MINUTES OF THE NOVEMBER 10, 2020 BOARD OF DIRECTORS MEETING OF NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

The Board of Directors of North Plains Groundwater Conservation District met in regular session on November 10, 2020, at 9:00 a.m. at the offices of North Plains Groundwater Conservation District, 603 East First Street, Dumas, Texas 79029. Due to the restrictions of COVID-19, the meeting was held through Zoom Meeting in Dumas, Texas. The following persons participated in the Meeting:

Members Present at 9:07 a.m.:

Daniel L. Krienke, President; Mark Howard, Secretary; Gene Born, Director; Harold Grall, Director; and Zac Yoder, Director.

Staff present during part or all of the meeting:

Steve Walthour, General Manager; Kirk Welch, Assistant General Manager — Outreach; Kristen Blackwell, Finance & Administration Manager; Odell Ward, Field Supervisor; Paige Glazner, Conservation Outreach Assistant; Dusty Holt, Permitting Specialist; Dale Hallmark, Hydrologist; and, Curtis Schwertner, Natural Resource Specialist.

Others present during part or all of the meeting:

Nich Kenny; Cheri DeJong; Tom Forbes, Esq. F. Keith Good, General Counsel for the District; Ellen Orr, Paralegal; and Kelsie Orr.

President Krienke declared a quorum present and called the meeting to order at 9:07 a.m. President Krienke gave the invocation and led the pledge.

1 – Public Comment

No Public Comment was made to the Board.

2 – Consent Agenda

The Consent Agenda was discussed by the Board and consisted of: the review and approval of the Minutes of the regularly scheduled Board of Directors Meeting held on October 13, 2020; the review and approval of un-audited District expenditures for October 1, 2020 through October 31, 2020, including the General Manager's expense and activity report; the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses incurred from October 1, 2020 through October 31, 2020, in the amount of \$9,087.53; and the consideration of approval of the Sherman County Appraisal District's 2020 ad valorem tax calculation for North Plains Groundwater Conservation District based on the North Plains Groundwater Conservation District's 2020 ad valorem tax rate and on the Appraisal District's 2020 tax roll for the District.

Gene Born moved to approve the Consent Agenda. Mark Howard seconded the motion and it was unanimously approved by the Board.

Action Agenda 3.a. - Consider final compliance approval of water well permits as active and complete wells.

The General Manager reported that District Rule 2.13 provides, after the site inspection is complete, and it is determined that the Well (and all Wells within the Groundwater Production Unit) is/are in compliance with the Rules of the District, and the Well Permit application, the General Manager shall submit the Well Permit to the Board for final compliance approval.

The General Manager reported that the District staff had processed 15 Water Well Permits which are ready for Board consideration and approval. These permits, listed in the table below, represent completed Wells that have been inspected and are in compliance with District Rules. The inspections verify that the Wells were completed as required by the respective Permits, including proper Well location, Well classification, maximum yield, and proper installations of check valves and flow meters. Copies of the individual permits were presented to the Board.

Permit Number	Permit Status	Well Class	Quarter	Section	Block	Survey	Yards N S	Yards E W
DA-11024	Board	В	SE/4	44	8	CSS	750 N	356 E
HA-11091	Board	С	SE/4	Joseph Beaty			1790 S	107 E
HA-11092	Board	С	NE/4	Joseph Beaty			571 N	843 E
HA-11129	Board	С	NW/4	4	A-4	PSL	622 N	194 W
HA-11372	Board	С	NW/4	6	14	CSS	61 N	752 W
HA-11434	Board	D	SE/4	6	14	CSS	58 S	285 E
HA-11435	Board	D	SE/4	6	14	CSS	532 S	456 E
HA-11437	Board	D	SW/4	14	14	CSS	865 S	394 W
HA-11438	Board	D	SW/4	14	14	CSS	308 S	432 W
HN-11221	Board	D	SE/4	2	2	SA&MG	26 S	855 E
HN-11315	Board	D	NE/4	133	2	GH&H	734 N	797 E
HU-11214	Board	D	SE/4	NONE	NONE	J J HALL	386 S	695 E
MO-10534	Board	С	NE/4	177	44	H&TC	520 N	853 E
SH-11105	Board	С	NW/4	232	1-T	T&NO	571 N	755 W
SH-11397	Board	С	SW/4	4	2-T	T&NO	885 S	134 W

Mark Howard moved to approve all of the Well Permits on the Well Permit Schedule noting that the Wells are properly equipped and otherwise comply with District Rules. Zac Yoder seconded the motion and it was unanimously approved by the Board.

Action Agenda 3.b. -

Receive report regarding the District's agriculture conservation programs and other water conservation education initiatives.

Nich Kenny presented the following report to the Board:

Mr. Kenny stated that the District is compiling the harvest data from corn. A couple of preliminary things; the highest yielding hybrid was Pioneer 1108Q in the pivot. It exceeded 250 bushels per acre and irrigation on that field was just under 22". On our comparison of pivot versus drip, so far it is looking like the drip has out-yielded the pivot by about 5 bushels across the DynaGro 58VC37 hybrid. The story there and what is going to be interesting as all of the data shuffles in, is that we have done it on approximately 5 less inches of applied irrigation. So, the drip yielded a little higher than the pivot and used quite a bit less irrigation water. Interesting findings this year, of course, is a higher rainfall Summer. Our water use efficiency numbers are not quite

as high as they have been previously. There is some deciphering yet to figure out with a wet July and a hot August and September, so I'm not ready to give much more information on what our data is telling us at this point, except that we are compiling it and those are some of the numbers. Starting yesterday, we began harvesting the cotton at the Center. We started on the East pivot. We are just about finished with all of the field run harvesting. We haven't gotten into our plots yet. We have the outside 24 rows yet to do probably the middle of the day today and then we will be into out population plots in the East pivot for today and tomorrow and then the RACE plots in the North SDI we will take tomorrow and Thursday with Jourdan's crew here to help and participate. The process for harvesting cotton is new this year. Stan was able to acquire over the off-season, a stripper-baler and so we are taking all of this cotton into round modules. We are able to isolate and then weigh each individual plot and then take samples from that we will send to the lab to be ginned and then everything that is harvested will be ginned together at the Moore County Gin. So far, it looks like we are probably in the $2\frac{1}{2}$, or a little bit better than 21/2 bales per-acre range in terms of our cotton yields. It is going to be very interesting to see Jourdan's results on her RACE plots. There are some that surely look like they are much better in terms of response than others. For reference, and we will obviously have more data as we work through this, we have about 8" of irrigation on the drip, as well as 8" of irrigation on the pivot. I think we are probably right in line with where I want to be time wise processing data. We will have data from the Center for all of our Winter meetings.

Daniel Krienke asked Mr. Kenny how much rainfall the Center received during the growing season. Mr. Kenny responded that the rain gauges across the Center ranged from $13\frac{1}{2}$ " to $15\frac{1}{2}$ " of rainfall during the growing season – it is substantial and the timing of it – we couldn't have ordered more excellent rainfalls than during July. We would have liked to have ordered some, maybe during August, but we had much beneficial rainfall this year.

Assistant General Manager, Kirk Welch — Outreach, presented the following report to the Board:

The Pioneer Crop Production Meeting dates that we are again sponsoring in calendar year 2021, and which the District has sponsored in the past. Those dates are January 11, 2021 in Dalhart; January 12, 2021 in Dumas; January 13, 2021 in Stratford; and January 14, 2021 in Spearman. The District will have information from the demonstrations at the Center to share during these meetings, as well as talking about the Master Irrigator Program.

Master Irrigator 2021

After the 2020 Master Irrigator Program was cancelled due to the pandemic, many of the registrants for the 2020 program elected to keep their places reserved for the next time Master Irrigator would be offered. Outreach staff are currently contacting registrants from the 2020 Class to determine if they plan to attend the 2021 Master Irrigator Program. Registration for the remaining available seats in the 2021 Class will be offered beginning Monday, November 30. Dates for the 2021 Master Irrigator Program are March 24 & 31 and April 7 & 14.

Virtual Field Day

The District will produce a virtual field day in the next few weeks while District contract ag engineer Nich Kenny and other collaborators will be on-site participating in cotton harvest. The virtual field days were started last year, prior to the pandemic, to try to make the information more accessible to all District growers, as well as those outside the geographic area. Since the onset of COVID-19 the idea has even more merit and practical application. A live field day is still under consideration.

WCC Rainwater Harvesting Project

The final report and payment request have been sent to NRCS for the Rainwater Harvesting Demo and Xeric Pollinator Garden at the WCC. The dirt work and hardscape will be completed during the fall and plants will be placed in the spring to insure the best chance for survival. The rainwater system and the demonstration garden are a cooperative effort of the District and the United States Department of Agriculture - Natural Resources Conservation Service (NRCS). As part of the NRCS Texas Urban and Rural Conservation Project, NRCS has committed \$5,000 to support the project. The NRCS funds will offset mainly costs for the rainwater harvesting system, while landscaping costs are projected at approximately \$8,000. The total cost for the demonstration installation is projected at approximately \$15,000 with materials and labor included, minus the \$5,000 provided by NRCS.

Agricultural Loan Program Campaign

The loan program campaign began last week, and it will continue through the first of the year. The campaign will include a mix of social media, email, radio, newspaper, and community presentations as opportunities are available. The District has approximately \$900,000 available at 2.59 percent interest for loans on new, more efficient, pivot irrigation systems and upgrades that will improve the efficiency of the system.

Bob B. Zimmer arrived to participate in the meeting at 9:15 a.m.

Bob B. Zimmer stated that he was asked by Willis Boyd earlier in the week if he was still eligible to apply for money from the Master Irrigator Program that he attended some time ago because he had never applied for any money from that Program. Mr. Zimmer asked Mr. Welch if there was a time limit that had been set to apply for funds from the Master Irrigator Program. Mr. Welch responded that there was no set date specified in the contract to apply for funding from the Master Irrigator Program. Mr. Welch stated that making funding available from the Master Irrigator Program for past-participants in the Program would need to be presented to the Ag Committee and then to the Board. Mr. Walthour stated that the District would need to check into this matter and bring information to the Board to review and consider at its meeting in January, if the Board so desired.

Mr. Walthour inquired whether a farmer getting the agricultural loan from the Water Development Board would need to report water savings like the District is required to do for other grants and loans. Mr. Welch stated that he did not have an answer to that question and that he would need to obtain further information to respond.

Mr. Zimmer inquired if everyone was aware of what Zimmatic was doing right now to sell sprinklers. Mr. Zimmer stated that Zimmatic is offering 0% interest; requiring no down payment, deferring payments for 18-months, plus offering several thousand dollars of free equipment if you buy a sprinkler.

Harold Grall inquired, if equipment manufacturers are presently offering incentives. Mr. Grall inquired if anyone believes that the District may be priced out of the market right now? Mr. Zimmer responded that he believes that the District is presently priced out of the market.

President Krienke inquired of Mr. Welch if most of the past-participants in the Master Irrigator Program received between \$10,000 to \$20,000 from NRCS? Mr. Krienke also ask if it was possible for the District to develop a list of past-participants in the Master Irrigator Program who never applied for funding and reach out to those individuals to assure they are aware of --- and then the District could figure out how much money it would require. Mr. Welch responded, yes, those were the guidelines which the District initially used, but there was some variation in the amounts awarded by NRCS which was not within the District's control.

Action Agenda 3.c. - Consider District's role in developing future water resources.

General Manager, Steve Walthour, presented the following written reported to the Board:

Over the past year the General Manager has invested potential opportunities to develop future water sources or to enhance the water sources the citizens in the District would have available for future growth and to maintain our way of life. Three potential opportunities have been presented to the district manager over the past year regarding developing future water resources for the North Plains GCD. They are as follows:

- Re-evaluation of the 1982 Six State High Plains Aquifer Study.
- Missouri Floodwater Transportation Proof-of-Concept to Kansas & Texas.
- Enhancing Recharge to the Ogallala aquifer through playa lakes.

Each of the possible opportunities are described below. Reevaluation of the six-state study and the proof of concept are related.

1982 Six-State High Plains-Ogallala Aquifer Regional Resources Study

In January, the Board voted to support advocating for a reassessment of the 1982 Six-State High Plains-Ogallala Aquifer Regional Resources Study.

Analysis of Region A Water Planning Group and Groundwater Manager Area 1 data that over the next 50 years groundwater resources will diminish to an extent that the District's mission, "Maintaining our way of life through conservation, protection and preservation of our groundwater resources." In addition to conservation, one way to help protect and preserve our groundwater resources is to developed other water resources.

The Water Resources Development Act of 1976 authorized the Six-State High Plains-Ogallala Aquifer Regional Resources Study (High Plains Study) to address the problem of depleting High Plains Ogallala aquifer water supplies. The U.S. Department of Commerce, in coordination with the U.S. Army Corps of Engineers (Corps) and other federal, state and private entities, examined the feasibility of various alternatives to provide adequate water supplies to "assure continued economic growth and vitality of the High Plains region." The High Plains study included state- level research completed by each of the six states (Colorado, Kansas, Nebraska, New Mexico, Oklahoma and Texas), regional economic and policy assessments and a study of interbasin water transfers.

Congress authorized the study over 40 years ago. Since January, the General Manager has reached out to his contacts regarding this issue. If the Board wishes to pursue development of a regional water supply resource as described in the 1982 Study, the District will need to take the lead in developing a coalition that would get Congress to authorize updating the work that the Corps of Engineers and other federal and state entities performed in the study. Ultimately, the District would not build the project; however, the District can lead a coalition to set the groundwork to develop a new water resource.

To develop an advocacy group to achieve updating the 1982 Study, the General Manager proposes to develop a formal multi-state partnership organization. This partnership will act together to provide the funding, contacts, experience and other resources to further achieve updating the study by developing an advocacy plan which would include, but not be limited to:

- organize the partnership to develop support.
- advocate for support with state governor's offices, legislatures, state agencies and Congressional delegations.
- assessment of the Congressional contacts in each partner state,

- develop a uniform message supporting the project,
- identify and recruit support from businesses, universities, public officials, public institutions, chambers of commerce, industry groups, trade and professional organizations, civic, business, and professional leaders and others.
- identify and enlist members of Congress on key committees to develop support; and
- advocate with other federal government officials and agencies such as the U.S. Army Corps of Engineers, U.S. Department of Agriculture and others.

The General Manager estimated that the total annual costs for the project from advocacy through congressional funding could cost near \$110,000 annually. The project costs would be shared by the partners either through direct payments or through in-kind services. However, before the Board would authorize any funding for the project the District needs to determine if there is potentially a critical mass of partners to achieve the 1982 Study update goal.

Missouri Floodwater Transportation POC to Kansas & Texas

In September, Groundwater Management District #3 (GMD3) contacted the district with a plan to do a Missouri Floodwater Transportation Proof of Concept to Kansas and Texas. GMD 3 general manager proposed a proof-of-concept (POC) project is a small realization of an idea in to demonstrate some elements in principle with the aim of verifying one or more concepts have practical potential. Big water project ideas like moving floodwater across Kansas requires a series of small foundational POC's to illustrate key elements that may otherwise become confusing to stakeholders and impair the development of the ultimate preferred project. GMD3 seeks support for a POC project to verify key concepts of interstate water transportation to bridge the gap between theory and reality. GMD3 proposes the following:

The project proponents would execute a 6000-gallon interbasin transfer of Missouri River high flow (above target navigation) water and conserve it to dry river channels and inflow into the Ogallala/High Plains Aquifer in SW Kansas and North Texas. Future transfers could occur in other dry streambeds. The potential for shared new water supply will be demonstrated in the results.

Key Water Transfer concepts: 1)

- Conserves Water for Kansas & Texas
- 2) Restores river flow
- 3) Improves native poor-quality water
- 4) Adds local water storage
- 5) Successful inter-governmental permitting

Southwest Kansas GMD3 has the authority to "*construct, operate and maintain such works as may be determined necessary for drainage, recharge, storage, distribution or importation of water, and all other appropriate facilities of concern to the district."* (K.S.A.82a-1028(g)) In the case of a transfer to Texas, the project develops potential partnerships for future large preferred projects with shared benefits necessary for "...recharge, storage, distribution or importation of water, and all other appropriate facilities of concern to [GMD3]."

The Kansas groundwater management program activity seeks the right to transport additional sources of supply to close the 776,000 acre-feet gap between water use and water replenishment that will stabilize water levels. Access to the full draft GMD3 management program document is provided at <u>http://www.gmd3.org/what-we-do/management-program/.</u>

For Texas to participate, the estimated cost of this POC project involves permitting fees, \$3000 for a water truck mode of transport to the Cimarron River in GMD3 and a dry riverbed release site in North Texas, operation and maintenance, testing, and monitoring. The cash budget needed is not expected to exceed \$5000.

Options for funding in whole or in partnership may include project supporters, the GMD3 general fund, the non-profit Kansas Aqueduct Coalition Fund at the Kansas Rural Communities Foundation, the North Plains GCD and other partners. All support is welcomed.

Import release flow distribution and delivery to declining local storage.



Government partners would assure public interest benefits while addressing concerns. A brief summary of the review and permitting necessary from Kansas state water related agencies:

KDA/DWR water appropriation - Temporary Permit for groundwater recharge beneficial use appropriated from the Missouri River high flow surface water at a point of diversion where land access has been authorized by the landowner and released to the dry riverbeds for flow distribution and seepage into the local High Plains aquifer places of use in Kansas and Texas.

KDHE water quality - No permit required, but two sets of water quality samples captured and analyzed as necessary to assure aquifer recharge quality source water.

KDWP&T environmental review -

- Aquatic nuisance species (ANS) possession permit required. Use "Edwards Protocol."
- Kansas Action Permit required for review of effects on threatened or endangered species (TES) inhabiting the source water or destination environment. Fish screen and operating strategy used.

Texas cooperating state and local permitting agencies would provide requirements when contacted.

Enhancing Recharge to the Ogallala Aquifer through Playa lakes

A potential option for enhancing recharge to the Ogallala aquifer is to develop a series of recharge operations that would allow water from playa lakes and other sources be directly used as recharge.

The Texas Water Development Board has been conducting a playa lake study with the overall goal to increase recharge to the Ogallala aquifer from the 20,000 Texas playa lakes. The TWDB website provides information regarding their playa lake study at the following link: <u>https://www.twdb.texas.gov/groundwater/special_projects/playa/playa_lakes.asp</u>.

The TWDB study project goals, status, findings, potential impact are as follows:

Project Goals

- Overall Goal: Increase recharge to the Ogallala aquifer from the 20,000 Texas playa lakes
- Phase 1 Initial three years of monitoring completed: Quantify volume of water in playas and measure current recharge rates from selected playas

• Phase 2—Pending \$1 million additional funding: playa modifications to assess potential for increasing recharge to the Ogallala aquifer

Status

- Five years of Phase 1 monitoring has been completed. More than 100 flood events were observed, ranging in size from < 1 acre-foot to nearly 1000 acre-feet in volume.
- Access agreements were completed with 36 landowners.
- Monitoring equipment was installed in 38 playas in 13 counties across the Panhandle.
- Topographic surveys and satellite data were used to develop flood histories for 72 playas.
- Research cooperation was established with groups from Texas Tech, the US Department of Agriculture - Agricultural Research Service, and Clemson University.
- Technical reports are in preparation.
- Intensive field monitoring will be discontinued at most sites in early 2016. Water level monitoring will continue at all sites pending Phase 2 approval.

Major Findings

- The volume of water collected in playas from 1996 to 2014 averages 200,000 acre- feet per year, significantly less than estimated by previous studies. Long-term trends of increasing evaporation and observed declines in playa water volume between 1996 and 2014 suggest that less water may be available from playas in the future.
- Current recharge rates measured at instrumented playas ranged near zero to more than one foot per year over the monitoring period; much of the region was in exceptional drought during 2011–2013.
- Large, infrequent flood events produce most of the recharge. Exceptional flooding in 2015 produced more recharge than the previous four years together. Rapid infiltration from small floods on dry, cracked soil is typically held in the top 10 feet of the soil and can be transpired by plants during dry spells between floods.
- Fifteen percent of the playas receive an average of more than a foot of water per year

Potential Impact

- Enhanced playa recharge may provide a sustainable local water resource but won't substantially change the overall water budget for the Ogallala. The TWDB Groundwater Availability Model for the Southern High Plains estimated total recharge at 1,032,905 acre-feet in 2000; recharge enhancements at the 3000 wettest playas might gain 40,000 to 80,000acre feet per year.
- The 200,000 acre-feet of water collected annually by Texas playas represents less than four percent of the 5.6 million acre-feet of 2010 irrigation demand for Regions A and O.

Any project to provide water to the Texas panhandle is a long-term endeavor. Generally, public work projects once approved, can take twenty years to complete. Currently, the cost of a massive project would require federal funding. Before the District launches into pursuing any, or all of the projects listed above, or another project, the General Manager requested direction from the Board on whether the District should be actively exploring options to enhance the area's water resources and to the extent the three possible opportunities above fit within the District's mission statement.

Mr. Walthour stated that last January the Board considered supporting, or advocating, --- and the Board determined that it was going to advocate, a redo of a 1982 study that moved water from the Missouri River - Mississippi River possibly toward Kansas and then further down to the District that affected all six states -- we've advocated for it and we've actually got some things done at the Water Development Board level, in the water planning crew -- the Interregional Planning Council that was there --we sent out notices to a couple different spots - our friends in Kansas have still talked up doing this -- the Kansas bunch has reached out to Colorado – what Kansas has come up with is doing a project where transporting water and recharging it -- they've done that in Kansas where they've moved like 6,000 gallons of water and recharged it in a creek and they asked if we were interested in doing that too. I said maybe -- we might be. They are talking to Colorado to show proof of the concept on whether or not you can move water – and that particular issue - they are thinking that it's going to be about \$4,000 or \$5000 worth of cost, plus trying to get the State of Texas to go along doing it, and then the last in that whole package -- we're really down to the point that this is a long-term project, if we decide to go forward with it other than just talking it, we can continue to advocate for it and not do any more than that. The six-state project would be a long-term project, potentially someone's grandkids might take advantage of it -- they're not going to build this thing, if they ever do build it from the Missouri to our area to get water out of it -but at this point, we are down to trying to figure out what's this best use of our time and resources.

I was putting this on a few months ago about going forward with this thing to see if we can develop some interest in some of the other states. I have asked Tom to give us an idea about this process and project, and how it would work. Tom is here today for this Agenda Item and also for the Legislative update. I have outlined this program in your Board Packet and all of the steps we would need to do in the future to go forward.

During my conversations with Board members, some members mentioned "well, why don't we do something with playas". There is a playa lake issue here and I outlined that and I think I gave you a link to the Water Development Board site and what they have done with playas, but after thinking about all this -- I decided I just really need to know, before we jump off on any one of these issues, how much time and effort do you want the District to pursue regarding any of these, or all of these. It is going to take some time and effort and it's going to cost funding. It will be a project (other than perhaps the playa lake possibility), that is not going to happen in the next five or six years -- once you get a study done which will take four or five years to do, and after that engineering alone will take about 20 years to put it together and then get a project built -- so you're looking at a project that's going to be 40 years from now. If you wait 40 years to start this project, then it's going to be another 40 years if you want to at least explore doing the study. On the issue with the proof of concept, I think that's part of the whole ability of moving water, if you read through your packet, that proof of concept for moving water would be a potential part of what we would do as part of that study, or even before that study. Lastly, the playa lake thing -- based on the Water Development Board documentation that they've got -- they think that it's going to end up producing potentially 100,000-acre feet, maybe a little bit more, which is very similar to some of the other programs. At this point I just need some direction on where you want to go with this.

Mr. Krienke stated that he has read through several volumes of material which Steve had provided to him with regard to this project and he doesn't want to be pessimistic, but

there are quite a few challenges in today's environment versus maybe 20 years ago – the Endangered Species Act, interbasin transfers with lawsuits among different states, and what we might consider by looking at floodwater whoever is downstream from that may think that that's their water. So, I almost came to the conclusion that those hurdles were almost insurmountable for irrigation agriculture. Now if you're talking about municipalities that don't have any other source and would have to drill deeper wells into saltier water and clean all of that water up then your cost for per 1,000 gallons or per acre foot gets more competitive with bringing water in. Apparently, we're not in that position yet. Like Steve said, if we're going to do something we need to be forward-looking, but from what I've gathered from CRMWA and Roberts County, and CRMWA is a major municipality provider of water that comes to mind, water would stop somewhere near Dodge City, Kansas, according to their proposal, then it would probably be up to Texas to move that water from there into the Canadian River, or wherever it would go into Lake Meredith, if that's the route that was chosen, pumping stations -- I think the project called for maybe 15 or so pumping stations along the way, so there would be more pumping stations -One thing that is different now, is that electricity is probably cheaper but still their plan calls for building a reservoir, or a lock and dam at the Missouri River to get the water, and then take that water to a large constructed reservoir, because the time that the water might be available and the time it's needed don't necessarily coincide with each. Then, from there, I don't believe their study even took into consideration the channels and the canals they would need to take it from that reservoir onto large irrigated acreages. For the amount of water, a couple of 100,000-acre feet, due to all of that, I was thinking in my mind that maybe we ought to go a different direction and maybe look at playa lakes. I was not aware that they had finished this study and had any results of it. So, reading through this, what I had in my mind, was doing a local project our self with monitoring wells and actually manipulating the playa lake by removing the clay soil from the bottom of it. If the clay is removed, then instead of letting water naturally flow where most of it would evaporate, or be used by vegetation, that water would go down very quickly -- -it could take several years, but in order to do that, we would still need some monitor wells to monitor how fast that's going and how much is actually being deposited in the aquifer. What I was thinking is maybe do a smaller project and do something just on our own -- maybe one in the western, or two in the western side-- the central side, and the eastern side -- similar to what we do with our monitor wells -- but do something on our own, then in five years or ten years, or put a time limit on it, to see if we can verify that we are actually getting some recharge. I'm not sure that the Water Development Board manipulated the playa lake to get that water to go directly down into the aquifer. The clay layer at the bottom of the playa lake must be removed to get the water to move down, if not, it is just going to set there and evaporate. Let me know if you want the Ag Committee to look at this, or if you just want to think about it --. My conclusion is that I'd rather spend some money locally to try to manipulate playa lakes. If someone can convince me otherwise, I'm open to listening.

Mr. Walthour stated that in regard to the Texas Water Development Board – it only did the first half of that study -- it did not have the funding-- I think it was \$1,000,000 or so that it was looking at doing the second part, which included the entire High Plains area. It did not get to that part in the study itself, so we could look at on Phase II on what the next part would be and how much that would cost to do. I can't imagine that we would spend \$1,000,000 North of the Canadian for just a few playas, but we would be more than happy to look into putting together some sort of Request for Proposal for an engineering firm to go through all of the environmental hoops that we would probably need to jump through to implement something like that if that's where you want to go. It would be potentially some of the same hoops that we would have to go through in building – in our area – if we had water magically appear at the state line right now from a canal – we would still have to go through some hoops to move that water into our area. We would be more than happy to look into that some more. I just need to know what the Board wants to do.

Mr. Krienke asked Mr. Zimmer if he had any thoughts. Mr. Zimmer responded that he was in favor of looking further into the playa lake study. Mr. Zimmer stated that he

believed that at this time, it's the only reasonable solution of these three things proposed that is realistic. Mr. Zimmer stated that he would certainly like for us to move forward on that a little further and I liked your ideas of maybe picking two to five playa lakes or something and see what we could do with them, or what it would take to do something with them. Mr. Zimmer also stated that he had some ideas.

Mr. Krienke asked Mr. Howard for his opinion. Mr. Howard responded that first, he would need to review the material which Mr. Krienke had reviewed to get a little better versed, before he offered an opinion. Mr. Howard stated that all of these proposals are out there on the fringes -- but when you're trying to do something extremely unusual it's going to be cursed and I'm not sure I have enough information to offer a good opinion today.

Mr. Walthour stated that what he could do, if the Board did not want to take action on this today and wanted to read on it more, that he could send the links to the information to all members of the Board and the Board could potentially take this up in January.

Mr. Krienke stated that he didn't have anything else better to do a couple of months ago and it's not really that difficult reading, but there's a large volume of reading and unless you're really, really, interested in it, you could probably give up. I would encourage people if we are going to go further with this to read the material and then weigh in on this matter.

Mr. Krienke asked Mr. Grall for his opinion. Mr. Grall responded, that like Mark, he would like a little bit more information to read. Mr. Grall stated, you know, I remember coming up to this area 40 plus years ago when they were doing a lot of research on recharge and playa lakes and that -- I think a lot of that research was done by Texas A&M and that research just didn't bear a lot of fruit. Of course, I think at the time, what they concluded was it didn't make a lot of sense to spend all this money trying to get water back into the aquifer because it was going to cost too much money to get it back out. Of course, this is a different time and a different situation. So, I think we need to pursue it but I would like to have more information and a little bit more research and reading myself and then, like previously discussed, maybe talk about it again in January and how we're going to move forward.

Mr. Krienke asked Mr. Yoder for his opinion. Mr. Yoder responded the he had recently read an article about Kansas doing a similar thing using NRCS funding. Mr. Yoder stated that he couldn't find the article at the moment but stated that when he found it he would send it to the other Board members. Mr. Yoder stated that it appeared that Kansas is already doing something similar to what is being suggested for the playa lakes.

Mr. Krienke asked Mr. Born for his opinion. Mr. Born responded that he felt that if we would conserve the groundwater that we had that we would be better off. It was his opinion that the District just needs to concentrate on what we are doing.

Mr. Krienke stated that it appeared that the consensus was for the Board to obtain more information to review and research and to maybe take this issue back up in the January meeting.

Action Agenda 3.d. - Receive report and discuss 2021 Texas Legislative Session and Issues

Mr. Krienke inquired if Mr. Forbes, as a part of his report, had any calculations, or information, on what happened in the election as far as the Texas Legislature was concerned and what seats were flipped and maybe what impact the election might have on the upcoming Legislative Session.

Mr. Forbes reported that Texas is kind of a mirror of what has happened nationally and there was a lot of anticipation about a blue wave. Democrats were thinking that they had a real shot at gaining control of the Texas Legislature. They have 67 members who are

Democrats and they thought that they could get to a majority but that didn't happen. In fact, I think that it's still roughly the same, or perhaps one or two seats either way, but it's roughly the same. As you all know, even though the press talks about if the Democrats would control a majority they would control the House and that sort of thing, but the Texas Legislature is not really organized that way. While it's a lot more partisan than it was when I started my career, neither the House, nor the Senate, is organized along party lines like it is in Washington, and probably most other states where you have a Majority Leader, a Minority Leader, and the majority has more members on committees than the minority and you have these party line votes. That is not the way it works in Texas. Here, you have more Republicans in both the House and the Senate. However, you do have Democrats as chairs of committees and you have Democrats that are in the leadership and have big jobs, especially in the House -- so as I said even though it's much more partisan now than it was when I started my career, there's still a lot of across the aisle cooperation, especially in the House, I would say. The answer to your question, Mr. Krienke is there isn't any big change there – the makeup of the Legislature is roughly the same. As you all know, there will be a new Speaker of the House. However, there hasn't been the possibility of the House getting organized --- we've had this coronavirus pandemic which has overshadowed the operations of everything in the Legislature because the Capitol has been closed since March. There have been no Interim Committee meetings, you can't go to the Capitol, so everything is being done -- to the extent anything is being done, it's been done like this meeting.

Just in this last week we've become aware of who the next Speaker will be -- it's a fellow by the name of Dade Phelan from Beaumont. Mr. Phelan is a Republican who was the Chairman of one of the two most important committees in the House -- the House State Affairs Committee during the last Legislative Session and he put together an initial coalition of 83 members of the House who publicly declared support for him, so that is more than the majority necessary -- and there are a number of Democrats on his team, as well. So once again, the House leadership will be made up of both Democrats and Republicans.

Bill filing started yesterday and there had been, by the end of the day yesterday, almost 550 bills already filed. The 87th Legislature will convene on the second Tuesday of January next year -- I think that's January the 12th.

I expect there isn't a lot of change in the Senate. A special election has to be held. Senator Pat Fallon, who is located in northeast Texas, got elected to Congress and so there will need to be a special election held to fill that seat. I think there's one more Democrat in the Senate this upcoming Legislative Session than there was last Session. The Senate seat down in San Antonio that went on down into South Texas was held by a Republican who got elected in a special election and then he was defeated by a Democrat in the general election last week.

The makeup of Texas Legislature is pretty predictable --- the real question is about how it's really going to function. The Speaker-elect has appointed a 10-member work group to study how to make the Legislative operation safe. There's been a lot of talk about how to have Committee meetings and there's been talk about not having meetings in person but having testimony on Bills be submitted in writing. The House has a problem because there are 150 members of the House and the House Chamber isn't large enough to allow for the social distancing that the health officials say is an important part of keeping safe. I know there have been discussions about moving the House out of the House Chamber and going into one of the bigger venues in Austin, such as the Long Center, which is a performance venue downtown, or the Irwin Center over on the University of Texas Campus. Those are all just ideas and are up in the air right now.

The main thing that the Legislature has to accomplish is pass a budget and do redistricting every 10 years. We have been told that the redistricting data won't be finished until mid-year 2021. Presently, there is discussion that the House may convene in January and appoint the committees and adopt the rules and then adjourn for 30 days because there's

the Legislature cannot take up any Bills that are not on the Governor's emergency list for the first 60 days anyway so there is some talk about just adjourning for 30 or 60 days and let the Appropriations Committees work on the budget and then come back later in the year have a session to do redistricting. So, all of that is very up in the air. I don't think that it will curb the number of Bills that get filed, but I do think that just dealing with health risks and making sure people are able to be safe will really have a big impact on the way the Legislature is going to operate. We should know more probably in a week or two about how they will physically be able to meet. Right now, it's uncharted territory. I'll keep you posted through Steve regarding Bills that get filed that deal with water issues.

Mr. Krienke asked Mr. Forbes if he anticipated any changes in the two committees in the House and Senate that deal with water issues, or did he anticipate that they would be the same.

Mr. Forbes responded that he was sure there would be changes. As I previously have stated, the biggest change will come in the House because we will have a new Speaker. The Speaker appoints the committees and the committees appoint the chairs. The Lieutenant Governor will do the same in the Senate. There isn't as much change in the Senate – so I expect the Senate to remain relatively stable. However, I anticipate that the committee makeups will be very different in the House. I know Representative Larson from San Antonio, who's been one of the real leaders on water policy and Fore Price from Amarillo are very interested in water issues. I expect both of them to still be on relevant committees, but beyond that, we'll just have to wait and see. I think that since we do know who the Speaker is going to be -- he and his team are able to get started and they're working now -- so I think the conventional wisdom around here is that they'll have committees appointed and be ready to go sooner than what you ordinarily see -- that's a long way around of saying there will be changes, especially in the House, but we don't know what it's going to be.

Mr. Krienke stated that Mr. Forbes had indicated that there was a plan for the House to appoint committees and adopt rules and then go into recess. Mr. Forbes, in your opinion, do you think that's workable?

Mr. Forbes responded, yes. I think there are two things about it – one - the way the Constitution works, the Legislature can't take up any Bills to vote on from the floor in the first 60 days of the 140-days Session, unless there are issues that are declared an emergency by the Governor, so there is just a lot of sitting around and thumb twiddling, the first 60 days anyway. If you can get the Appropriations Committee in the House and the Finance Committee in the Senate operating and working on the budget, that would give them a head start in getting the budget done. So, the other thing, in terms of my work, and the work that Steve and I do together, in dealing with members of the Legislature, if they are at home and we have meetings that we need to have, it is going to be a lot easier to do with them if they are back home rather than here in the Capitol, because getting in and out and having access to people at the Capitol is really going to be a lot easier to do there than here in Austin.

Mr. Krienke asked Mr. Walthour if he would like to comment on a TAGD recommendation and also on the Bill that Farm Bureau is supporting?

Mr. Walthour responded, yes, I can talk about those items.

One other thing that I'd like to say about the prior topic is that if representative Larson ends up as the chairman of House committee again, we probably can visit personally with him in San Antonio. Mr. Walthour stated the he has a place to stay down if he needs to go see him. So, it may really work out to our advantage, if we have to visit with them remotely. Senator Perry is located down the road from us in Lubbock and it's not that far from us compared to Austin -- so there are several Legislators that we will be able to contact relatively easily.

The subcommittee of the Legislative Committee for joint planning was trying to come up with some language that would show the world that we're actually implementing joint planning and proving that we are all participating. This is because we keep receiving comments from some Legislators who don't like districts and say: "well they just change their rules whenever and they are really not doing any joint planning". So, we developed language to be put into Chapter 36 of the Water Code that would ask: "how are you actually implementing, or achieving your DFCs?" It would be an annual report, which would look like what we already do in our District, where we talk about the numbers and all the other programs and things of that nature. So, there was a generalized Legislative proposal, and then a proposal that was a little bit more prescriptive. Right now, all of that's been tabled because TAGD, as you can imagine, being across the State, we all have different ideas on how this should work. That proposal has been tabled and probably will be taken back up again in January at the TAGD meeting. I don't anticipate it going anywhere for the reason that just to reach a consensus enough at TAGD to go forward with any of that proposed Legislation, is going to require something phenomenal to happen to get everyone on the same page. I'll keep you posted on that. I was the Chairman of that subcommittee, so apparently the only legislation that we could come up with on joint planning is probably going to fail.

Mr. Walthour stated the second thing is the Texas Farm Bureau. A part of the Texas Water Conservation Association -- I'm on that Board. I'm also a member of the groundwater committee, which has a bunch of people on it-- there was a subcommittee called because the Texas Farm Bureau brought a proposal forward, which I think I included in the Board Packet, wherein Farm Bureau's concern is they have a problem with, for example, areas where you would have a well that would have spacing if that spacing would infringe on the neighbor's property in some way that neighbor should in fact get some sort of notice and that's essentially all it says -- it doesn't talk about any recourse from the notice, but I haven't seen the legislation yet, but the Farm Bureau is keen on these problems down in Central Texas and maybe up here, where you've got hobby farms at 25 acres or so, and you have a large well, usually it's not an irrigation well, it's usually a public water supply well that they've got a sanitary easement, or they get a spacing easement around it that ends up not allowing the guy next door to have just as big a well. That's in the mix and we're going to be watching it -- until the Farm Bureau comes out with what they really want I don't know how we can react. I didn't know if the Board members were even aware that Farm Bureau was pursuing this. I know that some of you are Farm Bureau members so, if you have any information on the proposed Bill, please let me know.

The way it would change our Rules, if it's just a notice issue, a lot of times if it's notice on the adjacent property it's only going to affect maybe one or two owners other than the guy drilling the well. The problem I see is that if we have to go through a notice issue, the District can do that, but we're not going to be turning permits around in seven days. The District has been doing seven days and which would probably change. The District could still do seven days as far as getting the permit checked because the application would now include potentially proof that a notice has been sent to certain people -- if we made the owner do it, if the District does it ourselves, I don't know if the cost would be that large and I do not know what the deal looks like -- I don't know if there will be a hearing involved, but the way we operate today and the way we have operated I think for the past 25 or 30 years, I don't think we've had a real problem with the adjacent land owner other than the owner not wanting them to drill close to their property. Until the proposed legislation comes out I don't know how to how to address that other than just making you aware of it. If you're strong in the Farm Bureau, why don't you ask around for us and find out the reason for this is. I don't know if this is the Farm Bureau doing this, or if it's just one of their representatives pushing this along, and I just assume that whether it's a representative of the Farm Bureau or whatever, it is the Farm Bureau that is advocating this Bill.

Further, Mr. Walthour stated that last Legislative Session there was a big push by some user groups to make cities jump through special hoops to get wells for a public water

supply that would have affected us up here. I know I've talked a lot about this issue. Those are the only two things I see out there at this point.

The other thing that may be out there this session -- the counties and the cities may need to address pushing at the legislative level (we somewhat stayed out of it so far as the District is concerned), to stop lobbying at the Capitol on behalf of taxing entities. The reason our District has Tom, is that we're a long way from the Capitol, and we need to hire professionals to do this kind of work for us. Eliminating lobbying at the Capitol by a taxing entity would require the District to determine a way to spend more time with our legislative representatives. In the last legislative session, counties and cities had a real problem with this concept and it ultimately failed. Tom can certainly talk about this if he wishes, but one of the proponents of this was Phelan, who is now the Speaker of the House – and I think it's philosophical thing as Tom has explained it to me -- that would be one of the issues that could probably affect the District in the future regarding how the District would deal with the Capitol. That's really all I've got at this point. I'm curious to see how the legislature is going to move and I'm really hoping that the only thing that passes this session is the budget.

Mr. Krienke stated that he knew that David Peckenpaugh in Ochiltree County is active in the Farm Bureau and that he would try to reach out to him and see what he knows.

Mr. Walthour stated if the language on either one of those comes out as a proposal, either lobbying, or the Texas Farm Bureau, that the District will start preparing a cost analysis which will become part of a public impact statement for that proposed Legislation to see how much it is going to cost.

Bob B. Zimmer stated that from what he knows of the Farm Bureau issue, if it takes root, as far as anybody getting to drill a well in the middle of the Summer when it's 100 degrees and they need to go drill a well right away that they'll kill that, and we will no longer be allowed to do that. Because I believe that where this is headed is that you'll have to allow time for the person to be notified; to allow time for the person to protest; and to allow time then to hear the protest before the permit can move forward. As far as the District performing quick turnarounds – I believe that would be gone if that happens. I think that maybe we need not only Tom, but maybe Fore Price, to be aware of this issue. Mr. Zimmer said, for him, he did not want Farm Bureau moving forward with this issue at all.

Mr. Walthour cautioned Mr. Zimmer that we haven't seen the proposed language yet and we are speculating at this point. Mr. Walthour stated that he does believe the Farm Bureau will come out with some language.

Mark Howard stated that he has dealt with this in New Mexico and it's not good. I agree with Bob, Mr. Howard stated, that New Mexico has a similar process and you have to put it in a newspaper and run some ads for so many days -- it's really slow.

Mr. Krienke stated the District needs to keep an eye on this matter and the language that actually gets filed and then we can determine a way to respond. Currently, from the way it has been explained, I would agree with Bob and Mark, that it would be unworkable for our District.

General Counsel, Keith Good, stated that one thing that popped into his mind when he was reading the material was the way that an affected person was ultimately defined. It is critical so that you know who you have to notice. So, if I drill a well next to Danny, even though it is within our Rules, he may be an affected person, who I would have to give notice.

The General Manager presented the following report to the Board:

Regional Water Planning Area A

Region A Water Planning Group met on September 28th to address administrative and contract funding issues, elect officers, consider adoption of the 2021 Regional Water Plan, prioritize water management strategies projects of the 2021 Regional Water Plan, and consider action regarding administration of the 2026 regional water planning cycle. TWDB Director Paup addressed the Regional Water Planning Group at the beginning of the meeting.

The group moved administrative funds to a contractual line item under TWDB Contract item since the funds from the TWDB could not be used for administrative purposes. The group amended the Freese and Nichols Inc. contract to use the funds for consulting services. The group elected the same officers with C.E. Williams as chairman. Mr. Williams has served as chairman since the inception of the current regional water planning process. Mr. Williams said that he would serve as chairman through the remainder of this regional water planning cycle and state planning cycle but would not continue as chairman in subsequent years. The Group adopted the 2021 Regional Water Plan and adopted the water management priorities for the plan.

The planning group designated the PRPC to administer the 6th cycle of regional water planning for the 2026 Regional Water Plan, authorized PRPC to provide the various public notices associated with planning and authorized PRPC to request proposals for technical consultants for the 2026 plan.

Interregional Planning Council

Regional water planning identifies regional solutions to water supply problems with resulting lower water supply costs and allows to access to low-interest TWDB loans for financing water supply projects. opportunity to identify regional solutions to water supply problems with resulting lower water supply. North Plains GCD has used the information from the regional water planning process to assist in understanding future water needs for all water users within the District as well as applying for conservation grants to assist District stakeholders in applying conservation measures when using our groundwater resource.

In 2019, the 86th Texas Legislature passed House Bill 807 and established the Interregional Planning Council which consists of one member of each regional water planning group. The council improves coordination among the RWPGs, and between the RWPGs and the TWDB in meeting goals of the state water planning process; facilitate dialogue regarding regional water management strategies; and share operational best practices of the regional water planning process. Steve Walthour serves Region A as a Council Member. Since earlier this year, Mr. Walthour and other council members have investigated regional planning challenges identified by the Legislature. The Council established three committees to provide proposals to address its Legislative mandates.

Mr. Walthour is the Chairman of the Best Practices for Future Regional Planning Committee. The committee shares best practices regarding operation of the regional water planning process such as better ways to engage and educate planning groups and the public; more effectively communicate planning goals, challenges, and solutions; and simplifying the planning process.

On September 30, the Council considered proposed recommendations of the Best Practices Committee, as well as the recommendations of two other committees, which will permit the Council to complete a final report due to the TWDB later this fall. Additional information on Council committee meetings and work products may be found by clicking <u>http://www.twdb.texas.gov/waterplanning/rwp/ipc/committees.asp</u>.

Action Agenda 3.e. - Receive report regarding 2020 Annual Production Reporting.

Mr. Krienke stated that in the Board packet, there was a schedule regarding Annual Production Reporting for informational purposes.

2020 ANNUAL PRODUCTION REPORTS SCHEDULE:

The schedule for the distribution and receipt of the 2020 Annual Production Reports is as follows:

- October 30 November 18: Email and receive notification for Recipients to receive production reports by email or regular mail.
- November 18 24: Set up PDF File for emailing or mailing Production Reports Download and send to Easterling Printing.
- November 30 December 2. Receive Reports from printer and begin preparations for mailing out.
- December 2 4. Mail or email all production reports to recipients (no later than Dec 4)
- March 1, 2021. All Production reports due in District Office no later than 5 p.m.

Mr. Krienke inquired if Mr. Walthour anticipated quite a few people e-mailing Annual Production Reports?

Mr. Walthour stated that at the moment, roughly one-half of the Annual Production Reports were submitted by the District to producers via e-mail. Initially, the Annual Production Reports were submitted by the District to producers via regular U.S. Mail. Over the years, some of the larger producers and even smaller ones, have asked to get their Annual Production Report via e-mail. Mr. Walthour stated that the Annual Production Report is still a sheet of paper that you have to print off and fill in, but you can e-mail it back to us if you desire to. Hopefully, next year the District will be to a point where we're actually doing some Annual Production Reporting electronically, but we're not there yet. Our staff is getting ready. We're running our Annual Production Reports for calendar year 2020 and they should go out the first part of December. If someone wants to file earlier than that, they can come into the District and we can prepare the Report and they can file it early. Last year the District was a little slower than normal getting this accomplished because of COVID and some other things that we were trying to do, but I believe the schedule that I have given you is the same schedule that we've been doing for quite a while. I'm looking forward to getting this started.

Action Agenda 3.f. - Administer Oath of Office to Directors Precinct 5 -Hansford and Hutchinson Counties, Precinct 6 -Ochiltree County, and Precinct 7 - Lipscomb County.

Elections for Director elections in Precinct 5 - Hansford and Hutchinson Counties, Precinct 6 - Ochiltree County, and Precinct 7 - Lipscomb County were cancelled because the incumbent Directors for those Precincts were unopposed candidates. A state-wide general election was held on November 3, 2020, which would have also have been the date of the District's election above-referenced Precincts. There is no limit on the number of terms a director may be elected or re-elected.

The Oath of Office was administered to the Directors for Precinct 5 - Hansford and Hutchinson Counties, Precinct 6 - Ochiltree County, and Precinct 7 - Lipscomb County at the offices of Lemon, Shearer, Phillips & Good in Perryton, Texas and broadcast over video conferencing.

President Krienke recessed the meeting at 10:21 a.m. and reconvened the meeting at 10:28 a.m.

Action Agenda 3.g. - North Plains GCD Board Officer Election.

Steve Walthour stated that the Board of Directors consists of members elected and qualified in accordance with the Enabling Act of the District, Chapter 36 of the Water Code and the Election Code. Directors are elected in November of each even numbered year to serve four (4) year terms. The terms are staggered providing for the election of four Directors and two years later the election of three Directors.

According to the North Plains Groundwater Conservation District Policy, at the regular November Board Meeting (if there is no November meeting, at its next regular meeting), Directors are sworn to office after the Board canvasses the elections (if so required) and declares Directors elected and after the newly elected Directors have filed the signed "Oath of Office" with the Secretary of State office. There is no limit on the number of terms a Director may be elected or re-elected.

Mr. Walthour also reviewed the Board succession policy and the duties of Officers of the Board and stated:

Officers' Duties: Every two (2) years at the Board meeting when Directors are sworn to office, the President and Vice President Officer positions of the Board are filled by succession. The order of succession is as follows: The Secretary shall succeed to the office of Vice President; and the Vice President shall succeed to the office of President. The vacancy in the office of the Secretary shall be filled by electing a Secretary by a majority vote of the Board. If the office of President or Vice-President is vacated during a term, succession of office shall automatically occur, and the Board shall elect a new Secretary.

Duties of President:

The duties of the President include:

- a. Preside over Board meetings and proceedings of the Board;
- Develop the Agenda for Board Meetings;
- c. Is Chairman of the Executive Committee;
- d. Appointment of members to Committees of the Board other than the Executive Committee; and
- e. Represent the District on issues affecting the District beyond the local level.

Duties of the Vice President:

The duties of the Vice President include:

- a. Preside over Board Meetings in the absence of the President;
- b. To see that the duties of the President are carried out in the absence of the President;
- c. Is Chairman of the Budget and Finance Committee;
- d. Is a member of the Executive Committee; and
- e. Work with the President to prepare for the succession to the office of President.

Duties of the Secretary:

The duties of the Secretary include:

- a. Assure that a true and complete record of all meetings and proceedings of the Board are recorded;
- b. Attest on behalf of the District; and
- c. Is chairman of the Property Committee; and
- d. Is a member of the Executive Committee

Members and officers serve until their successors are elected or appointed and sworn.

The General Manager recommended that the Board elect a Secretary and the other officer positions of the Board be filled by succession consistent with Director Policies.

Harold Grall nominated Zac Yoder for the office of Secretary. No further nominations were received and President Krienke closed the nominations. President Krienke called for a vote on the Secretary nomination and all Board members voted affirmatively for Mr. Yoder.

Action Agenda 3.h. - Appointment of Committees by Board President.

The standing committees of the Board and each respective committee's responsibilities are as follows:

Executive Committee: The Executive Committee shall meet as often as necessary and the duties include, but are not limited to:

- A. Discuss issues relative to policies of the District and bringing recommendations to the Board;
- B. Discuss issues relative to the Director and Employee Policies; and
- C. Act on behalf of the District as instructed by the Board of Directors.

Budget and Finance Committee: The Vice President is Chairman of the Budget and Finance Committee. The President may appoint the membership of the committee. The duties include:

- A. Develop an annual budget for Board consideration;
- B. Develop recommendations to the Board regarding procurement or sale of capital purchases; and
- C. Other duties assigned to them by the President or the Board of Directors.

Property Committee: The Secretary is Chairman of the Property Committee. The President may appoint the membership of the committee. The duties include:

- A. Developing recommendations for the repair or replacement of the building owned by the District that would require an expenditure of more than the amount authorized in the annual budget of the District; and
- B. Other duties assigned to them by the President or the Board of Directors.

Ag Committee: The President may appoint the membership of the committee. The duties include:

A. Performing duties assigned to them by the President, or the Board of Directors.

Committees: The President may establish other committees made up of members of the Board, the District staff, and/or Persons of the public for formulation of recommendations to the Board. The President may appoint the chair and membership of any committees. Committee members serve at the sole discretion of the President.

The General Manager recommended that the President appoint members to the standing committees, establish other committees as appropriate, and assign other duties to the committees as the President considers appropriate.

Mr. Walthour also stated that the President or the President's designee serves as the District's representative to Groundwater Management Area 1 Joint Planning. The General Manager also requested that the President either designate himself, or another Board member to serve as the GMA-1 Joint Planning Representative.

President Zimmer appointed the following Board Committees:

Ag Committee

Harold Grall, Chairman; Daniel L. Krienke; and Justin Crownover.

Budget and Finance Committee

Mark Howard, Chairman; Harold Grall; and Justin Crownover.

Property Committee

Zac Yoder, Chairman; Gene Born; and Bob B. Zimmer.

Regional Planning Representatives

Daniel L. Krienke

GMA-1 Joint Planning Representative

Bob B. Zimmer asked if was there's anything that the Board wanted him to be looking toward at the GMA level, I will tell all of you that I've asked Steve, and will probably discuss it in the January meeting -- We're coming up on a 10-year anniversary for our water banking plan and I have asked Steve to build some graphs for our review to start talking about how much of the water people are using of the fifth year, maybe of the 4th year, -- how much of that they are not using and what is in the bank. Mainly, I want to know how we're meeting the needs of the people, especially in the West. The GMA got reorganized a little bit and they're slowly making a pinch on that annual allowable by the way they're doing their formulation -- so I just wanted the Board to be aware and wanted to talk about that in January -- just so you know that's coming.

Action Agenda 3.h. - Receive report and consider action regarding compliance matters before the District.

Mr. Walthour stated that you could follow along with Item 4 on the Agenda to know where the District stands regarding compliance matters. Mr. Walthour stated that he had one person left that had not paid the Production Fee in the Dallam County PGMA. Mr. Walthour also reported that he would know by the end of the day if the payment was received since the District gave the producer until the 10th to pay.

Action Agenda 3.i. - Review and discuss investigative report prepared and submitted by attorney Brad Howard.

Executive Session - Section 551.071 of the Texas Government Code.

At 10:49 a.m., Bob B. Zimmer moved to go into Executive Session in compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, §551.071, to obtain legal advice on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551. Harold Grall seconded the motion and it was unanimously approved by the Board.

Executive Session: At 10:49 a.m., the Board went into Executive Session. At 11:19 a.m., Harold Grall moved that the Board reconvene into regular session. Gene Born seconded the motion and it was unanimously approved by the Board.

The Board reconvened into regular session at 11:20 a.m.

Harold Grall moved to have the General Manager report to the Board monthly regarding how the District's Capped Well Program is progressing. Zac Yoder seconded the motion and it was approved by the majority vote of the Board with Gene Born being absent from the room.

Daniel L. Krienke turned the meeting over to President Zimmer.

Discussion Agenda 5.- Discuss Items for Future Board Meeting Agendas and Set Next Meeting Date and Time.

President Zimmer recommended dispensing with a December and not holding a Christmas party this year with COVID the way that it is. President Zimmer asked each Board member for their opinion regarding those two items and all members responded affirmatively to dispensing with the December meeting and the District's Christmas party. Meeting. By consensus, the Board set its next regular Board meeting at 9:00 a.m. on Friday, January 15, 2021.

President Zimmer asked in anyone had anything to be placed on the January 2021 Agenda.

Action Agenda 4.a. - District Director Reports regarding meetings and/or seminars attended, weather conditions and economic development in each Director's precinct.

District Director reports were presented to the Board regarding meetings and/or seminars attended, weather conditions and economic development in each Director's precinct.

Mr. Grall also reported that there was going to be another large dairy farm that was coming to Dumas that would impact the District because it would accelerate the groundwater use in Moore County.

Mr. Zimmer also reported to the Board that he would be having a medical procedure at Amarillo, Texas, on Wednesday morning, November 11, 2020.

Discussion Agenda 4 b. - Committee Reports.

No Committee reports were presented to the Board.

Discussion Agenda 4 c. - General Manager's Report.

Steve Walthour presented the General Manager's Report, which included the General Manager's activity summary and the District's activity summary, and upcoming meetings and conferences. Mr. Walthour also reported that the District's audit will begin on Thursday and Friday of this week. Mr. Walthour also stated that within the next couple of weeks, the District would be issuing a \$3,500 refund check for overpayment to a wind farm due to a re-assessment of wind energy.

Mr. Good reported Brandon Gibson, doing business as Gibson Farms, has filed Chapter 11 Bankruptcy so the Board Order issued to Mr. Gibson regarding Waste is not being pursued at the present time.

Agenda 6 - Adjournment.

There being no further business to come before the meeting, President Zimmer declared the meeting adjourned at 11:39 a.m.

Bob B. Zimmer, President

oder/Secretary