

**RED RIVER  
GROUNDWATER  
CONSERVATION  
DISTRICT**

**BOARD MEETING**

**BOARD ROOM  
GREATER TEXOMA UTILITY AUTHORITY  
5100 AIRPORT DRIVE  
DENISON, TEXAS 75020**

**THURSDAY  
FEBRUARY 16, 2017**

**AGENDA**  
**RED RIVER GROUNDWATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS BOARD MEETING**  
**GREATER TEXOMA UTILITY AUTHORITY BOARD ROOM**  
**5100 AIRPORT DRIVE**  
**DENISON, TEXAS 75020**  
**THURSDAY, FEBRUARY 16, 2017**

**Board Meeting**

The Board Meeting will begin at 2:00 p.m.

The Board of Directors may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items below:

**Agenda:**

1. Call to order, declare meeting open to the public, and take roll
2. Public Comment
3. Consider and act upon approval of Minutes of December 8, 2016, Board Meeting
4. Review and approval of monthly invoices
5. Receive monthly financial information
6. Receive Quarterly Investment Report
7. Receive Quarterly Report
8. Receive Annual Report on Management Plan
9. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs)
10. Consider and act upon compliance and enforcement activities for violations of District Rules
11. Consider and act upon authorizing the execution of an engagement letter with the Law Offices of Kristen Fancher
12. Provide update on Geodatabase Qualifications Solicitation and possible action on the selection of a firm
13. General Manager's report: The General Manager will update the Board on operational, educational and other activities of the District

14. Open forum / discussion of new business for future meeting agendas

15. Adjourn

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<sup>1</sup>The Board may vote and/or act upon each of the items listed in this agenda.

<sup>2</sup>At any time during the meeting or work session and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Red River Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gifts (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

<sup>3</sup>Persons with disabilities who plan to attend this meeting, and who may need assistance, are requested to contact Velma Starks at (800) 256-0935 two (2) working days prior to the meeting, so that appropriate arrangements can be made.

<sup>4</sup>For questions regarding this notice, please contact Velma Starks at (800) 256-0935, at [rrgcd@reddrivergcd.org](mailto:rrgcd@reddrivergcd.org) or at 5100 Airport Drive, Denison, TX 75020.

ATTACHMENT 3

**MINUTES OF THE BOARD OF DIRECTORS' BOARD MEETING  
RED RIVER GROUNDWATER CONSERVATION DISTRICT  
PUBLIC HEARING  
THURSDAY, DECEMBER 8, 2016**

**GREATER TEXOMA UTILITY AUTHORITY  
BOARD ROOM  
5100 AIRPORT DRIVE  
DENISON TX 75020**

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Members Present: David Gattis, P.E., Mark Gibson, P.E., Harold Latham, Mark Newhouse, Mark Patterson, William Purcell, Don Wortham, PhD

Members Absent: None

Staff: Drew Satterwhite, P.E., Debi Atkins, Tasha Hamilton, Velma Starks, Carolyn Bennett

Visitors: None

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1. Call to order, establish quorum; declare hearing open to the public.

President Patterson called the meeting to order at 2:03pm, established a quorum was present, and declared the meeting open to the public.

2. Summary presentation and review of proposed changes to the Temporary Rules

General Manager Satterwhite discussed with the Board the required annual review of the Rules regarding waste of groundwater, placed in the District's Management Plan. Excerpts from the Rules were provided in the agenda packet for the Board's review, as well as the Region C Water Loss Thresholds Spreadsheet. Mr. Satterwhite then reviewed the proposed changes to the Temporary Rules with the Board, provided in a separate attachment depicting the proposed changes. Discussion ensued regarding the proposed changes.

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

There were no citizens present to request commenting on the proposed changes to the District's Temporary Rules.

4. Adjourn or continue public hearing on the Temporary Rules

President Patterson declared the Public Hearing closed at 2:56pm. Board Member Gattis made a motion to adopt the amendments to the District's Temporary Rules as presented with an additional change to Rule 2.1 (a)2., striking "and is used in whole or in part for and of the following: commercial, industrial, municipal, manufacturing, or public water supply use, use for oil or gas or other hydrocarbon exploration or production, agricultural use, including without limitation the irrigation of crops or livestock or poultry use, or any other purpose of use other than solely for domestic use, except as provided by Subsection (b) of this rule" and in addition using January 2, 2017 as the effective date for the change adopted alleviating the exemption from production fees

for groundwater used for maintenance. The motion was seconded by Board Member Newhouse and passed unanimously.

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\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Secretary-Treasurer

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

**THURSDAY, DECEMBER 8, 2016**

**GREATER TEXOMA UTILITY AUTHORITY  
BOARD ROOM  
5100 AIRPORT DRIVE  
DENISON TX 75020**

---

Members Present: David Gattis, P.E., Mark Gibson, P.E., Harold Latham, Mark Newhouse, Mark Patterson, William Purcell, Don Wortham, PhD

Members Absent: None

Staff: Drew Satterwhite, P.E., Debi Atkins, Tasha Hamilton, Velma Starks, Carolyn Bennett

Visitors: None

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1. Call to order, establish quorum; declare meeting open to the public.

President Patterson called the meeting to order at 2:57pm, established a quorum was present, and declared the meeting open to the public.

2. Public comment

There were no citizens present requesting to appear before the Board of Directors for public comment.

3. Consider and act upon approval of Minutes from the October 20, 2016 board meeting

Board Member Purcell stated he did not make the motion to approve the minutes of the September 15, 2016 meeting. Board Member Gattis made a motion to approve the minutes of the October 20, 2016 meeting. The motion was seconded Harold Latham. Motion passed: 6 Voted Yes - 1 Abstention by Mr. Purcell

4. Review and approval of monthly invoices.

After a brief discussion, Board Member Gattis made a motion to approve Resolution 2016-12-08-01. Board Member Newhouse seconded the motion. Motion passed unanimously.

5. Receive monthly financial information

General Manager Satterwhite discussed and reviewed the monthly financial information with the Board, as well as budget revision methods.

6. Receive Quarterly Investment Report

Finance Officer Atkins reviewed the Quarterly Investment Report with the Board of Directors.

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

General Manager Satterwhite stated an explanatory report was sent to Board Members that was prepared by Bill Mullican. Comments on the explanatory report are due to Mr. Mullican by December 31. It was the consensus of the Board that any comments by the Red River Board of Directors be forwarded to Mr. Satterwhite by December 16, 2016, and these will be discussed amongst Mr. Satterwhite and the DFC Committee prior to being forwarded to Mr. Mullican.

8. Consider and act upon compliance and enforcement activities for violations of District Rules

General Manager Satterwhite reported there were no activities to be brought before the Board today regarding compliance and enforcement activities for violation of District Rules.

9. Consider and act upon 2017 Administrative Services Contract with Greater Texoma Utility Authority

General Manager Satterwhite reviewed the Administrative Services Contract between Red River GCD and the Greater Texoma Utility Authority with the Board. Board Member Gattis made a motion to approve the Administrative Services contract. Board Member Wortham seconded the motion and the motion passed unanimously.

10. Annual review of State Brush Control Plan for the Management Plan

General Manager Satterwhite reviewed the TSS&WCB State Water Supply Enhancement Plan with the Board. This document is reviewed annually, as required by the District's Management Plan. There are no study areas within Fannin or Grayson Counties contained in the State Water Supply Enhancement Plan.

11. General Manager's Report.

General Manager Satterwhite reviewed the well registration report with the Board of Directors, stating there are a total of 697 wells registered with District as of November 30. A new Field Technician starts Monday – Mr. Allen Burks. Mr. Burks has a Bachelor's Degree in Marine Sciences.

President Patterson stated Kristen Fancher has advised she is moving back to the area, and will be moving closer to the District. She has asked that the Board consider retaining her services as General Counsel, with the same rates and same services as currently under contract. Ms. Fancher proposed to have her own firm, working from her home, starting January 2017. It was the consensus of the Board that Kristen Fancher be retained as General Counsel, with a contract on the next agenda, and confirmation that she maintains errors and omissions liability insurance.

12. Open Quorum/discussion of new business

President Patterson asked if there were any items of discussion requested by the Board for future agendas. An item to enter into an agreement for legal services with Kristen Fancher will be placed on the next agenda for the Board's consideration. The next meeting will be held February 16, 2017.

13. Adjourn public meeting



13. Adjourn public meeting

President Patterson declared the meeting adjourned at 3:21 pm.

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\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Secretary-Treasurer

ATTACHMENT 6



Red River Groundwater Conservation District  
Investment Report  
December 31, 2016

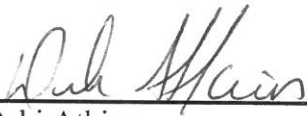
This report complies with the requirements of the Public Funds Investment Act and covers all the funds of the District that are subject to the Act. At December 31, 2016, the investment position was a little more than \$400 thousand.

The District's funds are consistent with the prior periods.

The District was in compliance with all provisions on the investment policy and the Public Funds Investment Act as of December 31, 2016.

All transactions were routine.

The following schedules are also a part of this investment report.



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Debi Atkins  
Finance Officer

INVESTMENT SUMMARY AS OF

12/31/2016

| Investment                   | Maturity Date | Rate  | Par Value        | Market Value     | Accrued Interest | Mkt + Accr Int Value | Years to Maturity |
|------------------------------|---------------|-------|------------------|------------------|------------------|----------------------|-------------------|
| C.D. First United            | 1/24/2017     | 1.10% | 110,000          | 110,000          | \$229            | \$110,229            | 0.0658            |
| C.D. Discover Bank           | 12/14/2017    | 1.00% | 100,000          | 100,000          | \$19             | \$100,019            | 0.9534            |
| <b>TOTAL</b>                 |               |       | <b>\$210,000</b> | <b>\$210,000</b> | <b>\$248</b>     | <b>\$210,248</b>     |                   |
| Weighted Ave Maturity in yrs | 0.49          |       |                  |                  |                  |                      |                   |

Red River Groundwater Conservation District  
Investment Portfolio

| Type of Instrument                             | MATURITY DATE | COUPON RATE | PAR VALUE  | BOOK VALUE | MARKET VALUE<br>12/31/2016 |
|--|---------------|-------------|------------|------------|----------------------------|
| Cert of Deposit                                | 2/24/2016     | 1.000%      | 110,000.00 | 110,000.00 | 110,000.00 First United    |
| Cert of Deposit                                | 12/14/2017    | 1.000%      | 100,000.00 | 100,000.00 | 100,000.00 Discover Bank   |
| Checking account                               | @ 12/31/16    |             |            |            | 196,201.48                 |
| <b>Total Portfolio as of December 31, 2016</b> |               |             |            |            | <b>\$ 406,201.48</b>       |

ATTACHMENT 7



**RED RIVER**  
**GROUNDWATER CONSERVATION DISTRICT**  
FANNIN COUNTY AND GRAYSON COUNTY



General Manager's Quarterly Report  
December 31, 2016

Management Plan  
Assessment of the Status of Drought in the District

The following is a quarterly report on the existing drought conditions:

As of December 2016 the U.S. Drought Monitor for Texas reflected abnormally dry in Grayson County and portions of Fannin County in moderate drought and portions in severe drought. Texas Water Development Board Texas Water Conditions Report reflected stream flow near or above normal for both counties.

Attached are the drought maps for October, November and December 2016. Rainfall maps are also attached to this report for this time period for your information and use.

The NOAA website reflects the following rainfall data in Fannin and Grayson Counties during this quarter:

| Location                | October 2016 | November 2016 | December 2016 |
|-------------------------|--------------|---------------|---------------|
| Bonham, Fannin County   | 0.25"        | 4.61"         | 0.81"         |
| Sherman, Grayson County | 1.86"        | 4.00"         | 0.61"         |

The Texas Water Development Board's latest Texas Water Conditions Report also reflects Lake Bonham at 73% of its conservation storage capacity in December 2016, and Lake Texoma at 100%.

The Climate Prediction Center/NCEP/NWS reported weak La Nina conditions continued through December, indicating a transition to Enso-Neutral conditions by February 2017, with ENSO-neutral continuing through the first half of 2017.

PO Box 1214  
Sherman, TX 75090  
(800) 256-0935 fax: (903) 786-8211

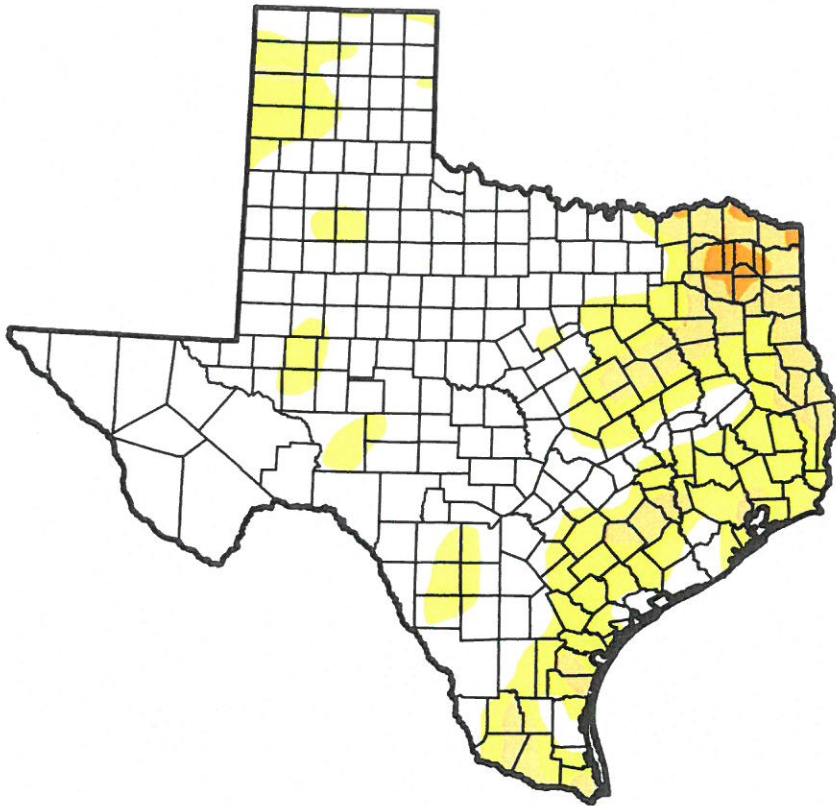
[http://www.gtua.org/red\\_river\\_gcd.asp](http://www.gtua.org/red_river_gcd.asp)





# U.S. Drought Monitor Texas

**October 25, 2016**  
(Released Thursday, Oct. 27, 2016)  
Valid 8 a.m. EDT



*Drought Conditions (Percent Area)*

|  | None  | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4   |
|--|-------|-------|-------|-------|-------|------|
| <b>Current</b>                                     | 64.92 | 35.08 | 10.84 | 1.10  | 0.00  | 0.00 |
| <b>Last Week</b><br><i>10/18/2016</i>              | 70.53 | 29.47 | 5.91  | 0.00  | 0.00  | 0.00 |
| <b>3 Months Ago</b><br><i>7/26/2016</i>            | 63.03 | 36.97 | 5.89  | 0.18  | 0.00  | 0.00 |
| <b>Start of Calendar Year</b><br><i>12/29/2015</i> | 95.48 | 4.52  | 0.00  | 0.00  | 0.00  | 0.00 |
| <b>Start of Water Year</b><br><i>9/27/2016</i>     | 94.83 | 5.17  | 0.62  | 0.00  | 0.00  | 0.00 |
| <b>One Year Ago</b><br><i>10/27/2015</i>           | 56.34 | 43.66 | 15.67 | 2.85  | 0.00  | 0.00 |

***Intensity:***

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.*

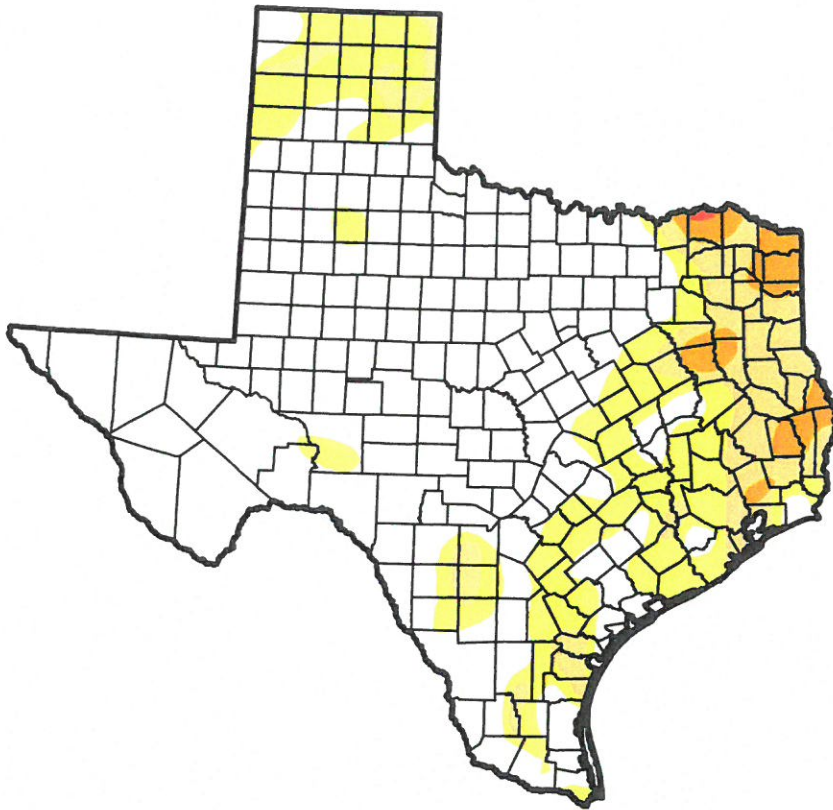
**Author:**  
*David Simeral*  
*Western Regional Climate Center*



<http://droughtmonitor.unl.edu/>

# U.S. Drought Monitor Texas

**November 29, 2016**  
(Released Thursday, Dec. 1, 2016)  
Valid 7 a.m. EST



Drought Conditions (Percent Area)

|   | None  | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4   |
|---|-------|-------|-------|-------|-------|------|
| <b>Current</b>                              | 66.37 | 33.63 | 14.18 | 3.27  | 0.08  | 0.00 |
| <b>Last Week</b><br>11/22/2016              | 66.53 | 33.47 | 14.73 | 7.91  | 1.09  | 0.00 |
| <b>3 Months Ago</b><br>8/30/2016            | 89.86 | 10.14 | 2.43  | 0.16  | 0.00  | 0.00 |
| <b>Start of Calendar Year</b><br>12/29/2015 | 95.48 | 4.52  | 0.00  | 0.00  | 0.00  | 0.00 |
| <b>Start of Water Year</b><br>9/27/2016     | 94.83 | 5.17  | 0.62  | 0.00  | 0.00  | 0.00 |
| <b>One Year Ago</b><br>12/1/2015            | 96.38 | 3.62  | 0.00  | 0.00  | 0.00  | 0.00 |

**Intensity:**

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.*

**Author:**  
Richard Heim  
NCEI/NOAA



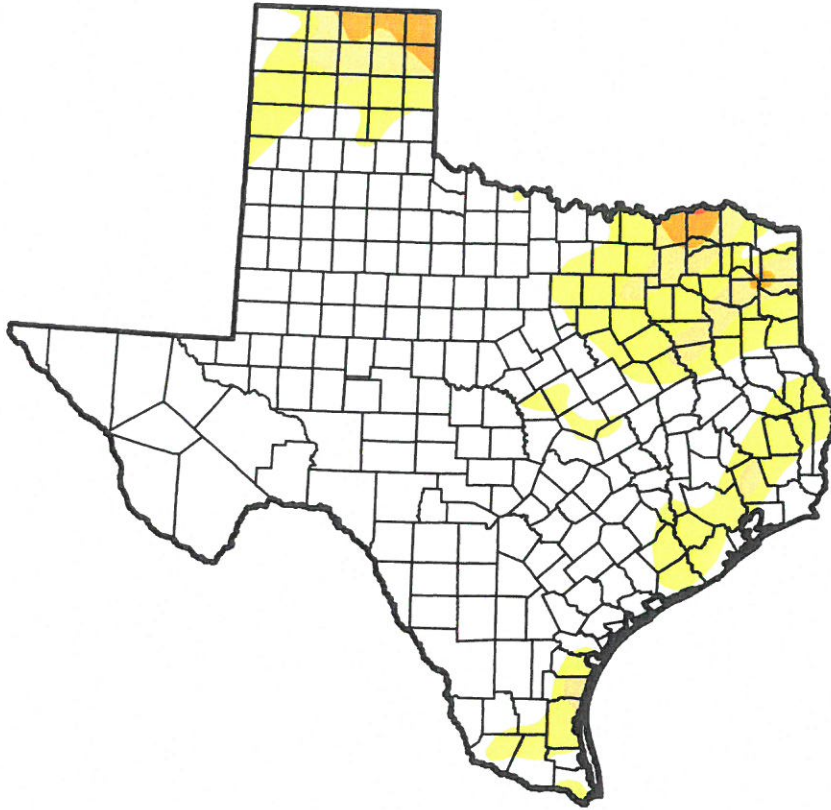
<http://droughtmonitor.unl.edu/>

# U.S. Drought Monitor Texas

**December 27, 2016**  
(Released Thursday, Dec. 29, 2016)  
Valid 7 a.m. EST

### Drought Conditions (Percent Area)

|   | None  | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4   |
|---|-------|-------|-------|-------|-------|------|
| <b>Current</b>                              | 75.85 | 24.15 | 6.97  | 1.77  | 0.04  | 0.00 |
| <b>Last Week</b><br>12/20/2016              | 79.50 | 20.50 | 7.52  | 1.94  | 0.04  | 0.00 |
| <b>3 Months Ago</b><br>9/27/2016            | 94.83 | 5.17  | 0.62  | 0.00  | 0.00  | 0.00 |
| <b>Start of Calendar Year</b><br>12/29/2015 | 95.48 | 4.52  | 0.00  | 0.00  | 0.00  | 0.00 |
| <b>Start of Water Year</b><br>9/27/2016     | 94.83 | 5.17  | 0.62  | 0.00  | 0.00  | 0.00 |
| <b>One Year Ago</b><br>12/29/2015           | 95.48 | 4.52  | 0.00  | 0.00  | 0.00  | 0.00 |



### Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

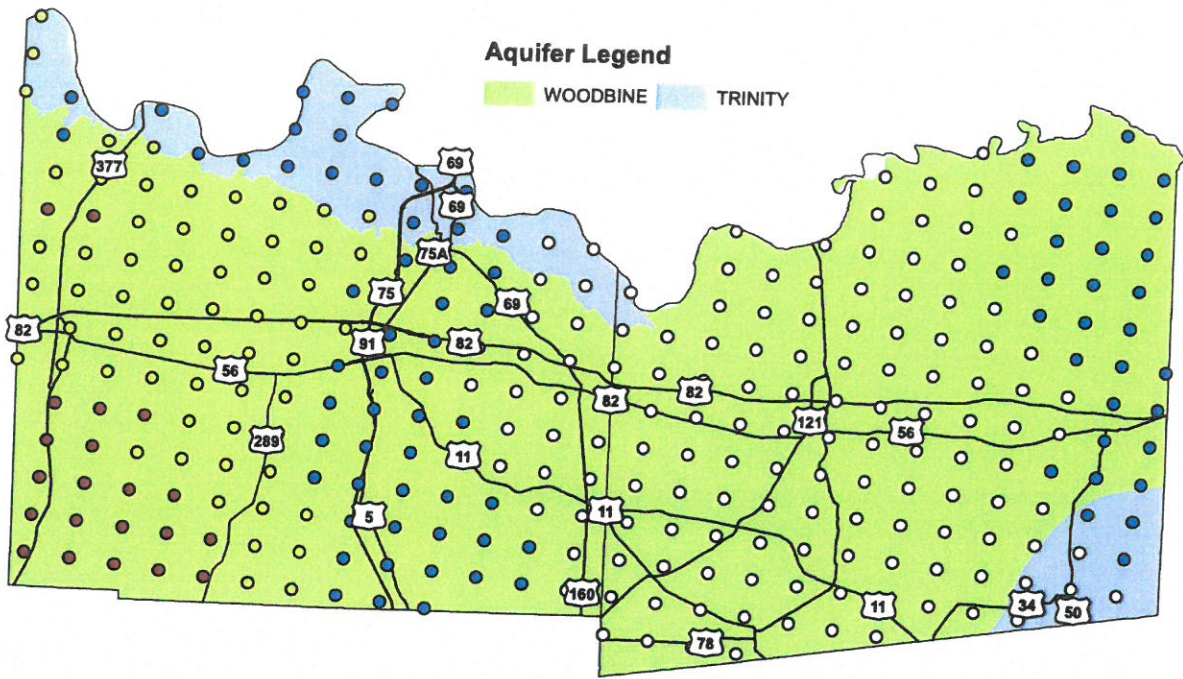
*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.*

**Author:**  
*Brad Rippey*  
U.S. Department of Agriculture



<http://droughtmonitor.unl.edu/>

# Rainfall Totals for October 2016



Red River Groundwater Conservation District  
 PO Box 1214  
 Sherman, TX 75091-1214  
 (800) 256-0935

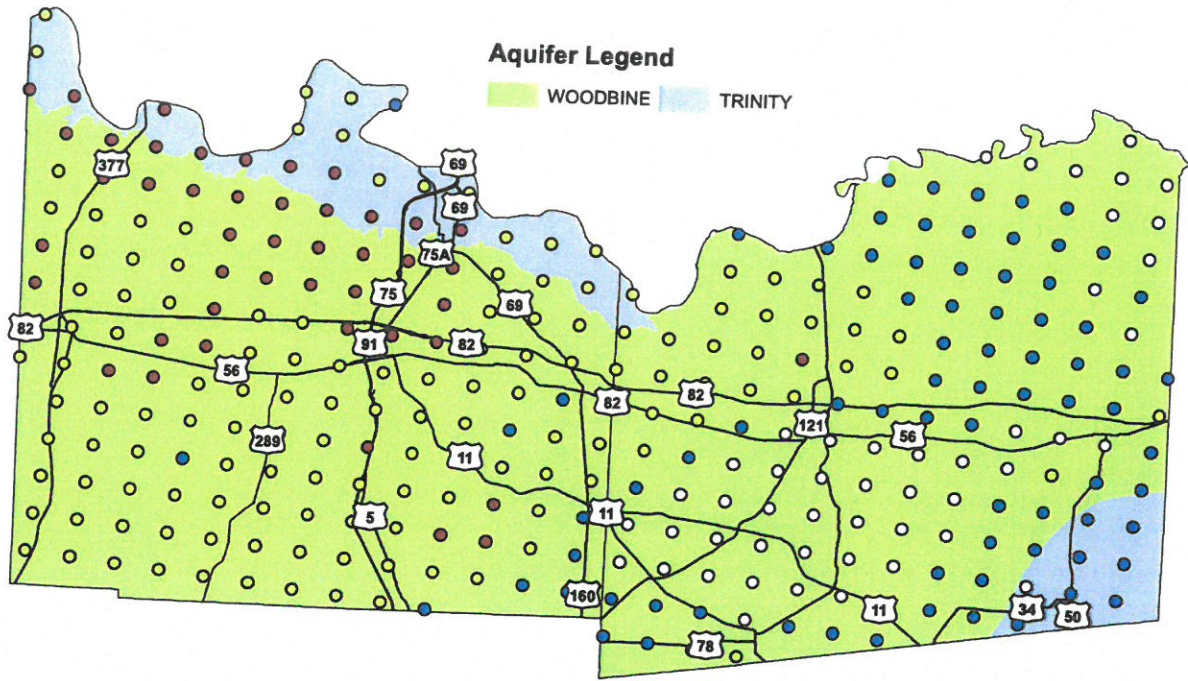


Data Source:  
 National Weather Service  
 Precipitation Analysis

## Rainfall in Inches

- |               |               |
|---------------|---------------|
| ○ 0.36 - 0.84 | ○ 1.45 - 2.14 |
| ● 0.85 - 1.44 | ● 2.15 - 2.95 |

# Rainfall Totals for November 2016



Red River Groundwater Conservation District  
 PO Box 1214  
 Sherman, TX 75091-1214  
 (800) 256-0935



Data Source:  
 National Weather Service  
 Precipitation Analysis

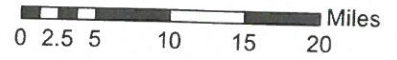
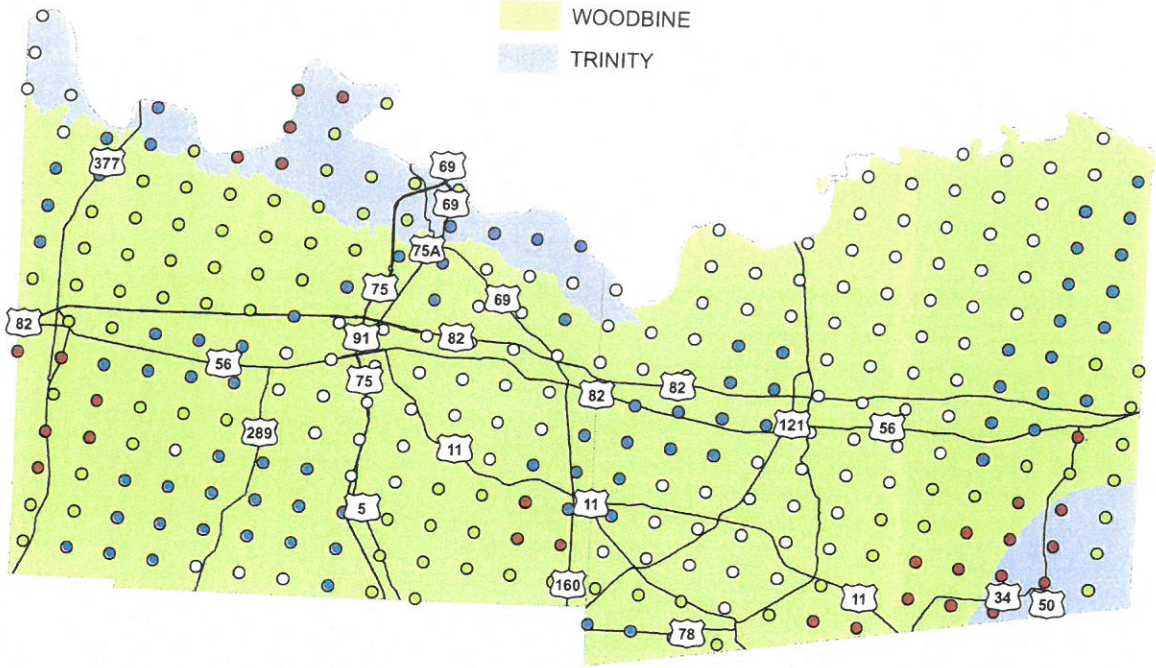
## Rainfall in Inches

- |   |             |   |             |
|---|-------------|---|-------------|
| ○ | 1.65 - 2.47 | ○ | 3.23 - 4.12 |
| ● | 2.48 - 3.22 | ● | 4.13 - 5.84 |

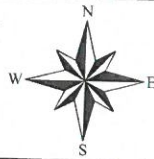
# Rainfall Totals for December 2016

## Aquifer Legend

- WOODBINE
- TRINITY



Red River Groundwater Conservation District  
 PO Box 1214  
 Sherman, TX 75091-1214  
 (800) 256-0935



Data Source:  
 National Weather Service  
 Precipitation Analysis

## Rainfall in Inches

- 0.65 - 0.81
- 0.96 - 1.10
- 0.82 - 0.95
- 1.11 - 1.31

ATTACHMENT 11



**RED RIVER GROUNDWATER CONSERVATION  
DISTRICT  
AGENDA COMMUNICATION**

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**DATE:** February 13, 2017

**SUBJECT:** AGENDA ITEM NO. 11

**CONSIDERATION AND ACT UPON AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER WITH THE LAW OFFICES OF KRISTEN FANCHER**

**ISSUE**

Consideration and possible action regarding the Red River Groundwater Conservation District's ("District") legal counsel.

**BACKGROUND**

In July 2015, the Board engaged with Smith, Robertson, Elliot, and Douglas LLP in order to utilize the services of Kristen Fancher as the District's legal counsel.

At the December 2016 meeting, the Board was apprised that Kristen was opening a new firm and would be relocating closer to the area. The Board expressed their desire to continue working with Kristen Fancher moving forward and directed the staff to request an engagement letter after the new firm is created in order to make the engagement official.

**CONSIDERATIONS**

Ms. Fancher has provided the attached engagement letter/proposal. Ms. Fancher's billable rate has not changed from the District's previous engagement. Also, Kristen has provided us with a copy of the firm's Professional Liability Insurance Policy at the request of the Board.

**STAFF RECOMMENDATIONS**

The staff recommends authorizing the execution of the Engagement Letter with the Law Offices of Kristen Fancher.

**ATTACHEMENTS**

Engagement Letter

**PREPARED AND SUBMITTED BY:**

A handwritten signature in blue ink, appearing to read "Drew Satterwhite", written over a horizontal line.

Drew Satterwhite, P.E., General Manager





LAW OFFICES OF KRISTEN FANCHER, PLLC

(512) 914-3029  
kf@fancherlegal.com

4500 Mercantile Plaza, Suite 300  
Fort Worth, TX 76137

February 13, 2017

Board of Directors  
Mr. Drew Satterwhite, General Manager  
Red River Groundwater Conservation District  
d.satterwhite@rrgcd.org

*Via Electronic Mail*

Re: Representation of Red River GCD; File No. 15005

Dear Board of Directors and Mr. Satterwhite:

Thank you very much for allowing my firm to have the opportunity to represent the Red River Groundwater Conservation District (“you” or “the District”). I appreciate the opportunity to work with the District, and look forward to continuing to provide you with efficient, high-quality legal representation of your interests. As a part of my regular procedure in establishing my new firm, I would like to take this opportunity to set out the specific terms of our relationship, and request that you acknowledge your receipt and understanding of this letter by signing below and returning an original to me at your earliest convenience.

Scope of Engagement

I have historically represented the District in a general counsel capacity upon request (the “Matter”). The scope of our initial engagement will be limited to the specific Matter described above. However, should you expressly request additional matters and responsibilities in the future, the provisions in this letter will govern our continuing relationship.

Hourly Rates, Expenses and Payment

My current hourly rate to work on the Matter is \$260.00 per hour, which is my discounted rate. It is anticipated that I will perform most of the work on the Matter; however, a paralegal may be assigned in the future as necessary, and that hourly rate will not exceed \$130.00 per hour. I am conscious of the fact that legal fees on a substantial matter can quickly accumulate, and will attempt to maintain reasonable fee levels under the circumstances by, among other things, utilizing my experience and preexisting resources. In addition, when unforeseen extraordinary fees or expenses appear necessary, I will consult with you beforehand.

I will bill my time on an hourly basis, and will submit statements to you on a monthly basis. Statements are due and payable upon receipt. However, there may be occasions involving unforeseen circumstances when an account will go unpaid, and, in such instances, I will attempt to work with you if you communicate the nature of the delay to me. However, I reserve the right to discontinue work on pending matters or terminate our attorney-client relationship at any time that a statement remains due and unpaid and we are not able to work out a payment arrangement.

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Should you have any questions as to any statement, please contact me at your earliest convenience so that we can resolve any problems without delay.

Expenses related to travel or any other out-of-pocket costs related to your representation will be billed separately and included on each monthly invoice. My billing practices with respect to most internal office expenses are different from many law firms and hopefully will be viewed favorably by you. I do not charge for in-house facsimile, long distance, or other similar overhead items. The charges for most in-house copies will be at a rate of \$.0.20 per page for black and white copies and \$0.40 per page for color copies, which may be adjusted as costs change. Charges incurred from third party vendors will be passed along to you in monthly invoices. These charges include, by way of example, outside copy services, overnight delivery charges, filing fees, and electronic research. All third-party invoices in excess of \$350.00 will usually be forwarded to you for direct payment.

#### Conflicts of Interest and Lawyers Creed

I ran a standard conflicts check to ensure that there are no conflicts with my representation of the District in the Matter. I will notify you in the unlikely event a conflict arises in the future, and we can discuss it at that time. I handle all conflict matters in accordance with the Texas Disciplinary Rules of Professional Conduct (ethics rules) applicable to attorneys licensed and practicing in the State of Texas. The Supreme Court of Texas requires that all attorneys in Texas follow the attached "Texas Lawyer's Creed." Section II(1) of this Creed requires that I advise you of its contents at the time of undertaking representation, and I have therefore enclosed a copy for your review.

#### Opinions and Termination of Engagement

You have requested my advice and counsel as a part of my services to you. In the event that you fail to follow such advice and counsel, or otherwise fail to cooperate reasonably, I reserve the right to withdraw from representing you, regardless of the then status of your matter, and to collect all fees and expenses accrued up to the date of termination. Of course, at any time that you wish, you may cease to use the firm's services and to incur future fees and expenses through notifying me in writing to that effect.

As you know, I cannot make representations as to the probability of ultimate success in a given matter, and similarly I cannot guarantee any particular result. However, I do agree to exert in good faith my reasonable, ethical professional efforts on your behalf.

Please let me know if you have any questions regarding this engagement letter. I truly appreciate our long-standing relationship and the opportunity to be of service to you.

[Signatures on following page]

Regards,

Law Offices of Kristen Fancher, PLLC



By: \_\_\_\_\_  
Kristen O. Fancher

**AGREED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

Red River Groundwater Conservation District

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Enclosure: Texas Lawyer's Creed

**THE TEXAS LAWYER'S CREED**  
A MANDATE FOR PROFESSIONALISM

Promulgated by  
The Supreme Court of Texas and the Court of Criminal Appeals  
November 7, 1989

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

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**I. OUR LEGAL SYSTEM**

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

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**II. LAWYER TO CLIENT**

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

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### **III. LAWYER TO LAWYER**

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are cancelled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.
8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.
9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.
10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.
11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.
12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I Will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.
13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.
14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.
15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.
16. I will refrain from excessive and abusive discovery.
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.
18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.
19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

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#### **IV. LAWYER AND JUDGE**

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.
2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
4. I will be punctual.
5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
7. I will respect the rulings of the Court.
8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.
9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

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#### **ORDER OF THE SUPREME COURT OF TEXAS AND THE COURT OF CRIMINAL APPEALS**

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of



ethical and professional conduct. These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt

**"The Texas Lawyer's Creed - A Mandate for Professionalism"** as attached hereto and made a part hereof.

*In Chambers, this 7th day of November, 1989.*

**The Supreme Court of Texas**

Thomas. R. Phillips, Chief Justice  
Franklin S. Spears  
C. L. Ray  
Raul A. Gonzales  
Oscar H. Mauzy  
Eugene A. Cook  
Jack Hightower  
Nathan L. Hecht  
Lloyd A. Doggett  
Justices

**The Court of Criminal Appeals**

Michael J. McCormick, Presiding Judge  
W. C. Davis  
Sam Houston Clinton  
Marvin O. Teague  
Chuck Miller  
Charles F. (Chuck) Campbell  
Bill White  
M. P. Duncan, III  
David A. Berchelmann, Jr.  
Judges

ATTACHMENT 13

## Red River Groundwater Conservation District

### Well Registration Summary As of December 31, 2016

| Well Type            | Total Registered Fannin County | Total Registered Grayson County | Total RRGCD | New Registrations |
|----------------------|--------------------------------|---------------------------------|-------------|-------------------|
| Domestic             | 110                            | 190                             | 300         | 2                 |
| Agriculture          | 15                             | 25                              | 40          | 0                 |
| Oil/Gas              | 0                              | 20                              | 20          | 0                 |
| Surface Impoundments | 4                              | 12                              | 16          | 0                 |
| Commercial           | 5                              | 3                               | 8           | 0                 |
| Golf Course          | 0                              | 15                              | 15          | 0                 |
| Livestock            | 12                             | 20                              | 32          | 2                 |
| Irrigation           | 0                              | 5                               | 5           | 0                 |
| Public Water         | 55                             | 209                             | 264         | 0                 |
| Monitoring           | 0                              | 1                               | 1           | 0                 |
| <b>Total</b>         | <b>201</b>                     | <b>500</b>                      | <b>701</b>  | <b>4</b>          |

# Red River Groundwater Conservation District

## Well Registration Summary As of January 31, 2017

| Well Type            | Total Registered Fannin County | Total Registered Grayson County | Total RRGCD | New Registrations |
|----------------------|--------------------------------|---------------------------------|-------------|-------------------|
| Domestic             | 111                            | 197                             | 308         | 8                 |
| Agriculture          | 15                             | 25                              | 40          | 0                 |
| Oil/Gas              | 0                              | 20                              | 20          | 0                 |
| Surface Impoundments | 4                              | 12                              | 16          | 0                 |
| Commercial           | 5                              | 3                               | 8           | 0                 |
| Golf Course          | 0                              | 15                              | 15          | 0                 |
| Livestock            | 12                             | 20                              | 32          | 0                 |
| Irrigation           | 0                              | 5                               | 5           | 0                 |
| Public Water         | 55                             | 209                             | 264         | 0                 |
| Monitoring           | 0                              | 1                               | 1           | 0                 |
| Total                | 202                            | 507                             | 709         | 8                 |

ADJOURN