

**MINUTES OF THE BOARD OF DIRECTORS' SPECIAL MEETING
RED RIVER GROUNDWATER CONSERVATION DISTRICT**

THURSDAY, APRIL 28, 2011

**AT THE GRAYSON COUNTY COLLEGE
CENTER FOR WORKPLACE LEARNING AUDITORIUM
6101 GRAYSON DRIVE
DENISON, TX 75020**

Members Present: George "Butch" Henderson, George Olson, Don Wortham, David Gattis, Harold Latham, Don Morrison, John Young

Members Absent: None

Staff: Jerry Chapman, Carmen Catterson

I. Call to Order

President Henderson called the meeting to order at 6:33 p.m. and President Henderson explained to the public that this was a regular Board meeting, not the public hearing. He requested the public sign in if they wished to address the Board during the public hearing. The Board Members introduced themselves and the entities they represent. All members were present.

II. Introduction of Visitors

President Henderson introduced the Board members and the entities they represent.

III. Consider and act upon approval of Minutes of March 21, 2011 Meeting.

Vice President Olson motioned to approve the Minutes of the March 21, 2011 Meeting. The motion was seconded by Board Member Gattis and passed unanimously.

IV. Citizens to be Heard

President Henderson reminded the visitors that if they desire to address the Board at the public hearing to sign the sheet.

V. Consider and discuss presentation by Rules Committee at Public Hearing.

Mr. Brian Sledge, a water attorney, provided a brief summary and history of the District and Texas water law. He explained that the Texas Commission on Environmental Quality (TCEQ) issued a report in 2007 that placed Fannin and Grayson Counties in a Priority Groundwater Management Area (PGMA). This required the group to create a groundwater conservation district. A number of entities in the counties contested the ruling, but ultimately lost. He explained the steps a fee-based district must take before they can begin collecting fees to create revenue for the District. The process is complicated and generally takes approximately two years. Mr. Sledge continued to explain the history of the District and its creation and the tasks that the State requires from them. The District will be required to issue permits for drilling wells, enforce well spacing, and collect data detailing how much water is being removed from the aquifer. The District will be required to create desired future conditions in conjunction with other districts in Groundwater

Management Area (GMA) 8 and then create methods of ensuring those conditions are met. Mr. Sledge stressed the importance of the District meeting its requirements and provided examples of situations where the groundwater has not been managed and many wells have ceased functioning.

The public expressed concern that the presentation was being provided before all members of the public were able to sign in and make their way into the auditorium, and requested that the presentation be delayed until after 7:00 PM. The public also requested clarification on the development of the Board and why the Board felt it necessary to charge citizens money to fund their operations. President Henderson explained that non-exempt wells will not be charged for production or be required to register their well with the District. He also explained the formation of the Board and how it was formed by Legislature in response to the action by TCEQ.

At this time, the capacity of the auditorium exceeded the maximum capacity and the campus security directed the Board to move the meeting to a larger location for fire code compliance purposes.

President Henderson then publicly addressed the crowd to explain the situation and request that the public move to the large amphitheater. He further announced that the meeting and public hearing would be continued at 8:00 p.m. at the Cruce Stark Auditorium there on the Grayson County College campus. The Board took a break to relocate the meeting to the Cruce Stark Auditorium at approximately 7:30 PM, and most of the public and the Board walked over to the Cruce Stark Auditorium. The meeting resumed at the Cruce Stark Auditorium at approximately 8:00 PM.

VI. Consider and act upon establishing a depository for the District and discuss billing

This item was tabled until the next meeting.

VII. Discuss future meeting date and agenda

After discussion, the Board decided to schedule the next meeting on May 23, 2011.

VIII. Adjourn

Upon motion by Vice President Olson seconded by Board Member Young and passed unanimously, the Board adjourned the meeting at approximately 8:10 p.m.

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PUBLIC HEARING

I. Call to Order

President Henderson called the Public Hearing to order at 8:10 p.m. The Board Members introduced themselves and the entities they represent. All members were present.

II. Review draft Temporary Rules

President Henderson addressed the public and explained that the Board was volunteer and received no compensation. He also explained that the Board is very concerned with keeping the cost for water production fees low to protect all water users in the District. No one in the District should be overburdened. The current rules exempt all wells that are capable of producing less than 18 gallons per minute.

III. Brief review of District creation

Mr. Sledge provided another explanation of the District's creation

IV. Public Comment (verbal comments limited to three (3) minutes each; written comments may also be submitted for the Board's consideration.)

The public addressed the Board and questioned who created the District and President Henderson explained that the District was created by SB 2529 in 2009 by the Texas State Legislature. Mr. Mike Hathaway asked where the meeting notices were posted and requested the District begin posting them at Tractor Supply, in the newspaper and as many other places as possible to make sure that the public is aware of the meetings. Mr. Hathaway also questioned how many people the District planned to hire to enforce the rules. President Henderson responded that the District posts meeting notices at the Fannin and Grayson County Courthouses, on the website, provides them by email and by mail upon request and has paper copies available at the District office. President Henderson explained that the District has to work with GMA 8 to meet the desired future conditions. The District has to provide information to the GMA 8 to help meet their goals and provide information for future water planning.

Mr. Sledge briefly reviewed the rules and explained what steps the State requires the District take. He also explained some of the requirements placed on the District by the statutes. Mr. Sledge asked if the draft rules were modified to exempt all domestic wells, would the public be satisfied. The public responded favorably. Mr. Sledge explained that if the District does not pass rules and begin collecting data to meet the desired future conditions established, then the TCEQ could create a Chapter 36 groundwater district.

Mr. Alex Moser addressed the Board and explained that he drills wells that produce between 20-50 gallons per minute for domestic use. He requested the Board consider lifting the exemption level to 50 gallons per minute. He explained that 50 gallons per minute allows the property owner to use their water for anything they want including watering their lawn, providing water to their home, filling a pond, etc. Mr. Moser explained that he has six wells on his property and can pump 400 gallons per minute from the six wells and can run the wells 24 hours a day and they will not drop in production.

Mr. Sledge explained that the District is constrained by the need for funding. The District will be required to hire hydrologists, create a management plan and to create management guidelines for managing and maintaining the aquifer. However, due to the need for funding, the Board has to create a system to determine which wells will be issued a fee for production. This is a very difficult task because little information is available at this time. The Board will also have to determine how long the process for requiring registration will take. The management plan has to be complete and submitted to the TWDB before September 2012.

The public continued to discuss the requirement for domestic wells to register and the Board stated that the Committee would review the rules again and would provide a new draft for the public to review in time for another public hearing. The public would have a chance to review the changes and provide comment before the rules are approved.

Mr. Doug O'Connor requested the Board consider exempting agricultural wells. He stated that the only two districts in the State that do not exempt agriculture wells or grandfather existing agriculture wells are the North Texas GCD and the Red River GCD.

The public questioned how the representatives for the Board were determined and how they are elected. President Henderson explained that the Board was set up in the enabling legislation and the legislation would have to be modified to adjust the Board. The Board members are not elected, they are appointed by the entities they represent.

The public requested that the Board remove the 10-acre requirement for exemption. This would make it better for a property owner with 2 acres of land to drill a well since he would be able to have an exempt well. The current rules do not exempt any well on a tract of land less than 10 acres of land. The Board agreed to discuss the requirement in the Committee.

A citizen requested the Board consider defining domestic use and providing consideration to exempting small farm operations where produce is exchanged rather than sold for money. The Board agreed to consider her request.

At approximately 9:45 PM the College requested that the meeting begin closing since the campus would be locked up at 10:00 PM. Mr. Sledge explained that meeting notices would be posted on the website at www.redrivergcd.org and would be posted at the County Courthouses and provided upon request by mail or email.

V. Adjourn

Upon motion by Board Member Morrison seconded by Board Member Latham and passed unanimously, the Board adjourned the hearing at approximately 9:53PM.

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Recording Secretary


Secretary-Treasurer