

GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

Date: May 13, 2009

Re: Agenda Item #3

Approval of the Minutes:

Please find the following minutes attached for your review:

Attachment: March 13, 2009 – Meeting Minutes

Groundwater Management Area #1 Meeting

Minutes

March 13, 2009

The Groundwater Management Area Number 1 (GMA #1) Joint Planning Committee met on Friday, March 13, 2009 at 1:30 p.m. in the Ed Davis Conference Room – 9th Floor of the Chase Tower, 600 S. Tyler, Amarillo, Texas with the following members in attendance:

Voting Members Present:

John R. Spearman, Panhandle Groundwater Conservation District; Bob Zimmer sitting in for Daniel Krienke, North Plains Groundwater Conservation District; Jim Conkwright, High Plains Underground Water Conservation District; Jim Haley, Hemphill County Underground Water Conservation District.

Other Groundwater Management Area 1 Representatives Present:

C.E. Williams, Panhandle Groundwater Conservation District; Steve Walthour, North Plains Groundwater Conservation District; Janet Guthrie, Hemphill County Underground Water Conservation District; Robert Meyer, High Plains Water District

Others present:

Jim Copeland
Medwin Walbe - *Bill Mulligan*

Wilbur Killebrew	Killebrew Ranch
Don McReynolds	HPUWCD #1
Ray Brady	HPR Partners
Bruce Rigler	HPUWCD #1
Judith Jones	TMN - LWV
Steve Stevens	MRSA
John Duke	Duke Ranch
Bob Harden	R. W. Harden & Associates
Jenny S. Clark	JSW Consulting LLC.
Steve Stevens	Mesa Water
Dale Hallmark	NPGCD
Steven Miller	City of Amarillo
Kyle Black	Village of Timbercreek Canyon
Marty Jones	Sprouse Law Firm
Beth Sturgeon	HCUWCD
Alan Abraham	League of Women Voters
Kevin Welch	Globe-News
Pauline D. Robertson	LWV
Emmett Autrey	City of Amarillo
Charles Bowers	PGWD
Cindy Cockerham	Senator Seliger's Office
Gene Born	NPGWCD
Joyce Hensley	LWV

Judith Periman	Amarillo, TX
Ben Weinheimer	Amarillo, TX TCFA
Mina F. Johnson	Amarillo, TX
Billy Crawford	PGWD
Robert Bradley	TWDB
Kyle Ingham	LGS Director, PRPC
Scott Caldwell	LGS Coordinator, PRPC
Jonathan Ellis	LGS Intern, PRPC
1 other indeterminable attendant	

1. The meeting was called to order at 1:37 p.m. with Vice Chairman Conkwright presiding.
2. Roll Call and Introductions were made. Vice Chairman Conkwright for the benefit of the public asked the members to identify themselves. All members were present except Daniel Krienke, whose district was being represented by Bob Zimmer who had been given voting power. Mr. Conkwright made note that a quorum was present
3. **Discuss and consider the minutes from February 20, 2009 GMA #1 Meeting.**

Mr. Conkwright asked for a motion of approval. Mr. Haley made a motion to approve the minutes as presented. Mr. Spearman seconded the motion; the motion carried by unanimous vote.

4. **Public Comment – Any citizens may address the GMA #1.**

Public Comment Cards were passed out, and filled as needed.

1) The first comment was a question from Judith Jones, a private citizen of Randall County. Ms. Jones asked how the GMA #1 receives input from people not in a water district?

Mr. Conkwright answered that they would receive such input by a person being at the GMA meetings, or writing to GMA #1 via Kyle Ingham at PRPC.

2) Alan Abraham, an Amarillo citizen and stakeholder in the Ogallala, was representing the League of Women Voters. Mr. Abraham commented on the 50/50 portions of the proposed DFC saying such a condition could hardly be claimed as “management” of a finite resource. Mr. Abraham said such a stance might be barely be considered “damage control,” when speaking of a resource so vital to life. Mr. Abraham commented that the Panhandle portion of the Ogallala is a bathtub which slopes to the east, indicating that the western portions would run out first and he indicated this is what happened to New Mexico. Mr. Abraham said that the Ogallala is a mined resource, Mr. Abraham expressed concern that this situation represented economic competition between user which can be described as a “race to the bottom of the barrel.” He emphasized again his disagreement that a 50/50 condition in the DFC represented “management.” Mr. Abraham offered several suggestions for a more comprehensive management plan: 1) No exempted land areas on top of panhandle aquifers. 2) Meters at every well. 3) Collect real-time statistics on all water users. 4) Adopt conservation protocols for city users. 5) Adopt conservation protocols for agribusinesses. 5) Educate city and municipal leaders to stop deification of growth

and impress concerns of living in an arid land. 6) Turn the spigot down to real-life sustainability.

3) Mina Johnson, another representative of the League of Women Voters, spoke on behalf of another LWV member who could not be there: Tanya Kleuskens. Ms. Johnson spoke to Ms. Kleuskens's experience and research in the field and presented several of Ms. Kleusken's points: Current water policy was developed due to perception as "water as a commodity" mentality i.e. subject to the laws of property rights as is the case with minerals, Ms. Johnson disagrees with this outlook. Ms. Johnson said we must consider the broader view. Ms. Johnson indicated that many people have lived and prospered without oil, gas, and/or gold. But no one has found a way to live without water.

4) Joyce Hinsley, another representative of the League of Women Voters. Ms. Hinsley said that LWV is currently in the midst of a two year water study. Ms. Hinsley made comment that for their study they needed new sources of information and so she asked each committee member to submit written answers to each of the LWV written questions so as to aid their study. Ms. Hinsley did not go over each written question but sought to highlight several: 1) What are the water conservation districts doing to educate the general public about issues? 2) Sharing the concern of Mr. Abraham, Ms. Hinsley expressed concern about the trend of cities to push for more growth in the midst of a shrinking water supply, and asked what will you do when the Ogallala is no longer viable? 3) When you use the term "sustainability," what exactly do you mean by it? 4) Is it morally and ethically justifiable for individuals and companies to enrich themselves by exploiting a resource without which no type of life can exist?

5) Jenny S. Clark, made comment that she did not represent anyone, she was speaking as a citizen of Amarillo but that she had been asked to be on a city board regarding "greening." Ms. Clark had two questions: 1) Texas water conservation program funding is soon to be up. When funding is used up what's next? 2) What is the board doing as far as groundwater and surface water management coordination?

6) Wilbur Killebrew, of the Killebrew Ranch in Pampa. Mr. Killebrew commented that the current focus in water planning tends to be on consumption i.e. how much is left, not how much we are cutting down, Mr. Killebrew expressed concern about emphasis on drainage at a district basis. Mr. Killebrew believes that views should shift to areas within districts. He believes the overall view should be to examine drainage at a more specific level. Mr. Killebrew believes the focus should shift to conservation. Mr. Killebrew said he understands that the second largest consumer of water in the Panhandle is golf courses, and if true this is a concern. He asks what we will do when the water is gone.

There were no more comments. Mr. Conkwright asked the members how they thought it best to answer those who had questions. Mr. Walthour suggested since the majority of questions were written down, to have copies sent out to each district and each district develop answers to each to be presented at the next meeting. Mr. Ingham spoke to the concern of groundwater and surface water coordination; he spoke about the cooperation between the Panhandle Water Planning Group and the Groundwater Management Area #1 group. Mr. Ingham directed audience members to the PWPG

website for additional information www.panhandlegroundwater.com. Mr. Ingham spoke to their responsibilities being discussion of surface water, municipal usage, etc. Additionally he said that their website has the regional water plan which is developed every five years. Mr. Conkwright spoke about other members of the PWPG and directed audience members to www.hpwd.com for additionally information on the High Plains Water District. Mr. Williams agreed with Mr. Walthour and said he believed that each district should answer questions individually. Mr. Williams also spoke to the fact that the proposed DFC is "not the whole story," and directed audience members to www.pgcd.us for additional information. Ms. Guthrie added that her board would be happy to speak to each concern. Ms. Guthrie said that their district website was currently down but invited audience members to call for any information.

5. Discuss and consider action as may be necessary in regard to technical information provided by TWDB Staff including additional Groundwater Availability Model Runs.

Mr. Conkwright asked Robert Bradley from the Texas Water Development Board if he had any additional information or issues from TWDB. Mr. Bradley referred to the supplemental included in the member packets on how Richard Smith came up with 80% remaining in 50 years for Hemphill rather than 90%. Mr. Ingham said he would make available to anyone the GAM 09-001 or the supplemental should anyone need it. Mr. Conkwright asked for comments on GAM run 09-001 and 09-001 supplemental. Mr. Conkwright clarified the purpose of the supplement as to change the 90% in division 2 to 80%. Mr. Bradley directed audience members to www.twdb.state.tx.us/groundwater for access to GAMs.

6. Discuss and consider action as may be necessary in regard to a Desired Future Condition of the Ogallala Aquifer in GMA #1.

Mr. Ingham explained the various resolutions before the committee; he identified the Panhandle, Highplains, and Hemphill versions of wording of the DFC. Mr. Ingham and Mr. Conkwright both addressed an issue which was the source for some differences between versions, both expected it to come up in discussion. Mr. Conkwright made the comment that each individual board had considered resolutions accepting whichever DFC the GMA decided to adopt. Mr. Conkwright said that the resolutions before them were the result of months of discussion between the districts. Mr. Conkwright also explained that in the last week before this meeting the committee had been made aware there is a half-section of land in the Hemphill County that is in two districts which has just recently become a point of conflict. Mr. Spearman explained that there had been consensus on the resolution until the discovery of 390 acres of his district, the owner of which in 1994 petitioned to join his district (PGWD). It was accepted into PGWD in 1994. Mr. Spearman stated that this was an oversight which was not caught when Hemphill County Underground Water Conservation District was being set up. Mr. Spearman said that since this discovery impacts the DFC he sought to clarify the wording in the adopted DFC so that it provided for this exception, something to the affect of "50% volume in storage remaining in 50 years in Hansford, Ochiltree, Lipscomb, Hutchinson, Roberts, Oldham, Potter, Carson, Gray, Wheeler, Randall, Armstrong, and Donley Counties; and the portions of PGWD in Hemphill County" and then for the portion of

Hemphill's condition have a caveat, something to the affect of "80% volume in storage remaining in 50 years in Hemphill County, not covered by PGWD." Mr. Spearman made comment that the PGWD wording could provide for whichever outcome the Attorney General's Office's actions result in i.e. the 390 acres being included in either Hemphill or PGWD. Mr. Spearman made comment that it would be unfair for the landowner to be under two districts. Mr. Williams pointed out that the taxes had been paid to PGWD since 1994 and that Hemphill wasn't certified before 1997. Mr. Williams said that the land owner considered himself apart of PGWD, and that they had the same view. Mr. Williams said that there was a letter from TCEQ which said that the land goes to Hemphill, Mr. Williams asked what backup documentation they had to say why this track of land had to be in Hemphill, from his research he came to conclude that there was none, he called the TCEQ letter to be a bureaucrats opinion and nothing more. Mr. Williams brought up the idea of an inter-local agreement to resolve the issue at some point after the DFC had been passed. Mr. Haley believes that this dispute should not matter here, since it does not impact the other districts. Mr. Haley pointed out that this wording should not be included and that his board members have adamantly opposed the PGWD wording. Mr. Haley commented that the DFC as they had agreed upon last meeting to take to their districts would be acceptable even with this dispute and that the dispute could be resolved outside of the DFC. Mr. Haley made the comment that his board is adamant about not accepting PGWD DFC language and they are not ceding one more acre to "the bottom of the barrel." Ms. Guthrie made comment that this issue had been addressed in 2001 where the TNRCC had sent a letter to the land owner and the owner had come to the Hemphill board. Ms. Guthrie said at one point the land owner sought to leave Hemphill but that he had then changed his mind one month after he sought action in 2001, and was agreeing to remain apart of the Hemphill district. Ms. Guthrie said that the de-annexation then as a result died for lack of action. Ms. Guthrie cited the enabling legislation for their district that the borders of the district should be along the county lines. Furthermore she cited their enabling legislation power section: "This...act shall prevail over any provisions of general law which is in conflict or inconsistent with this act." Ms. Guthrie says that if there is a conflict their enabling legislation should take precedence. Mr. Haley further pointed out that the 390 acres could meet PGWD DFC conditions by meeting Hemphill DFC conditions. Mr. Williams and Ms. Guthrie spoke about the conditions or lack there of governing the action of de-annexing a track of land from Hemphill to PGWD or vice versa and coordinating such an action between boards. Mr. Williams and Ms. Guthrie then spoke about the possibility of letting the matter be decided by the AG and resultant AG agreement. Mr. Williams pointed out that his proposed wording would be consistent with whatever outcome an AG path would result in. Ms. Guthrie said that this is premature action, saying that until the AG action this wording was conceding land to 50/50 rule which would be inconsistent with the goals of desires of the Hemphill board. Mr. Ingham asked Mr. Bradley if this had happened elsewhere. Mr. Bradley said that there were plenty of overlapping districts, he offered the example of Plumb creek/Market springs. Mr. Bradley said that the two districts had agreed to the conditions of the overlap. Mr. Williams brought up and spoke about two other examples: Rayburn and Glasscock counties and Jeff Davis and Brewster Presidio counties. Mr. Zimmer commented that all came here today expecting to pass a DFC. Mr. Zimmer said would it be possible to change wording so that "Hemphill county as

apart

defined by district lines," to make palpable the DFC. Mr. Zimmer pointed out that both parties seemed willing to allow for AG action to settle the matter, and asked for the focus of the group to then be on establishing wording which was acceptable by both parties and would account for whatever AG outcome happened. Mr. Conkwright asked what would make the wording in paragraph two agreeable to both parties. Ms. Guthrie said that the language which was sent to the districts in last meeting would be agreeable. She did concede that if the PGWD proposed wording for the third bullet were taken out that might be acceptable because that would make the land subject to both DFCs pending an AG agreement as opposed to now it as a ceding of land by Hemphill. Marty Jones of the Sprouse Law Firm and a member of the audience asked to be recognized. Mr. Jones said that Doyle Smith the owner of the land in question sold a portion to his client. Mr. Jones said that as such they have a stake in this process and that they object to being in two water districts. He said that they want to be in the Panhandle district and not want to be in Hemphill. Mr. Haley asked for the record why Mr. Jones did not want to be subject to different DFC. Mr. Jones replied that this would not be a problem if the district had agreed on a 50/50 standard as they should since this is one subdivision of the aquifer. Mr. Ingham asked if there is a way to word this to leave it up to AG opinion on those 390 acres. Mr. Spearman said he believes that the PWGD wording does that. Mr. Haley asked what would be the problem with moving forward with the wording from the last meeting, which would still be subject to the AG opinion. Mr. Spearman said that they are doing this so they don't have to amend the DFC in a few weeks. Mr. Williams said that if we retain former wording then it is disregarding the wishes of the land owner. Mr. Conkwright asked if Mr. Smith was here today. Mr. Williams said he was not, but that Mr. Smith had made his wishes clear to his board (PWGD) the morning of this meeting. Ms. Guthrie said she believed Mr. Smith had made his wishes clear in 1991, and she went on to say that the two district boards should meet in an open meeting. Ms. Guthrie expressed that the wishes of her board were that this should be settled between boards and not be debated in the GMA JPC so as to not cloud the issue of a DFC with this conflict. Mr. Williams pointed to agreements in 1991 that had the track of land in PGCD and that it should stay until something said otherwise. Ms. Guthrie said that their enabling legislation said otherwise, and since in the legislation it is directed to overrule any conflicting law then the track should be in Hemphill. Ms. Guthrie made comment that if Mr. Williams sees a conflict then it is clear that the issue should go to Hemphill due to the wording in their enabling legislation. Mr. Williams said he respectfully disagrees. Mr. Conkwright and Mr. Zimmer both asked if there was any possibility in trying to set wording today. Mr. Conkwright made comment that if the issue was left up to the AG it was his understanding that it might take up to six months to resolve. Mr. Conkwright asked if the body could set this aside and set a DFC for the rest of the GMA with wording pending an AG opinion on these 390 acres and both parties abiding by whatever that AG opinion might be, if that might be done today. Alternatively Mr. Conkwright suggested waiting 30 days for the districts to work this out among themselves. Mr. Ingham made comment that if the group waits 30 days he feels strongly that the DFC will not end up in the 2011 regional water plan. Mr. Ingham suggested the following wording as an alternative for the 2nd paragraph: "and any portions of Hemphill County deemed to be outside of district lines." And for the 3rd: "as defined by district boundaries." Mr. Ingham said this could provide for whatever the outcome of the AG consultation would be. Charles Bowers,

a member of the audience asked to be recognized. Mr. Bowers believes that the group had lost sight of what they sought to do today. Mr. Bowers made the comment that as this is simply a five year projection; nothing would happen in the next five years that would affect that specific 390 acres. Mr. Bowers made note that the owner of the land who made the agreement in 1991 with PGWD was not the same as who owned it today. Mr. Bowers, while recognizing the importance of the dispute, encouraged the board to go forward today with the current language so that there would be an opportunity at a later time to work on an inter-local agreement rather than waiting for an action from the AG. Mr. Bowers made comment that the GMA has done a wonderful job of coming together and he asked the board to settle on the DFC language. Again he reiterated that nothing would happen in the next five years which would impact those 390 acres. Mr. Haley made comment that at some point it comes down to principle. Mr. Haley pointed to the fact that Hemphill had conceded from 90 to 80. And they had come to the meetings in good faith and now within one week this dispute comes up. Mr. Haley reiterated that the stance of his board was against the current wording. Mr. Williams made the comment that his district had made concessions as well. After some discussion between Mr. Haley and Mr. Williams, Mr. Haley suggested using the language which was agreed upon at the last meeting and then addressing the conflict outside of the DFC discussion. Mr. Williams said that the wording from the last meeting makes no reference to the conflict. Ms. Guthrie brought up the point that if the course of action which was to be pursued was an inter-local agreement then the DFC could go ahead with the wording from the last meeting. Ms. Guthrie spoke to some possible inter-local agreements that might happen which would satisfy both groups. Ms. Guthrie and Mr. Williams discussed several aspects which might affect both the ability to reach an agreement and an agreement itself should it happen. Mr. Williams said that the wording of the last meeting was not agreeable to the PGCD board. Mr. Williams said that the resolution of the last meeting was to send the wording back the boards for review and in review PGCD found a conflict. The discussion turned to the laws of each side of the conflict. Ms. Guthrie reemphasized the fact that their enabling legislation specifically states that if there is a conflict, their enabling legislation should take precedence. Mr. Williams made the point that it is to take precedence over general laws but the laws giving authority to both districts are special laws. Mr. Williams says that the difference between the two laws results in two special laws in conflict so that one does not automatically trump the other. Mr. Conkwright in an effort to move this matter to the AG recognized the fact that this wording is not at this time acceptable. Mr. Conkwright asked if there is any chance of accepting the wording Mr. Ingham suggested. Mr. Ingham typed out his suggestion for the boards benefit. Mr. Zimmer believes that Mr. Ingham's wording gives enough room for both parties pending the AG decision. Mr. Conkwright called for a brief 10 minute recess for consideration. The meeting broke at 2:52 pm.

The board reconvened at 3:08 pm.

Mr. Conkwright asked for comments from the floor. Mr. Jones made the comment he believed Mr. Ingham's wording "as defined by district boundaries" was muddy. Mr. Jones made it known that he prefers Mr. Williams language pending an AG decision. Mr. Jones also reiterated the stance that the land should go to PGCD due to the fact that taxes have been paid to PGCD.

Mr. Conkwright asked if the two districts in questions had come to a consensus. Mr. Spearman made the comment that Hemphill has the same problem with language as he would as a member of PGCD if the roles were reversed. So he suggested time for Mr. Haley to go back and meeting with his board and seek what would be acceptable. Mr. Spearman asked for a 30 day tabling of the motion so that both districts may have time to discuss both within boards and between boards to come to a resolution.

Mr. Conkwright called for a motion to table item 6 until a time where the two boards may meet and come to an agreement on the matter.

Mr. Spearman made such a motion. Mr. Haley seconded.

Mr. Ingham again reiterated that with this delay this DFC will probably not be in the 2011 water plan. Mr. Conkwright clarified for the audience that meant that the old water plan would continue to be what was used. A member of the audience asked what that meant. Mr. Williams said that by using the old plan it would mean that across the Panhandle a 50/50 practice would be implemented. Mr. Walthour clarified that it was actually just a 1.25% decline rather than 50/50. Mr. Ingham clarified on why the time would prohibit the use of this DFC for the 2011 plan. He spoke to the fact that the DFC would need to be decided by today to be in the 2011 plan, since the original date of necessity was 12/30/08 and the next date of consequence in adopting a DFC is not until September of 2010.

Mr. Conkwright restated the motion: That item 6 be tabled for at least 30 days until these boards can meet and work on this issue. Mr. Conkwright asked for a roll call vote.

Mr. Spearman (Panhandle) – aye

Mr. Haley (Hemphill) – aye

Mr. Zimmer (North Plains) – aye

Mr. Conkwright (High Plains) – aye

The vote was unanimous in favor of tabling the item.

7. Discuss and Consider status of the Groundwater Availability Model requested for the Dockum Aquifer in the GMA #1 planning area.

Mr. Conkwright asked Mr. Bradley if there was any new news. Mr. Bradley said he had no news on it. Mr. Conkwright clarified for the audience that the Ogallala was the priority as far as setting a DFC, and the Dockum was secondary.

8. Discuss other business and any future agenda items.

No items were explicitly stated under this item.

Mr. Conkwright thanked everyone for being in attendance. He invited the audience to contact any of the districts or the PRPC for any information

Mr. Conkwright made note that the next meeting would be posted in the same manner as this one.

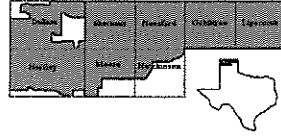
9. **Establish the date and location for the next meeting.**

Mr. Conkwright made known that the GMA date would be set at a later date after the boards got together and discussed. *their calendars*

Mr. Ingham made it known that the Panhandle Water Planning Group ^{*Region*} A meeting was set tentatively for April 30, 2009. Mr. Conkwright commented that often there is a PWPG meeting in the morning and GMA in the afternoon but that is not set, just something to keep in mind.

10. There being no further business to come before the Board, Mr. Conkwright declared the meeting adjourned at 3:18 p.m.

DRAFT



GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

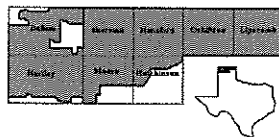
Date: May 13, 2009

Re: Agenda Item #4

Public Comment – Any citizens may address the GMA#1. Please limit the comments to three minutes.

Attachments: *None*

Jones
Ch 36, 108



GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

Date: May 13, 2009

Re: Agenda Item #5

Discuss and Consider – Groundwater Conservation District responses to Public Comments noted at the March 13, 2009 GMA#1 Meeting

At the March 13, 2009 many public comments were recorded. Many of those comments were expressed as questions to the respective GMA#1 member Districts. Those comments were transcribed and issued to each of the Districts in late March, 2009. This agenda item provides a public forum for each respective District to address any public comments it so chooses.

Attachments: *Transcription of 3/13/09 Public Comments and submitted comment cards*

GMA#1 – March 13, 2009 – Public Meeting Public Comments

Public Comment #1:

Judith Jones
Private Citizen
Randall County

How does the GMA#1 receive public input from areas in the GMA#1 planning area that are not in a Groundwater Conservation District?

- Jim Conkwright responded, "We would receive that by you being here, we would receive that by you writing comments to us. You can send it to Kyle's address and he will get the question in writing to each of the Districts. "

Public Comment #2:

Alan Abrahams
Ogallala Stakeholder
Amarillo Citizen
League of Women Voters

"May not have all of the scientific fact in place, but would like to make a statement. "A 50/50 plan can hardly be called management of a finite resource. I'm not sure it could even qualify as "damage Control", not when we're talking about one of the necessities of life and nowhere else to turn in the Panhandle when the water runs out!"

A copy of Alan's letter is included in the packet.

7 Recommendations:

1. " No exempted land areas on top of the Panhandle aquifers: every landowner in a conservation district"
2. "Meters on every well-head"
3. "Collect real time statistics on all water usage: who are the users, how much and to what benefit, in dollar values."
4. "Adopt conservation protocols, starting now, for city users"
5. "Adopt conservation protocols for agriculture and agri-businesses"
6. "Educate the population and their political leaders to put a stop to the "deification of growth" and to "impress upon the mind" what it means to be living in an arid land."
7. "An through regulation turn the spigot down to real life sustainability."

Kyle thanked the previous speaker for staying within 3 minutes and reiterated the agenda statement that speakers should stay under 3 minutes.

Chairman Conkwright noted that any written comments brought by speakers should be left with Jonathan so that they can become part of the record.

Public Comment #3:

Mina Johnson
Irrigated Farmer
President - League of Women Voters
Read Tanya Kleuskens's letter

Unfortunate that Tanya was not able to come due to weather, so I will read her letter. Her comments should have arrived to each district.

Tanya's letter is included in the packet.

No one can live without water.

Public Comment #4

Joyce Hinsley
League of Women Voters
Originally planned to be here on my own behalf
Trying to get answers to questions for the League of Women Voters for 2 year study

"The LOWV President requested that I ask these questions of the water districts and request written responses, written responses, and also written comments to the other comments that are made here on behalf of the League. We would appreciate that, it would help us with our study immensely."

A copy of Joyce's letter is included in the packet.

5 questions:

1. "What are YOU doing, what are YOU doing, the water districts, to inform the public about what it means to the future of this area?"
2. "I share with Alan the concern about this area, in particularly the City of Amarillo and other towns pushing for more growth. How can we sustain more growth without more water?"
3. "If you want the population of the Panhandle to remain the same, what will you do to replace water in the Aquifer is no longer viable?"
4. "What does the term sustainability mean to you all? I know what the lay person means, at least I think I do and I don't think its what you mean. I want you to explain in detail what you mean by sustainability."
5. "Is it morally and ethically justifiable for individuals and companies to enrich themselves by exploiting, that's the key word, exploiting a resource without which no life is possible?"

Public Comment #5

Jenny Clark
Amarillo Citizen
Sits on City of Amarillo Greening Board

2 Questions:

1. "I understand that the Texas Water Conservation Program funding is going to soon be legislatively up, this may not be correct, and when that Water Conservation Program is up, what will happen and do we have any of our state senators that are interested in it. I think this is a federally funded program."
2. "What is this Board doing to as far as groundwater and surface water management as far as coordinating efforts."

Public Comment #6:

Wilbur Killebrew
Killebrew Ranch
Lives in Roberts County

"My concern is that there has been almost no concern or emphasis on conservation. It has all been on consumption, how much we will have left in 50 years. 50%, 40% ,80%. I am also concerned about the emphasis on drainage on strictly a district basis. I think there should be closer look at the areas within the Districts. The Canadian River where our place is, is different than the Plains up around Pampa. Hemphill County, the drainage in that direction, the bathtub is not level, that water is draining East. If they drain 50%, there is not going to be any left on the West end. If they do 20%, I don't know what the real numbers ought to be, but I think it needs to be a smaller drainages all over.

I think there needs to be some emphasis on conservation. I understand the second largest use of water in the Panhandle is for golf courses. That is a lot of use of a precious resource to benefit a precious few people for precious small benefits. Maybe I am wrong, maybe we need to look at different types of lawns, we need to look at different lawns. The needs to be some development, some emphasis on conservation. What are we going to do when the water is gone?

Jim Conkwright: "How would the deligates want to handle the responses to the people who have spoken here today and indicated need a for responses to some of their comments. Any suggestions from the group?"

Steve Walthour – "If we have those comments written, I believe most of them were, we as districts can coordinate with Kyle to bring those comments back to the board for ya'll to review at the next meeting."

Jim Conkwright: "we will take your comments that you have given us, get them out to each district for our response back, coordinate through Kyle to have them at the next meeting."

Unidentified Audience Member: " Can we have a separate response from each water district on the ones I am talking about because it would be very important to our study?"

Conkwright: "at that time, yes."

GMA Public Comment
March 13, 2009

My name is Alan Abraham. I am an Ogallala stakeholder, Amarillo resident, and member of the Amarillo League of Women Voters.

I may not have all my scientific facts in place, but I know enough to say that a 50/50 plan can hardly be called "management" of a finite resource. I'm not sure it could even qualify as "damage control," not when we're talking about one of the necessities of life and no where else to turn in the Panhandle when the water runs out!

Here's what I understand to be our situation:

1. The panhandle portion of the Ogallala is a BATHTUB, sloping to the east with an inexorable flow of water from west to east. So the western portion will run out first, as it virtually has already in New Mexico;
2. The Ogallala is a mined resource – its "veins" are what add value to the land sitting on top, and there is a great deal of economic activity as a result, such as agriculture, industry, cities and recreational pursuits. This economic competition among users can best be described as "a race to the bottom of the barrel."

It's that "bottom of the barrel" that bothers me! Calling 50/50 a *management plan* instead of a *disaster plan* is misleading to the citizens who live here.

The following brief excerpt from Reisner's book, Cadillac Desert, describing the pre-conditions for the thirties dust bowl, tells us something about how self-deceiving economic enterprise can be:

"Everything in the country was going full blast. It was the most natural thing in the world for the plains farmers...to attempt the growing of wheat on a huge scale...Everyone knew the wet years wouldn't last, and everyone knew that the loose soil, with the wheat stubble disked under, had nothing to hold it if drought and wind should coincide. But everyone was making money."

Given the fact that there will be no money left without water, here are a few tentative suggestions for a more comprehensive water plan:

1. No exempted land areas on top of the Panhandle aquifers; every

- landowner in a conservation district
2. Meters on every well-head
 3. Collect real time statistics on all water usage: who are the users, how much and to what benefit, in dollar values
 4. Adopt conservation protocols, starting now, for city users
 5. Adopt conservation protocols for agriculture and agri-businesses
 6. Educate the population and their political leaders to put a stop to the “deification of growth” and to “impress upon the mind” what it means to be living in an arid land.
 7. And through regulation turn the spigot down to real life sustainability.

Thank you!

**A Concerned Citizen's Questions regarding Water Management
and Conservation Practices In GMA1**

I am a member of the Amarillo League of Women Voters. As a participant in the ongoing League water study, I have many questions, but few answers. The Amarillo League has asked that I submit my questions to you, and we respectfully request that you provide us with your written responses to these questions. Your replies will further clarify for us the issues involved and will assist us with our research in the remaining year of our two-year study.

- 1) **What are the four water conservation districts in this GMA doing to educate the general public about the issues involved?** Most of my non-League acquaintances with whom I've spoken have little knowledge or understanding of what is being discussed at meetings such as this, nor do they understand what is at stake. Before I became involved in the League's water study, I knew very little about any of this. In spite of several months of efforts to understand the issues and ramifications, I believe there are many points that I still do not adequately understand. I have not found the media to be particularly helpful in enabling the average person to become familiar with, let alone understand, what is being discussed here and what it means for the future of our area. I repeat my question: What are the water districts themselves doing to inform the public?

- 2) **When we are dealing with a finite water source such as the Ogallala, why is there no concerted push to ensure that there will be sufficient water for subsequent generations?** Why is the one district that is really trying to do so apparently regarded as unreasonable and uncooperative by the other districts? Isn't conservation a good thing?

Why are agricultural practices not changing more rapidly toward better water conservation?

How can we possibly get good data on agricultural usage without requiring flow meters on all wells?

Why are municipal and town governments not being required to adopt strict ordinances that will discourage wasteful practices by citizens and businesses?

How much water per head do Amarillo residents use as compared with residents of even larger cities like San Antonio?

- 3) **Why are Amarillo and other Panhandle towns still trying to attract and give financial incentives to high-water-use industries and businesses?** Why is Amarillo trying to become the megalopolis of the Panhandle, considering that we are

situated in one of the driest regions of the United States and are currently in the midst of a drought?

- 4) If you envision that the population of the Panhandle will continue for the foreseeable future to be more or less what it is now, **what will replace the Ogallala when it is no longer viable?**
- 5) **Why are all areas of the Panhandle not required to be in a water district?** How can we possibly manage and conserve water in the Ogallala if there are areas that apparently are allowed to do as they please, regardless of the effect it has on adjacent areas?
- 6) In GMA1 is there any water conservation district besides Hemphill County that is concerned about the **negative consequences that the drawdown of the Ogallala has for wildlife and for environmental flow of surface water?**
- 7) **What measures are being taken to ensure** that industrial and agricultural practices, as well as oil drilling procedures, are not negatively affecting the quality of the water in the Ogallala and other aquifers?
- 8) Why does the term "sustainability" as used by the water districts and GMA1 seem to mean something completely different from what the average layperson understands it to mean? **When you use the term "sustainable," exactly what do you mean by it?**
- 9) **Is it morally and ethically justifiable for individuals and companies to enrich themselves by exploiting a resource without which no type of life can exist?**

Submitted to GMA1 on March 13, 2009 for your consideration and written responses.

Joyce Hinsley
5001 SW 57th Ave.
Amarillo, TX 79109
(806) 463-5183

March 13, 2009
Amarillo League of Women Voters
Statement submitted to the Groundwater Management Area #1

I appreciate this opportunity to talk with you about the water planning issues of our region. I am the chair person for the Environment Committee, but today I speak for the Amarillo League of Women Voters.

The Amarillo League of Women Voters is involved in a two- year study of the water resource needs and the planning policy's of our region. It is much too early in our process for complete conclusions concerning the overwhelming process involved, to assure water for future generations, in an arid region, with finite resources. So, I will be communicating the water planning position of the Texas League of Women Voters. (Pages from the State LWV positions are made available to you for your reference) You will note when you read the State water planning positions that we advocate for conservation and protection always, and our protection statements include fragile ecosystems and spring flow.

It is our understanding that GMA #1 is interested in how well the citizens of this area understand the water needs and planning policies of the Ground Water Conservation Districts and the Panhandle Water Planning Group. Based on our public meetings and the knowledge level of our committee we offer that the overlapping jurisdiction between the city, CRMWA, Water Districts, the planning groups and GMA#1 is very confusing. We agree that study, planning and implementation compete with water delivery needs, but could you be missing valuable opportunities to communicate directly with the public through mainstream media and timely updates to your web pages? We encourage you to take advantage of the direct public access that your web pages offer and ask that you post your monthly calendars in a more timely way. We also offer our commitment and help in developing public educational programs. If there is interest in this offer we will be available to talk in more detail.

The most repeated point in the League position and the PWPG plan is to reduce demand through conservation. We did not find more than the executive summary posted on the PWPG web page so the specific conservation measures included in the planning are not apparent, but it does not appear that conservation measures were reflected in the water demand projections. It would be helpful to all entities planning for Panhandle water supply, to be able to see and understand the quantities of water saved through reduced demand by specific conservation and reuse applications. One look at how loudly the numbers speak is in the Panhandle Groundwater Conservation Districts plan, where descriptions of the recharge amounts look miniscule until the numbers are added District wide. Many people feel as though their small efforts make little difference until we become aware of the impact over 6,000 square miles, or multiplied by 200,000 people. We ask that focused conservation be implemented as the primary water planning strategy in the 50 year plans for our region. We do want you to know how much we appreciate the current conservation measures our Groundwater Conservation Districts have taken through metering and well distancing, and we extend our gratitude to Hemphill County Underground Water Conservation District for their vision and planning to maintain 80% current available groundwater resources in 50 years.

As stated by the Texas Water Development Board, Senate Bill 1 designates the task to the PWPG of developing the engineering, socioeconomic, hydrological, environmental, legal and institutional components of the regional water plans. The hydrological aspects appear to be well understood and the rates of depletion are explained very well. We see that the current socioeconomic conditions are well stated. However, the details of the socioeconomic change at 10 year intervals are left for the economic development groups and chambers of commerce to find and assimilate. Explaining the available water in economic terms for our area, through modeling, would aid the region in economic planning should we choose to incorporate the models into our future plans. It is quite possible that modeling of this type could be one of the most useful conservation measures developed.

We are beginning to understand that there is a percentage of groundwater that cannot be recovered through current pumping methods, in the saturated thickness of 15 to 20%. This could possibly change the projection and intent of the 50 percent in 50 years plans. How are Groundwater Districts accounting for this margin? State mandates require that we look out 50 years for our water needs assessments, but are 50 years long enough? When we pick up the newspaper and read that our water managers are planning for water needs over a 50 year period, we think 50 years is a really long time. However, when we stop to remember that we are 55 and our father is 85, and Aunt Sally lived to be 94, we realize that what we are actually talking about is one lifetime, one lifetime of available groundwater. During that lifetime our available groundwater is projected to become substantially strained and the economy of our region challenged to remain viable. Should the PWPG lead the way through groundwater availability models that include conservation numbers and economic outlook projections?

If we were to establish a base line groundwater availability understanding for maintaining springs and stream flow stability, for example, how much needs to remain in the saturated thickness of the Ogallala aquifer to maintain environmental health, we would be closer to assuring that water for all life would be available for an undefined number beyond 50 years. We believe that it is through the understanding of our regional natural flow that we can begin to design consumer practices and economic structures that are truly sustainable.

The Amarillo League of Women Voters is approaching the issue of establishing an Ogallala Aquifer Authority with reservation. As the specific details and legislation are revealed, we can assure you that the Amarillo League will support the best system for protection, conservation, and quality of vital groundwater resources, assuring long-term productivity, recharge and spring flow. We understand that current water policy developed because of the perception of water as a commodity subject to the laws governing property rights, as is the case with minerals associated with the earth. With all respect for the property owner, however, we believe it is necessary to consider this issue with a broader vision. Many people have lived, loved, and prospered without oil, gas, or gold, but not a single being has ever found a way to live without water.

Respectfully Submitted,
Tonya Kleuskens, Amarillo League of Women Voters

Construction, maintenance and/or expansion projects should be funded through:

- Tolls on new highways
- regional rail authorities with taxing ability
- federal funding
- usage taxes for commercial vehicles
- local user taxes
- state gas and user taxes
- bonds
- private sources (developers, etc.)

To alleviate congestion on Texas highways, existing routes should be expanded to include added passenger rail service and expanded freight rail lines. New routes should connect major Texas centers of population, preferably by rail.

Explanation and History: Transportation

This study was adopted at Convention 2003 as a three-year study, after being recommended by seven Leagues, several of which had local transportation positions. The focus was on current public transportation systems, future needs and funding availability. Additionally members focused on the impact of public transportation on air quality and land use, and the need for regional public transportation networks. Consensus was completed and adopted by the Board in January, 2006.

2006: The League opposed the proposed route for the Trans-Texas Corridor because local and regional planning groups had concerns about economic and environmental effects which were not addressed, their recommendations were not included in the route selection, and major population centers were not connected in a seamless manner.

Publication Available: (Facts and Issues) *Transportation, 2006*

D. WATER - 1971, 1974, 1978

The League of Women Voters of Texas supports long-range state water planning that:

- takes into consideration its social, economic, environmental, and land use implications
- provides for development of adequate water supplies by ecologically and financially sound means
- emphasizes conservation and reuse of water
- is based on increased research concerning wise and efficient use of the state's land and water resources
- affords protection for the land and for fragile ecosystems

The League of Women Voters of Texas supports measures for the protection, conservation, and development of the groundwater resources of the state as an integral part of the comprehensive state water plan, and groundwater management that would achieve the following objectives:

- maintain groundwater quality by preventing harmful contamination of aquifers

- assure the long-term productivity of the state's groundwater resources and availability of groundwater supplies
- minimize adverse effects of groundwater withdrawals, including land subsidence and reduction of spring flows

Water resources planning should also include:

- detailed information concerning:
 - the hydraulic characteristics and recharge of the state's aquifers
 - quantities, locations, and trends of groundwater withdrawals
 - measures that could conserve and extend existing supplies
 - current and projected costs of ground water and alternative surface water supplies
 - potential conjunctive use of ground water and surface water
- management options developed specifically for each area of the state where ground water is a significant resource
- full public consideration of groundwater management options
- recommendations of measures to be taken by the state, by political subdivisions of the state, and by the private sector to assure wise management of the state's groundwater resources
- coordination of state plans for groundwater management with relevant policies and programs of the federal government and of other states.

Adequate funds should be appropriated for planning and for management of the state's groundwater resources.

Explanation: Water

In the 1950s and 1960s, LWVUS positions were reached on water conservation and development and on abatement of water pollution. These positions, as well as national and state positions in other natural resource areas -- especially land use -- are relevant to action on Texas water issues.

A study of state water planning was adopted by the 1970 Convention. Impetus for the study was the 1968 Texas Water Plan, and the 1969 election in which a \$3.5 billion bond program to begin implementation of the plan was narrowly defeated. The plan proposed importation of out-of-state water to West and South Texas via two large canal systems. The League consensus disagreed with that aspect of the plan, stating that additional water supplies should be developed in an ecologically sound manner from within the state, and that more efficient use should be made of existing water supplies.

The League took another look at the Texas Water Plan in 1974, following publication of a Corps of Engineers analysis of a proposal for importation of water from the Mississippi River. This consensus reaffirmed our 1971 positions.

The 1977 Convention deleted the position statement that additional water supplies should come from within the state. Delegates continued to oppose massive water transfer projects but felt that opposition should be based on other League positions.

The 1977 Convention also adopted a study of groundwater management and protection, and consensus was reached in November 1978.

History: Water

1976-1980: When Proposition 1 authorizing \$400 million in Texas Water Development bonds was placed on the ballot in November 1976, the League worked to defeat this proposition. League opposition was based on the absence of financial safeguards guaranteeing timely repayment by beneficiaries of water development projects, absence of environmental protection provisions, and inadequate information as to what projects would be funded. The amendment was defeated. Proposition 2, authorizing \$100 million in water quality

enhancement bonds, was supported by the League and approved by voters.

Over the next several years, testimony based on League water positions was presented on the state lignite mining program, state water quality management plans, hazardous waste disposal legislation, the High Plains Ogallala Aquifer Study, the federal Soil and Water Resources Conservation Act, and a proposed EPA Groundwater Protection Strategy.

LWV-TX Education Fund projects on water issues included co-sponsorship of a regional floodplain conference in 1975; and "Project Safewater" in 1976, which explained through a slide program and information kit the implications of the federal Safe Drinking Water Act for Texas communities.

1981-1984: In 1981, League action again focused on opposition to a proposed constitutional amendment, Proposition 4 would have dedicated half of the state's "excess" revenues in each biennium to a new water fund. In addition to the concern that prompted our opposition to the 1976 amendment, the League opposed the constitutional dedication of state revenues, in accordance with our position on Financing State Government. The League also pointed out that the revision of the Texas Water Plan initiated in 1976 had not been completed. The amendment was defeated.

Shortly after the November 1981 election, the governor called for revision of the Texas Water Plan. The state League and local Leagues testified at forums on water planning issues in 1982 and at hearings on a draft revision of the plan in 1983. In September 1984, the Water Development Board adopted a revised plan, "Water for Texas: A Comprehensive Plan for the Future," which emphasized water conservation and reuse, and recognized that importation of water was not feasible under present conditions.

In 1981, LWV-TX Education Fund published *Fresh Water for Texas Bays and Estuaries*

1985-1988: The 1985 legislative session passed a major package of water legislation. Prior to and during the session, the League lobbied to strengthen provisions for water conservation and protection—especially for groundwater. The package consisted of water conservation programs, protection of freshwater inflows to estuaries, creation of groundwater conservation districts in critical areas, and expanded powers for groundwater districts.

These initiatives were funded by a bond issue authorized by voters in the November 1985 election. The League also supported a related ballot issue that passed, authorizing state bonds for an Agricultural Water Conservation fund, if approved by a two-thirds vote of the legislature by 1989.

The League worked with the Water Development Board and the Water Commission for effective implementation of the new conservation requirements and groundwater district provisions. In the 1987 legislative session, some League-supported proposals (for example, stronger septic tank regulation) passed, but all statewide groundwater bills failed.

In 1987-88 local Leagues and the state League participated in the League of Women Voters Education Fund's Community Drinking Water Survey, interviewing water officials on impacts of the 1986 Safe Drinking Water Act amendments. At Texas Water Commission hearings, LWV-TX testified for more stringent water quality standards and more effective controls of non-point source pollution.

1989-1993: The League reviewed the thirteen critical groundwater area reports published by the Texas Water Commission in 1989 and 1990, and urged the commission to address promptly the more serious problems described in the report.

In 1990, we attended numerous meetings of the legislature's interim committee on the Edwards Aquifer and testified in the 1991 legislative session on two bills proposing management of the aquifer, neither of which passed.

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Also in 1990, the state League and several local Leagues presented statements at the Texas Water Development Board's public hearings on draft revisions of the state water plan. We commended the plan's emphasis on water conservation and subsequently worked successfully for legislation adopting water-conserving plumbing standards, as recommended in the plan.

In the fall of 1991, LWV-TX testified for a more effective Integrated Environmental Plan for the Mexico-U.S. Border Area and supported a constitutional amendment authorizing use of \$150 million of Water Development Fund bonds for water and wastewater services to *colonias*.

The League was represented on the Texas Water Commission's Clean Water Council, which submitted its report in November 1992, and on the Clean Texas 2000 Awards Committee, which recommended the April 1993 award winners.

A League priority in the 1993 legislative session was the creation of a regional management entity for the Edwards Aquifer. The bill the League supported passed in the final days of the session.

1994-1995: In 1994, LWV-TX Education Fund sponsored a workshop in New Braunfels highlighting local League work to protect water quality in south central Texas. Since early 1994, League members have been participating in regional advisory committees to the Trans-Texas Water Program, which is considering future water supply options to be recommended in the 1996 revision of the Texas Water Plan. The League is also represented on Watershed Texas, a statewide watershed management project of the Texas Natural Resource Conservation Commission's (TNRCC's) Office of Water Resource Management.

In the 1995 legislative session, the League supported the bill which was passed to meet U.S. Justice Department requirements for the election of the Edwards Aquifer Authority Board. We opposed several bills that did *not* pass, including those lowering water quality standards and limiting pollution control authority of the TNRCC.

1997: Major new water legislation, known as SB 1, was drafted by various groups during 1996 in response to a statewide drought and also to provide a broader state framework for dealing with the state's current and future water needs. Early in the session representatives of several public interest and environmental groups, including the League, met to discuss the proposed legislation and to identify essential elements of a state water bill. A resulting policy statement was submitted to legislative staff and these elements were incorporated into the final bill. Key provisions include:

- adoption of a new state water plan which will incorporate regional plans for drought planning and water conservation by September 1, 2001
- retention of the right of capture doctrine for state groundwater
- inter-basin transfers approved by the TNRCC would become "junior" water rights with little or no water to transfer out of the basin during a drought
- stream flow needs for streams and rivers and environmental flow for bays and estuaries will continue to compete with perceived water use needs of agricultural, municipal, and industrial needs
- formulation of a state water plan addressing different needs of managing water in various regions of the state

The 1997 appropriations bill contains funding of \$36 million for the water legislation during the biennium. An Interim Committee on Water Resources and Development and Management will be created to study a broad range of water issues, including water marketing, and make recommendations to the next legislature. The League plans to monitor this committee during the biennium.

Another bill reinstates the funding mechanism for the state's Clean Rivers Program, which would have

expired in 1998. However, the population threshold for cities required to establish a water pollution abatement program was increased, weakening the program.

Two constitutional amendments concerning water will be on the ballot in November 1997. One would create Water Development Fund II. The other would allow local governments to give tax breaks to businesses which install water conserving equipment.

1999: It is never a surprise when water issues come before the legislature, and the 76th session was no exception. LWV-TX worked on water quality and protection issues and on budget issues.

LWV-TX had as a key priority the provision of money for water quality and quantity issues.

The League successfully supported full funding for the ongoing regional water planning process set up by SB 1 in 1997.

LWV-TX joined environmental groups in asking the legislature to fund programs and employees in the storm water permitting process, a water quality program that emphasizes working to maintain the designated uses of specific rivers and streams, water quality improvement and water modeling, and revenue for the National Estuary implementation program for Corpus Christi and Galveston Bay areas. We met with mixed success, but have made an important stride forward in working on the legislative budget and appropriation processes.

The two most important bills, both opposed by LWV-TX, concerned ground water protection and a wastewater discharge bill that restricted the opportunity for public participation.

The groundwater bill, originating in the House, was directed at the regulation of the Edwards Aquifer, and would have put a moratorium on the pending Edwards Aquifer (protection) Rules that the League supported. The bill would have established a committee to study the rules adopted by TNRCC that had not yet gone into effect. The League opposed the bill, believing that the rules offered increased protection to the contributing, as well as the recharge zone, and were already the result of a large amount of public participation. The bill did not pass; the rules went into effect June 1.

The second bill, which did pass and was signed into law, authorizes TNRCC to lift the "cap" on wastewater discharges eligible for a general permit. Previously the law had a discharge limit, which if exceeded resulted in having to go through a permit hearing process. These general permits restrict the opportunity for public participation by replacing the contested case hearing process with a notice and comment provision. The bill was strongly opposed by LWV-TX and environmental organizations. This bill serves as an example of legislation that deals with more than one issue, in this case public participation and water quality.

2001: The legislature continued its examination of Texas water policy and planning. SB 2 (Brown), enrolled and signed by the governor, revised the state's regional water planning process, established the Texas Water Policy Council, provided direction on water management strategies, and set up a comprehensive study of water resource issues that will occur during the 2002 interim. The bill strengthened the ability of underground water districts to control the pumping of groundwater. The bill also established the water infrastructure fund to be funded through the Texas Water Development Board. The League will follow the special interim committee. LWV-TX did not support or oppose (during the session or the election) a proposed constitutional amendment to authorize an additional \$2 billion in general obligation bonds for water projects.

2003: For a session that was not supposed to deal with water there were a large number of significant bills introduced and passed. These include bills that:

- deal with the Texas Water Development Board administration and funding including the Water Infrastructure Fund, the Rural Community Water and Wastewater Loan Fund, and the Rural Water Assistance Fund
- consolidate various agricultural assistance funds
- create the Water Conservation Implementation Task Force
- require all water conservation plans and drought contingency plans submitted with a water rights permit or financial assistance application to include specific, quantifiable 5-year and 10-year targets for water savings
- establish the Study Commission on Water for Environmental Flows, prohibits TCEQ from issuing a new permit for instream flows dedicated to environmental needs or bay and estuary inflows, and clarifies that groundwater conservation districts may adopt different well spacing or production limits for distinct aquifers or for different geographic areas within their boundaries;
- requires the Texas Water Development board to study, investigate, and survey the development of water supplies from seawater desalination
- relates to notice of groundwater contamination that may affect a public or private drinking water well
- relates (a) to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation; (b) to the authority of certain nonprofit water supply corporations to establish and enforce customer water conservation measures; (c) to the definition, use, regulation, and permitting of greywater
- relates to requiring water rights applicants and holders, water utilities, and conservation and reclamation districts to adopt and implement certain water conservation measures.
- relates to lawn irrigation and rainwater cutoffs, wastewater, the discharge of wastewater into waters of the state, storm water, and application of sludge, and water supplies.

Bills that would affect low-flow toilets and washing machines conservation standards did not pass. Two other water bills that did not pass addressed issues relative to small community water systems that face exceptional physical or financial circumstances in attempting to comply with federal Safe Drinking Water Act requirements relating to naturally occurring material. This legislation could have led to the loss of federal funds.

2005: Everyone was waiting with anticipation for the latest super water bill SB 3 (Armbrister) (in line with SB 1 and SB 2) when it died in the House, a victim of late filing and bad timing. The bill would have covered conservation, groundwater, in stream flows, protection of the bays and estuaries, and other topics. At the last moment representatives were looking for bills to attach environmental flows and the protection of the bays and estuaries amendments to. Some candidates were SB 1512, which didn't survive, HB 1225, and HB 2233 (Article 1 environmental flows protection) that related to the Comptroller's office and rules used to manage state finances. HB 2233 died on the last days so that no significant water legislation passed. Senator Armbrister filed a bill in the special session dealing with Article 1 of SB 3, environmental flows and bay and estuary protection. The bill was not added to the Governor's list for the special session. The Governor had said that school finance took priority before anything else would be considered.

Meanwhile what happened to SB 352 (Madla) relating to the protection of groundwater under state lands and all of the conservation bills filed by Puente?

SB 352 (Madla) was engrossed and sent to House Land and Resource Management (4/29) where it died. HB 2428 (Puente), relating to water and energy saving performance standards for commercial pre-rinse spray valves, passed the Senate on a record vote. The Governor signed the bill, effective 1-1-06. HB 2429 (Puente), relating to water and energy saving performance standards for commercial clothes-washing machines, died in House Calendars, and was strongly opposed by washing machine manufacturers. HB 1223 (Puente), relating to performance standards for toilets sold in this state and heard on April 4, died in House

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Judith A Jones Signature: Judith A Jones

Affiliation/Organization: Private Citizen Randall County

How does GMA #1 receive
Comment Topic: Input ~~for~~ ^{from} people not in

Details: a water district.

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: ALAN ABRAHAM Signature: Alan Abraham

Affiliation/Organization: LEAGUE OF WOMEN VOTERS

Comment Topic: CONSERVATION OF OGALLALA

Details: _____

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Mina Johnson Signature: Mina Johnson

Affiliation/Organization: LWV

Comment Topic: _____

Details: _____

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Joyce Hirsley Signature: Joyce Hirsley

Affiliation/Organization: Amarillo League of Women Voters

Comment Topic: Concern regarding Water Management and
Conservation Practices in GMA1

Details: Questions about various issues that the
League would like each of the GMA1 Districts to
respond to in writing to help with our
ongoing water study.

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Jenny S. Clark Signature: Jenny S Clark

Affiliation/Organization: JSW Consulting LLC / Amarillo

Comment Topic: Groundwater + Surface water Conservation + public knowledge
TWC Program - when will it be up? Any Fed Govt interested in renewing legislation

Details: I have been asked to serve on a new city board to address "greening"

Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Wilbur Killebrew Signature: 

Affiliation/Organization: Killebrew Ranch

Comment Topic: _____

Details: _____



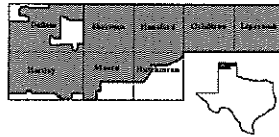
Groundwater Management Area #1
March 13, 2009 Public Meeting
Public Comment Form

Name: Charles Bowers Signature: Charles Bowers

Affiliation/Organization: PGWD

Comment Topic: DFC and Reservoir

Details: Comments



GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

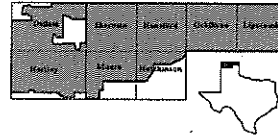
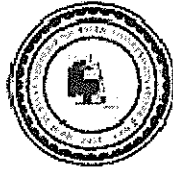
Date: May 13, 2009

Re: Agenda Item #6

Discuss and Consider – action as may be necessary in regard to technical information provided by TWDB Staff including the latest Groundwater Availability Model Runs.

The Texas Water Development Board has prepared multiple Groundwater Availability Models for GMA#1 over the course of the last year. TWDB Staff will be present to discuss these models and any other technical information that is available to the group.

Attachments: *None – GAM Runs available upon request*



GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

Date: May 13, 2009

Re: Agenda Item #7

Discussion and Consideration: Action as may be necessary in regard to a Desired Future Condition of the Ogallala Aquifer in GMA#1.

The notice of this meeting has been sent to each GCD via certified mail so that the GMA#1 has the capacity to vote on an Ogallala DFC. At the previous GMA#1 meeting, the membership discussed a draft resolution that might be used to both adopt the Ogallala DFC and show support for the Ogallala DFC.

Discussion points and data to be provided by GMA #1 members at the meeting as appropriate. Data and discussion from all previous agenda items may be pertinent to and utilized in discussion under this agenda item.

Attachments: *Draft Resolution*

RESOLUTION NO. 2009-01

Roll call
- Aye
HP
UP
Hemp
Panhandle

OF THE GROUNDWATER MANAGEMENT AREA 1 JOINT PLANNING COMMITTEE
ADOPTING DESIRED FUTURE CONDITIONS FOR THE OGALLALA AND RITA
BLANCA AQUIFERS

WHEREAS, Groundwater Management Area 1 ("GMA-1") is comprised of eighteen counties in the northern section of the Texas Panhandle and encompasses four groundwater conservation districts – the Hemphill County Underground Water Conservation District ("Hemphill District"), portions of the High Plains Underground Water Conservation District ("High Plains District"), the North Plains Groundwater Conservation District ("North Plains District"), and the Panhandle Groundwater Conservation District ("Panhandle District");

WHEREAS, the Ogallala Aquifer and the Rita Blanca Aquifer are referenced as one layer in the Northern Ogallala GAM, any references to the "Ogallala Aquifer" in this document shall also include and apply to any groundwater in the Rita Blanca Aquifer in those portions of GMA 1;

WHEREAS, GMA-1 unanimously supports the following goals, ideals and standards for GMA-1. The GMA-1 member Districts have worked to learn the rules and goals of each individual district, along with the history of how each District has arrived at their different management philosophies. The members of GMA-1 agree and support the Desired Future Conditions ("DFCs") as set out below. These conditions are viewed only as starting points for GMA-1 to go forth for the next five years as charged. The members of GMA-1 agree that constant monitoring from each District is necessary to measure the depths and scope of the Ogallala Aquifer and the Rita Blanca Aquifer, where it exists, and to manage these groundwater resources to achieve these DFCs;

WHEREAS, pursuant to TEXAS WATER CODE ANN. § 36.108, the presiding officer, or his designee, from each of the four Districts in GMA-1 are obligated to engage in ongoing joint planning to, among other things, establish the DFCs of the aquifers within GMA-1;

WHEREAS, such joint planning has been undertaken, and is ongoing, by the four presiding officers or designees of the Districts, and this body has come to be known as the-GMA-1 Joint Planning Committee (JPC);

WHEREAS, the JPC in GMA-1 has met as required by Section 36.108 of the Texas Water Code for joint planning not only to set the initial DFCs, but also to move towards improved conservation of the Ogallala Aquifer within its boundaries;

WHEREAS, the Ogallala Aquifer consists of substantially different characteristics and conditions across its boundaries and pursuant to TEXAS WATER CODE ANN. § 36.108, when considering the adoption of DFCs, the JPC is obligated to and has considered the "uses or conditions of an aquifer within the GMA that differ substantially from one area to another" and may adopt different DFCs for different areas overlying an aquifer;

WHEREAS, the JPC also believes the DFCs to be generally consistent with the 2006 Panhandle Regional Water Plan and the 2007 State Water Plan;

WHEREAS, the DFCs adopted by the JPC on this date are subject to revision in the future;

WHEREAS, the JPC desires to ~~recognize private property rights through~~ honor the mandates of Chapter 36 of the Texas Water Code, including private property rights, and desires to treat everyone in a reasonable manner given the extreme diversity through the area;

WHEREAS, the JPC desires to inform the citizens of the Texas Panhandle about the Ogallala Aquifer, the diversity of the aquifer and its uses and conditions, and the challenges of groundwater management with minimal impact to the local economy;

WHEREAS, the JPC has worked closely with the Texas Water Development Board, their hydrologists and other qualified professionals to base the adopted Desired Future Conditions on the best available science;

WHEREAS, the JPC is striving towards the intent of the joint planning process and is fully committed to continuing this important process and achieving the ultimate goal to conserve and preserve the aquifer;

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT PLANNING COMMITTEE OF GROUNDWATER MANAGEMENT AREA 1 THAT:

1. All the preceding statements formed the basis for the decision by the Groundwater Management Area 1 Joint Planning Committee to adopt on this date, the DFCs set forth herein:
2. The following Desired Future Conditions are hereby adopted for the Ogallala Aquifer within Groundwater Management Area 1 as described below:
 - 40% volume in storage remaining in 50 years in the following:
 - North Plains GCD consisting of all or parts of the following counties Dallam, Hartley, Moore and Sherman; and
 - Parts of the following counties that are not in a Groundwater Conservation District will also fall under the 40/50 DFCs, those counties being Dallam, Hartley and Moore
 - 50% volume in storage remaining in 50 years in the following:
 - High Plains Underground Water Conservation District consisting of parts of the following counties: Armstrong, Potter and Randall;
 - North Plains GCD consisting of all or parts of the following counties: Hansford, Hutchinson, Lipscomb and Ochiltree;
 - Panhandle Groundwater Conservation District consisting of all or part of the following counties: Armstrong, Carson, Donley, Gray, Hutchinson, Potter, Roberts and Wheeler; and

- All or parts of the following counties that are not in a Groundwater Conservation District will also fall under the 50/50 DFCs, those counties being Hutchinson, Oldham and Randall
- ~~80% volume in storage remaining in 50 years in the following:~~
 - ~~all of Hemphill County falls under the jurisdiction of the Hemphill County Underground Water Conservation District with the potential exception of the following described property:~~
 - ~~North 300 acres of the East One Half (E/2) of Section 13, Block A 2, H&GN RR Co. Survey, Hemphill County, Texas and the North 90 acres of the South West Quarter (SW1/4) of Section 13, Block A 2, H&GN RR Co. Survey, Hemphill County, Texas abstract number 92 (approximately 390 acres).* see description of meets and bounds in Attachment A~~
 - ~~When it is legally determined that either the Hemphill County Underground Water Conservation District or the Panhandle Groundwater Conservation District has regulatory authority then said property, the 390 acres described herein; will fall under the rules and regulations and Desired Future Conditions of the named District.~~
- 80% volume in storage remaining in 50 years in Hemphill County; provided that, in the event it is legally determined that the roughly 390-acre tract of land located in southwest Hemphill County and described more particularly in Attachment A (the "390-acre tract") lies within the jurisdiction of the Panhandle Groundwater Conservation District and not within the jurisdiction of the Hemphill County Underground Water Conservation District, then the Desired Future Condition for the 390-acre tract shall be 50% volume in storage remaining in 50 years and the Desired Future Condition for the remainder of Hemphill County shall be 80% volume in storage remaining in 50 years.

The JPC recognizes that each District's boundaries may change due to the consolidation or annexation of land in GMA 1 that is either in or out of a district, therefore, the consolidated or annexed land will follow the rules, regulations, and Desired Future Conditions of the receiving District. The members of the JPC for GMA 1 **unanimously** agree that these are the goals for the DFCs in GMA -1 for the next five years.

3. These DFCs shall become effective on the date indicated below and shall remain in effect for five years, unless modified or repealed sooner by the JPC in accordance with applicable law.
4. The members of the Groundwater Management Area 1 Joint Planning Committee agree to continue to work in good faith on joint planning efforts in a manner consistent with applicable law.
5. All Districts in Groundwater Management Area 1 are unified in fulfilling the charge, set forth in Section 36.0015, Texas Water Code, to "provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of

water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.”

PASSED AND APPROVED BY A VOTE OF ___ TO ___ OF THE VOTING MEMBERS OF THE GROUNDWATER MANAGEMENT AREA 1 JOINT PLANNING COMMITTEE THIS ___ DAY OF _____, 2009.

Daniel Krienke, Chairman JPC
President, Board of Directors
North Plains Groundwater Conservation District

Jim Conkwright, Vice Chairman JPC
General Manager
High Plains Underground Water Conservation District

John R. Spearman, Secretary JPC
President, Board of Directors
Panhandle Groundwater Conservation District

Jim Haley, Member JPC
President, Board of Directors
Hemphill County Underground Water Conservation District

ATTACHMENT A ^(acre)
(Description of the "390-acre tract")

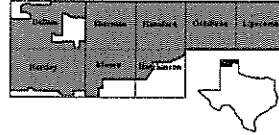
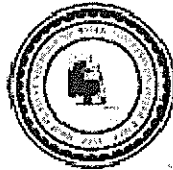
The North 300 acres of the East One-Half (E/2) of Section 13, Block A-2, H&GN RR Survey in Hemphill County, Texas, and 90 acres of said Section 13 described as follows:

BEGINNING at a point on the West line of said Survey, 1247 varas South of Northwest corner of said Survey No. 13, and Southwest corner of tract of land heretofore conveyed by N.W. McCuiston to T.D. McCuiston;

THENCE East parallel with the North line of said Survey No. 13, a distance of 950 varas to a stake for a corner;

THENCE West along the North line of 40 acre tract known as the W.M. Cotton tract off same survey, and running West parallel with the North line of this survey, a distance of 950 varas to a stake in the West line of said survey;

THENCE North with the West line of said Survey No. 13, a distance of 534-3/8 varas to PLACE OF BEGINNING.



GROUNDWATER MANAGEMENT AREA NO. 1

MEMORANDUM

To: Honorable Chairman and Members

From: Kyle G. Ingham, Local Government Services Director

Date: May 13, 2009

Re: Agenda Item #8

Information –Status of the Groundwater Availability Model requested for the Dockum Aquifer in the GMA#1 planning area.

At previous meetings GMA #1 members have discussed the minor aquifer in the region. The GMA#1 has requested the TWDB to do a GAM Run of the Dockum Aquifer with a 1 foot annual rate of decline included as a starting point.

Attachments: *None: Information will be provided to GMA#1 membership as available*