

Meeting of the
Groundwater Management Area 8
On February 08, 2007 in Stephenville, TX

Minutes

The Groundwater Management Area 8 consisting of the Central Texas Groundwater Conservation District (GCD), Clearwater Underground Water Conservation District (UWCD), Fox Crossing Water District (WD), Middle Trinity GCD, Post Oak Savannah GCD and Saratoga UWCD held a meeting on Tuesday, May 23, 2006 in Stephenville, TX Room 131 of the Texas Ag Extension Center, located at 1229 N. U.S Highway 281.

Groundwater Districts:

Central Texas GCD: Richard Bowers

Fox Crossing WD: Jerry Priddy,
Sam Beaumont

Post Oak Savannah GCD: Gary
Westbrook

Middle Trinity GCD: Joe B. Cooper,
Sharon Mainord, Wes Burris

Saratoga GCD: Dave Hamilton,
T.Wingo,

Clearwater UWCD: Horace Grace,
Cheryl Maxwell, Judy Parker

Others Present:

Robert Bradley, TWDB

Randy Williams, Beckie Morris, TCB Inc.

Kevin Burns, Wise Co. Commissioner

Robert Rankin, Wise Co.

Tom Goode

Johnny Tabor

Scooter Radcliffe, McLennan Co.

Ray Meadows, McLennan Co. Commissioner

Joe Yelderman

Adam Clapp

Walter Maynard, Somervell Co.

Hughbert Collier

Tracy Homfeld, Collin County

Chad Norris, TPWD

Leonard Heathington, Hood Co. Commissioner

Steve Berry, Hood Co. Commissioner

Andy Rash, Hood County

Jack Wall, Coryell Co. Commissioner

Glenn & Elaine Smith, Erath Co.

The meeting was called to order at 10:45 a.m. by Joe Cooper, District Manager of Middle Trinity GCD. Gary Westbrook gave invocation.

1. Welcome and introductions

Mr. Cooper welcomed all in attendance and called for introductions. Mr. Horace Grace gave brief background on HB 1763 and the governing legislation it contains stating that the groundwater districts within a GMA will set the desired future condition (DFC) of the aquifer (s) in that region. Mr. Grace explained the different ways to manage aquifers, either to depletion or perpetual and gave examples of the different regions and management techniques used. Gary Westbrook then suggested opening the floor for public comment.

2. Public Comments.

Commissioner Robert Rankin, Wise County, asked what the timeframe was for setting the DFC's. Mr. Grace answered that it was 2010 and explained what the Regional Water Planning Group had initially

been charged with the responsibility of determining how much water would come out of the aquifers. The legislation of HB 1763 gave the responsibility of setting the desired future conditions for the aquifers to the Groundwater Districts. Mr. Grace explained that most Groundwater Districts are trying to complete their DFC's by the end of the next Planning Cycle and that they must have the data completed by December of 2007 to accomplish this. Otherwise, the 2010 figures will not be included until the 2012 planning cycle. If local districts do not have their own numbers the Regional Planning Group numbers will be used.

Hughbert Collier asked whether or not the groundwater districts would continue to have this authority through the year 2010. Gary Westbrook answered by explaining that 2010 is the date that is mandated but that December 2007 is the date GMA 8 is aiming for, to be able to participate in the 2007 planning cycle to avoid any delays in using the local numbers. Mr. Collier also asked if there was really any hurry to adopt the DFC's, and asked if the DFC numbers that were determined were permanent or could they be changed? Mr. Westbrook explained that it is an ongoing process and that the numbers would have to be revisited at least every five years and changes could be adopted if needed. He also explained that the planning was being expedited by GMA 8 simply to be able to provide local numbers as quickly as possible to the State planning process. Mr. Grace and Joe Cooper reiterated the importance of local numbers to more accurately reflect the diverse regional needs of the aquifers. Richard Bowers added the need for more counties to develop water districts and explained that those counties without districts will have no choice but to use the regional planning numbers. Joe Cooper explained that using regional water planning numbers in the unprotected areas or counties without groundwater districts would have the least negative impact because those areas have planned using those numbers. Mr. Grace also explained that unprotected counties can also revisit the numbers they have been assigned by the State if they do not feel that they have been represented accurately.

Walter Maynard asked if having a groundwater district gives any more local control to the counties in situations concerning Oil and Gas drilling and water used for fracing. Do the counties have control over these wells? Joe Cooper explained that Chapter 36 gave certain statutory authorities to groundwater districts and they may use these as needed. Mr. Cooper explained that each district has its own tailored set of rules to fit the needs of that district. He then explained the rules of registering and permitting for Erath and Comanche Counties and how those rules have helped to regulate to a certain extent the drilling of large wells. Sharon Mainord then commented on the fact that encouraging the land owners to permit the wells used by the Oil and Gas companies has helped to limit the number that have been drilled in Erath County.

Mr. Maynard then asked whether or not these companies had to report their usage or if there was any way to know how much water they are actually using? Gary Westbrook explained that as a water district he does feel that we have the right to require them to report their usage to the district, and that he believes that legislation will be developed in the future requiring such actions from the Oil and Gas industry. Mr. Westbrook explained that groundwater districts enable counties to take action where counties without districts can not.

Question was asked- If a land owner drills a well and then sells water to the Oil and Gas companies, is it exempt from district rules just as hydrocarbon production wells would be? Joe Cooper explained the fee's charged under Chapter 36 for the water produced from such wells and that they are not exempt from these rules.

Questions began to stray away from the posted agenda and Mr. Westbrook asked that no more questions be asked unless they pertain to the agenda.

Mr. Grace addressed Mr. Maynard's previous question about controlling production of wells used in Oil and Gas drilling by showing him data charts used in the Clearwater district that records the production of such wells and explained that fines are in place to curtail over pumping.

Question- Is it possible to have representation in the GMA 8 planning process without having a groundwater district in place? Mr. Cooper answered no. Mr. Westbrook explained that it would be next to impossible for an unprotected area to develop numbers without having a GCD.

Question- If a GCD is created in the current legislative session, at what point would they be able to participate in the GMA planning process? Answer- as soon as confirmed by voters possibly sooner if fee based.

3. *Approve minutes of the November 13, 2006 GMA meeting.*

Mr. Cooper asked if all Board members had reviewed the minutes. All responded with a "yes". There were no corrections to the minutes.

Horace Grace made a motion to approve the minutes of the November 13, 2006 meeting, second by Gary Westbrook. The Board unanimously approved the motion, 6-0.

4. *Discuss and take appropriate action on proposed interlocal agreement.*

Mr. Cooper asked Dave Hamilton to report on the decision of the Saratoga district regarding the signing of the interlocal agreement. Mr. Hamilton reported that under the advice of their legal counsel the Saratoga district did not feel that it could incur the risks of unknown administrative fees that might arise in the future. Being an unfunded district, Saratoga chooses at this time to abstain from signing the interlocal agreement.

Mr. Cooper asked if anyone had any suggestions on how to proceed with the agreement. Motion made by Mr. Grace that GMA 8 move ahead with the agreement. New amendments to agreement were discussed. Brief discussion occurred regarding whether or not wording could be changed that would allow Saratoga to sign without sharing the cost of the study. Mr. Hamilton re-stated that the Saratoga district could not put itself at risk by signing an agreement that may cause them added expense. Mr. Cooper asked if there was a second to Mr. Grace's previous motion. Second was given by Mr. Westbrook so it could be discussed further. Mr. Bowers and Mr. Priddy both express that they were not authorized to vote until final approval was received from their board of directors on the new draft. Motion was restated that agreement would be accepted after each district has it reviewed by their individual boards. Second by Gary Westbrook. Motion passed 5- 1 with Saratoga district casting the only "no" vote.

Recess called at 11:32

Reconvened at 11:45

5. *Presentation by Texas Parks and Wildlife Department identifying natural resources in GMA 8 that are of particular importance.*

Presentation given by Chad Norris highlighting the importance of natural springs in Texas, particularly in the GMA 8 area. Packets of information were given with presentation data and information concerning date and time of a PBS special on springs in the state of Texas was given.

6. Discuss and take appropriate action on issues relating to the development of Desired Future Conditions (DFC) for the major and minor aquifers within the GMA8 boundary to include the following:

(a.) Select DFC's for minor aquifers (except Woodbine)

Randy Williams from Turner, Colley and Braden (TCB) gave breakdown of information concerning levels of aquifers and different methods that might be used to determine basis for DFC. All minor aquifers that exist in GMA8 with the exception of Burnet, Milam and Lampasas County are in unprotected areas. After reviewing information from Randy Williams it was determined that a 10% draw down with 90% retention would be an acceptable basis for determining the DFC for Milam and Lampasas Counties. Motion made by Gary Westbrook, second by Dave Hamilton to use this method. All members present voted yes with Richard Bowers from Central Texas GCD abstaining. Mr. Bowers explained that he was not authorized to vote for Central Texas GCD.

(b.) Specify individual groundwater conservation district DFC's for major aquifers.

Pumpage amounts for each county were reviewed and adjusted to more accurately reflect the current usage. The new numbers will be used by Randy Williams to create GAM runs for the protected counties in GMA 8 that will be reviewed and discussed and a later date.

(c.) Determine application of regional water planning data to develop DFC's for the unprotected area.

Motion made by Horace Grace, second by Gary Westbrook, to proceed with developing the DFC's for unprotected areas by utilizing RWPG availability values, with the exception of those counties included in the Barnett Shale Clay as defined in the supplemental study that was done by Texas Water Development Board. For those counties the RPWG numbers will be supplemented with maximum pumping figures found in the TWDB report for those specific counties. All members present voted yes with Richard Bowers and Jerry Priddy abstaining from vote.

7. Discuss agenda items for next meeting.

Discuss DFC's for minor aquifers; review runs for major aquifers using pumpage numbers suggested by GMA 8 representatives for the protected counties.

8. Set date, time and place of next meeting.

Meeting set for Thursday April 12, 2007 at 10:00 a.m. in Lampasas.

9. Closing comments.

No closing comments

10. Adjourn

Dave Hamilton made motion to adjourn, second by Horace Grace. Joe Cooper adjourned the meeting.

(A digital recording of this meeting is available upon request.)

The GMA 8 Board unanimously approved the minutes on this ___ day of _____, 2007.