFT committee for the water infrastructure financing have been completed. This is on task to get their rule package out for funding by the end of the year. The TWCA and TAGD are looking into many items, including brackish water regulation. There is one proposal to remove brackish water regulation from groundwater conservation districts. This could pose many problems to groundwater regulation. Discussions have included establishing brackish water zones and then having an applicant prove definitively that pumping that zone would not impact more than minimally the fresh water in surrounding areas. The permits would allow for a certain amount of time and a certain amount of water. Districts could also place monitoring wells to prove that the impact on surrounding zones has been minimal. The permit periods would be for the length of the project, which could be up to 20 or 30 years. They are currently working on a groundwater conservation district led permitting system. Mr. Sledge discussed several possibilities for groundwater conservation districts utilizing brackish zones to reduce the utilization of fresh water.

A subcommittee has been established to review the oil and gas permitting exemptions. There is minimal hope for modifying this exemption, but an effort is being made to revise this section of Chapter 36. There is also a

subcommittee being led by Mr. Ty Embrey to review enforcement being coordinated between the Texas Department of Licensing and Regulation and groundwater conservation districts.

The committee is also reviewing the requirement to issue permits up to the MAG. This is being reviewed to determine if this should be left as is, but could be modified to include precipitation information, actual pumping, and exempt use.

They are also reviewing the State Auditors requirement to audit groundwater districts. The original intent of the audit was to make sure that groundwater districts were meeting their management plan goals. However, this has become a problem where groundwater districts are aiming low to avoid receiving an exception from the State Auditors. The committee is reviewing moving the audit to the TCEQ.

There has been some desire expressed by the Chairman of the Senate Natural Resource Committee that districts over common aquifers should have more consistency than they currently do. There is an effort to make policies more common. This may include consideration of more regional groundwater management.

Mr. Larry French of the TWDB explained that their role in the GAM approval should be completed in time to keep the process on time. They have a new three-member board and Executive Administrator. They are very interested in the process and procedures for reviewing the model and are expected to take a close look at the model to really understand the process.

Ms. Parker asked if there was any movement made toward requiring counties with no districts to abide by DFCs established by neighboring districts who share an aquifer. Clearwater UWCD and Central Texas GCD are having problems meeting DFCs because of pumping from a neighboring county. Mr. French stated that most likely the TCEQ would need to review the situation and pursue finding a solution. He agreed to provide that information to the TWDB.

Mr. Daniel requested that action be taken on Item 8 to approve the proposal.

Mike Massey, Upper Trinity GCD motioned to authorize the administrative district to enter into an agreement on behalf of the GMA 8 with Mullican Associates and to share the cost of the proposal among the members of GMA 8. The motion was seconded by Charles Beseda, Prairielands GCD and passed unanimously, 10-0.

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

The meeting was scheduled for July 29th at 10:00 AM. The agenda should include discussion of water use and the information provided for the GAM runs.

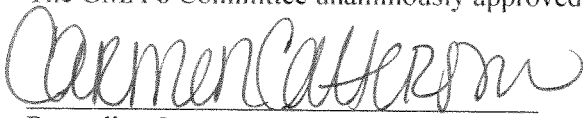
11. Closing comments.

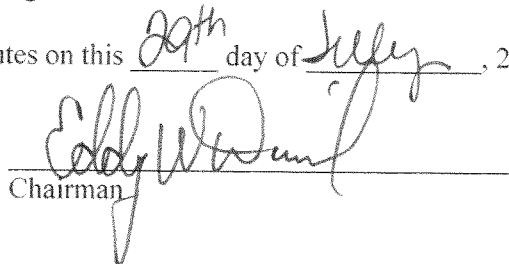
Mr. Daniel requested all visitors and GMA 8 committee members to sign in confirming they attended the meeting.

12. Adjourn.

The Committee unanimously agreed to adjourn the meeting at 12:03 PM.

The GMA 8 Committee unanimously approved the minutes on this 29th day of July, 2014.


Recording Secretary


Chairman