

Meeting of the
Groundwater Management Area 8
July 29, 2014 in Cleburne, TX

Minutes

The Groundwater Management Area 8 (GMA 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, held a *Joint Planning meeting at 10:00 A.M. on Tuesday, July 29, 2014*, in the Cleburne Conference Center in Cleburne, Texas.

Groundwater Conservation District Representatives Present:

Central Texas GCD: Charles Shell	Prairielands GCD: Charles Beseda
Clearwater UWCD: Judy Parker	Red River GCD: Mark Newhouse
Middle Trinity GCD: Joe Cooper	Saratoga UWCD: Asa Langford
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 provided the invocation.

2. Call meeting to order and establish quorum.

The Groundwater Management Area 8 (GMA 8) meeting was called to order at 10:07 AM at the Cleburne Conference Center in Cleburne, TX. Mr. Daniel welcomed the new members, took roll and established that a quorum was present. Nine districts were present at the time of roll call, with Northern Trinity GCD and Southern Trinity GCD absent. Craig Schkade with the Northern Trinity GCD arrived shortly thereafter.

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.

Bob Harden, with groundwater consulting firm RW Harden and Associates explained that he was one of the initial authors of the original GAM report for the Northern Trinity and Woodbine aquifers. He explained that he was concerned by comments made at the previous meeting regarding providing pumpage reports and setting similar rules regarding pumping. He explained that the EAA vs Day case specified that the landowners have the right to a “fair share” of the groundwater beneath their land. He explained that a report done on the Carrizo-Wilcox Aquifer would apply to the Trinity Aquifer. He expressed that he believes regulation should be done over all of GMA 8, which is a suitable area for management and would be better suited to providing a definition of “fair share” of the aquifer, not across a singular groundwater conservation district. He stated that common rules should be established to provide for development of the aquifer.

Craig Schkade, Northern Trinity GCD arrived at 10:12 AM.

5. *Approve minutes of April 22, 2014 GMA 8 meeting.*

Revised minutes were provided for review. The revisions were minor and primarily rephrased paragraph 4 on Item 8.

Mike Massey, Upper Trinity GCD moved to approve the revised minutes of the April 22, 2014 GMA 8 meeting as presented, seconded by Joe Cooper, Middle Trinity GCD. The motion carried unanimously, 10-0.

6. *Consideration and possible action regarding selection of GAM Runs 2 and 3 for the updated Northern Trinity/Woodbine Aquifer GAM.*

Mr. Bill Mullican explained that this is the first step in the DFC process. Run 1 used the existing DFCs in the new model to see the differences between the models. Run 1 showed a change in pumping levels in most counties and aquifers. In Bell County, there was an increase in the level of the aquifers using the same pumping scenarios as the 2004 model. However, in Collin County, there was a large reduction in aquifer levels based on the same pumping scenarios. The results were not equal across all counties or all aquifers with the 2014 model.

Runs 2 and 3 will be used as “bookends” to view the result of a reduction of pumping or a significant increase in pumping. These are not realistic runs, but should show the possible highs and lows. This is a requirement of the process to adopt DFCs. Run 2 will attempt to stabilize the water levels by the end of the planning horizon. This will serve as a sustainability “bookend”. Run 3 will show a steady increase in pumping.

The TWDB is scheduled to begin its review of the updated GAM for approval on September 1st. Runs 1, 2 and 3 are included in the contract but are not part of the updated GAM that will be reviewed by the TWDB for approval.

Joe Cooper, Middle Trinity GCD moved to instruct INTERA to proceed with GAM Runs 2 and 3 as proposed. The motion was seconded by Judy Parker, Clearwater UWCD and passed unanimously, 10-0.

7. *Consideration and possible action regarding resolution amending and reestablishing administrative procedures for GMA 8.*

Most of the changes to the administrative procedures resolution are related to the DFC process. Mr. Brian Sledge with Sledge Fancher, PLLC explained that while the statute is clear on adopting DFCs, it is not clear on proposing scenarios and formally considering them. Each formally considered scenario must be included in the explanatory report. The resolution amends and reestablishes the administrative procedures. Mr. Sledge briefly reviewed the revised resolution provided. The steps will include formally approving a scenario for consideration, then formally approving a scenario for consideration under the 9 areas of the statutes, then for formal adoption of the scenario. He explained that the guidelines are not intended to discourage dialogue and discussion between districts, but is intended to clarify which scenarios will be included in the explanatory report.

Any runs that are desired for formal consideration must be submitted before a GMA 8 meeting in writing to the consultant Mr. Mullican and to all GMA 8 districts. The runs will be expensive and will require districts to work together. Section 5 explains the procedure for adopting DFCs. Judy Parker, Clearwater UWCD asked if the public hearings would need to be held for each aquifer or each DFC at different times or at one time. Mr. Daniel explained that he anticipated all DFCs to be adopted at one time. Mr. Sledge explained that if a DFC is adopted for a specific aquifer, only districts with the specified aquifer must hold public hearings.

One district had previously suggested language be added to handle an impasse. The recommended language specifies that an item may be brought to the GMA 8 group five times and if it has not been approved by then, it must be rephrased or changed. The group discussed the number and agreed to modify it to three times.

Mike Massey, Upper Trinity GCD motioned to adopt the resolution as amended. The motion was seconded by Charles Beseda, Prairielands GCD and passed unanimously, 10-0.

8. Update and discussion of groundwater-related legislation and other requirements for the development of Desired Future Conditions (DFCs)

Mr. Sledge provided an update on the brackish groundwater hearings that were held. The TWCA Groundwater Panel is working on a proposal that would include a system by petition for the designation of brackish groundwater zones. The other committees are reviewing permitting processes and renewals, production permits, and injection permits. He also provided updates on funding options for groundwater districts. Public comments are due by September 1st for the new TWDB rules for financing under the new legislation. Texas Farm Bureau has taken a position regarding brackish groundwater that it is a valuable resource under property and that the property owners should be compensated for the taking of the water like oil and gas wells. This is being expanded to include all groundwater.

Mr. Daniel asked how other GMAs are handling the process of adopting DFCs. Mr. Mullican explained that some are farther along, but they are primarily re-adopting their current DFCs. For the ones that are considering new DFCs, GMA 8 is moving along at approximately the same rate.

Mr. French with the TWDB expressed appreciation for the support of the technical team and the opportunity to review the new model.

9. Briefing and discussion of aquifer uses or conditions with GMA 8, including conditions that differ substantially from one geographic area to another, and the water supply needs and water management strategies included in the state water plan.

Mr. Mullican explained that this is one of the considerations of the planning process. The data has been uploaded to a Dropbox account for review. Mr. Mullican provided an overview of the current conditions of the aquifer and the current aquifer uses. The TWDB water use survey includes the amount of water pumped, which is cumulative and the water use, which is only the water used by public water suppliers. The groundwater pumped is a more accurate number for planning purposes. The statutes require that the regional planning area be divided in subsections to review the types of water use. Mr. Mullican divided GMA 8 by regional water planning groups and then by type of use. There are seven water planning groups in GMA 8 – Regions B, C, D, F, G, H, and K.

Joe Cooper, Middle Trinity GCD asked that since irrigation pumping in Comanche County and Erath County tripled between 2008 and 2012, but the TWDB numbers were based on 2007 reports, can they be amended. Mr. Mullican agreed that the TWDB normally accepts groundwater conservation district information since it is usually more accurate.

Mr. Mullican provided a series of diagrams by regional water planning group illustrating the total water needs and the groundwater strategies. These vary significantly by water planning group. This information will be provided again at a later date once the information has been reviewed by the districts.

10. Briefing and discussion of the impact on the interests and rights in private property, including ownership and the rights of management area landowners and the lessees and assigns in groundwater as recognized under Section 36.002 of the Texas Water Code.

The Texas Water Code requires that GMA 8 consider the impacts of proposed DFCs on private property rights. The statute does not explain how to accomplish this goal. Mr. Mullican provided a suggested list of topics to discuss with each Board of Directors to discuss and consider. Some considerations include limited water in outcrop areas, the sustainability of water in the down-dip areas. Mr. Sledge explained that the process will be very complicated as there are many aspects to consider. This list will need to be confirmed by GMA 8 and is not comprehensive. Districts should begin the process with their Boards to discuss the issues listed and maybe determine additional issues. When a vote for a proposed DFC occurs, each district will need to provide a

summary on how they considered the property rights issue. Mr. Harden commented that the process should include due process for property owners.

The DFCs must be finalized and approved by November 2016 to make sure they are included in the regional water planning group water plans. Mr. Mullican explained there is a provision that allows for the designation of non-relevant aquifers. He requested that the next GMA 8 meeting include that as an item.

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

The meeting was scheduled for October 27, 2014 at 10:00 AM. The agenda should include designation of non-relevant aquifers and DFC preparation.

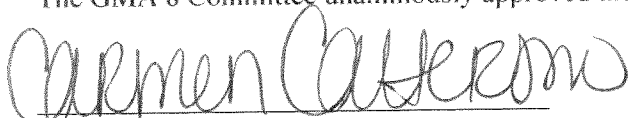
12. Closing comments.

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

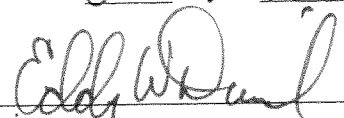
13. Adjourn.

The Committee unanimously agreed to adjourn the meeting at 12:26 PM.

The GMA 8 Committee unanimously approved the minutes on this 32^d day of November, 2014.



Recording Secretary



Chairman