

**MINUTES OF THE APRIL 12, 2022  
BOARD OF DIRECTRS MEETING OF  
NORTH PLAINS GROUNDWATER DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session on April 12, 2022, at 9:00 a.m. in the Conference Room in the Richard S. Bowers Water Conservation Learning Center Building at the North Plains Water Conservation Center, 6045 West County Road E., Dumas, Texas 79029-7201. The following persons were present:

**Members Present at 9:08 a.m.:**

Bob B. Zimmer, President;  
Daniel L. Krienke, Director;  
Harold Grall, Director, and,  
Justin Crownover, Director; and  
Zac Yoder, Secretary.

**Staff present during part or all of the meeting:**

Steve Walthour, General Manager;  
Kirk Welch, Assistant General Manager;  
Kristen Blackwell, Administration Manager;  
Odell Ward, Field Operations Manager;  
Curtis Schwertner, Natural Resource Specialist;  
Dusty Holt, Permitting Specialist/Finance Assistant; and,  
Krystal Donley, Administrative Assistant.

**Others present during part or all of the meeting:**

Nich Kenny;  
Mandi Tapp, NPLC and NFLC;  
Dr. Jourdan Bell; Texas A & M AgriLife;  
Kena Heflin, Texas A & M AgriLife;  
David Moore;  
F. Keith Good; and,  
Ellen Orr, Paralegal.

President Zimmer declared a quorum present and called the meeting to order at 9:08 a.m. Director, Zac Yoder gave the invocation and President Zimmer 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: (a) the review and approval of the Minutes of the regularly scheduled Board of Directors Meeting held on March 8, 2022; (b) the review and approval of un-audited District expenditures for March 1, 2022 through March 31, 2022, including the General Manager's expense and activity report; (c) the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses incurred from March 1, 2022 through March 31, 2022, in the amount of \$7,557.02; and (d) the review and approval of the Hansford County tax collection contract for October 1, 2022, through September 30, 2023.

Daniel L. Krienke moved to approve the Consent Agenda. Harold Grall 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.

It was noted that 129 non-exempt Well Permits had been issued by the District since January 1, 2022; that 17 Exempt Wells had been Registered since January 1, 2022; and that 60 non-exempt Well Permits had been approved by the Board since January 1, 2022.

The General Manager reported that the District's staff had processed 30 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	Well Class	Quarter	Section	Block	Survey	N S	E W
DA-11892	B	NE	21	1	CSS	104 N	746 W
DA-11910	B	NE	15	48	H&TC	8 N	284 E
DA-11958	B	NW	17	48	H&TC	235 N	839 W
DA-11989	C	NW	52	5	CSS	130 N	115 W
DA-11991	C	SE	52	5	CSS	130 S	769 E
HA-11661	B	NE/4	5	A-4	PFS	961 N	604 E
HA-11697	C	NE/4	49	11	CSS	790 N	803 E
HA-11698	C	NW/4	49	11	CSS	780 N	474 W
HA-11800	B	SW	4	A-4	PSL	485 N	983 W
HA-11801	B	NE	4	A-4	PSL	269 N	890 E
HA-11824	C	SE	96	48	H&TC	536 S	46 E
HA-11837	B	NE	48	48	H&TC	444 N	470 E
HA-11856	C	NE/4	14	3	B&B	31 N	359 E
HA-11857	C	NE/4	14	3	B&B	500 S	40 E
HA-11911	C	SE	4	A-4	PSL	383 S	830 E
HA-11914	C	NW	RJ Phillips			8 N	421 W
HA-11916	C	SW	26	11	CSS	861 S	254 W
HA-11917	C	SE	26	11	CSS	296 S	871 E
HA-11944	C	SE/4	1	WJ-1	WE Jarrett	108 S	861 E
HA-11945	C	NE	0	0	DJ SHAFER	13 N	434 E
HA-11982	C	NW	253	44	H&TC	421 N	435 W
HN-11842	D	NW	181	2	GH&H	140 N	400 W
HN-11926	D	SW	40	45	H&TC	606 S	117 W
HN-12337	B	SW	189	45	H&TC	790 S	764 W
LI-11791	D	SE	271	43	H&TC	107 S	112 E
MO-11621	C	SE/4	81	3-T	T&NO	258 S	255 E
MO-11787	C	SW	15	Q	H&GN	191 S	60 W
MO-11931	B	NW	183	3-T	T&NO	716 N	815 W
MO-11959	C	NE/4	287	44	H&TC	100 N	105 E
SH-11904	C	SW	459	1-T	T&NO	807 S	778 W

Harold Grall moved to approve all 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 and consider action as needed regarding agriculture water conservation demonstration programs.***

Dr. Jourdan Bell and Nich Kenny made a presentation to the Board regarding Evaluating Cover Crops in Cotton – Corn Rotation.

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

**Cotton Agronomy Effort Update for 2022**

In March, the Board of Directors approved further investigation of a collaboration between the District and Dr. Craig Bednarz, Director of West Texas A&M's Semi-Arid Agricultural Systems Institute, to build on the success of cotton demonstrations at the WCC. Dr. Bednarz has been to the WCC and inspected the Campbell Scientific weather stations that will be used in the studies. After the inspection, he is confident that he can extract the necessary data from these sensors. The weather stations will be vital to the effort to identify more advanced cotton agronomy details to maximize cotton production within the District and create a thorough outline to support stakeholders raising cotton. The weather parameters to be documented and logged are:

1. Temperatures: Used primarily to determine and relate HAUP, GDDs, peak temperatures, etc;
2. Solar Radiation: Match and Model crop stages, etc.;
3. Rainfall data; and,
4. ETo and ETc: Create accurate cotton water use models for on-farm and regional water management.

District contract engineer Nich Kenny recommended allowing Dr. Bednarz access to the WCC's demonstration data and to the Campbell weather station for this year to observe and help fine tune the plan.

**WCC New Well Progress**

North Plains and Dee Vaughn have paid their respective portions of the construction costs for the electrical delivery lines for the new well. The project was released for construction on March 31st.

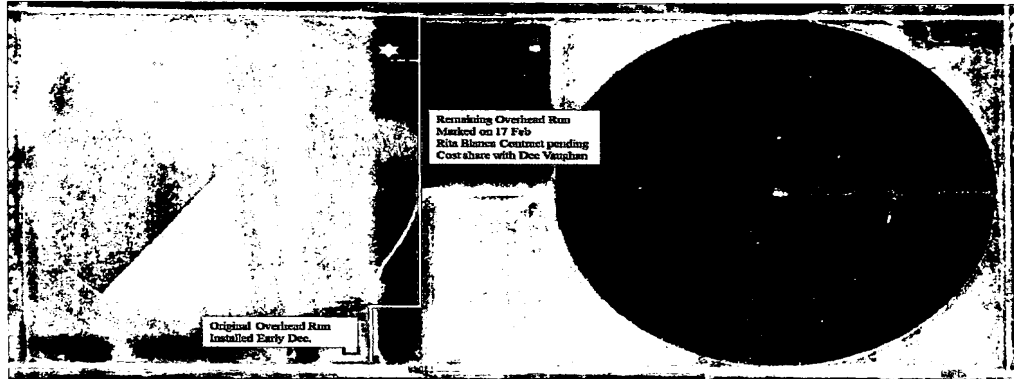
The alignment was agreed on and Rita Blanca marked the overhead pole locations during a Feb 17th site visit. The original overhead alignment was installed in early December 2021, including transformers. The revised alignment will connect to the powerlines north of the SDI filter station, travel east across the grass section, and turn north again to deliver power to the well and onto Dee Vaughan's well.

The remaining effort is as follows:

Ag H2O has installed the VFD control panel and is prepared to install the electrical disconnect and feeder lines. The water line and pipeline tie-ins will occur immediately following the completion of the overhead construction.

Completion of the project is expected to occur during May. Scheduling for pipeline tie-in will be the most difficult challenge since we will need to allow for final pole locations to be established. One or more power poles on the west side of the south SDI blocks "may" intersect with the existing SDI pipeline. We will know at time of power pole augering. Jerry Funck has been contacted and Curtis Schwertner has referenced pipeline alignments, but the pipeline location is not exactly known. Mr. Walthour reported to the Board that Pantera Energy will hook up the gas line today for the Well.

Figure 1: Rita Blanca Electric Cooperative has marked the overhead electrical alignment through the farm. Overhead powerlines and transformers were previously set in early December 2021, to the north of the SDI filter station. Rita Blanca technicians visited the WCC on February 17<sup>th</sup> to agree to the alignment and mark the site, connecting the existing power lines to the well and onto Dee Vaughan's potential well site. Rita Blanca will submit a contract to proceed.



## Master Irrigator

Master Irrigator began in March with 20 paid participants, representing approximately 55,000 acres of farmland in the District. Including this class, over 400,000 acres are being managed by Master Irrigator graduates. At the time of this writing, 17 participants have attended at least one of the three sessions. All three sessions have been attended by sixteen participants. The final session and the graduation ceremony are set for April 13, with Texas Water Development Board Director Kathleen Jackson presenting the graduation remarks.

The final date for 2021 graduates to apply for funding is May 1. The outreach team has reached out to all 2021 graduates reminding them of the deadline.

## Carbon Markets

Nich Kenny briefly discussed carbon markets with the Board.

***Action Agenda 3.c. - Consider Agriculture Committee recommendation regarding the contract between the District and Dr. Steve Amosson for services related to the Master Irrigator Program.***

The General Manager reported that the District has continuously contracted with Dr. Steve Amosson for services related to the Master Irrigator Program since 2016. His current contract expired in 2020 with an option to renew until 2022. The renewal option expired on January 31, 2022. Since then, the District has been operating under the terms of this most recent contract. The key terms of the contract include:

1. \$125/hr. inclusive of travel time
2. Mileage reimbursed at IRS business rate
3. Total value of the contract of \$90,000

Mr. Amosson is agreeable to renewing his contract under the terms of the most recent contract, effective May 1, 2022. Some minor changes in language, having no substantive effect to the terms of the contract, have been suggested by counsel.

Dr. Amosson's scope of work includes:

1. Provide leadership to the Project Advisory committee in the reviewing training

evaluation results, revising the training agenda and overall direction of the project.

2. Revise, administer and analyze the participant baseline surveys on current conservation practices employed.
3. Revise, administer and analyze the participant surveys on the effectiveness of topics speakers and training.
4. Serve as the moderator for all four sessions of the training.
5. Conduct and present economic analysis of selected conservation/strategies being discussed at the trainings.
6. Design a methodology and hopefully analyze data concerning the costs and benefits of conservation strategies employed by participants receiving NRCS cost-share funding.
7. Provide input/coordinate with District staff in the development and implementation of all project-related materials such as registration brochures, presentations, etc.

The draft contract was presented to the Board for review. The District has budgeted funds to cover Dr. Amosson's participation. The General Manager reported that the Ag Committee recommended that the Board enter into the proposed contract with Dr. Amosson.

Daniel L. Krienke moved that the District enter into the proposed contract with Dr. Amosson. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

***Action Agenda 3.d. - Consider agriculture committee recommendation regarding a contract between the district and Nicholas Kenney for services related to agricultural engineering.***

Mr. Walthour stated that the District has continuously contracted with Nicholas Kenny for services related to the District demonstrations since 2018. His current contract expired in 2020 with an option to renew until 2022. The renewal option expires on July 15, 2022. Mr. Kenny has requested revisions to his contract based on cost of living increases and increases in fuel prices. The key terms of Mr. Kenny's proposal include:

1. An increase from \$75 to \$90/hr.;
2. Mileage reimbursed at \$1 per mile (current IRS rate is 58.5 cents); and,
3. Total value of the contract increased from \$65,000 to \$85,000 (more accurately reflects the costs of Mr. Kenny's time and contributions).

Some changes in language, having no substantive effect to the terms of the contract, have been suggested by counsel.

Increasing the contract total from \$65,000 to \$85,000 may require that the 2021-22 budget be amended to allow for the increase. Mr. Kenny's duties will include, but not be limited to:

1. Overseeing all WCC on-farm demonstrations for the District
2. Presenting at Master Irrigator sessions (two sessions in 2022)
3. Newsletter articles

4. Development of ongoing content production of educational radio segment
5. Multiple trips annually to the Panhandle from his hometown in Mesa, Arizona to coordinate the conservation demonstrations at the Water Conservation Center
6. Providing technical assistance to past Master Irrigator graduates
7. Coordinating with Dr. Jourdan Bell on the AgriLife cover crop demonstration
8. Coordinating the District's cotton Water Efficiency Trials (WET)

The draft contract was presented to the Board for its review.

Daniel L. Krienke reported that the Ag Committee recommended that the Board enter into the proposed contract with Nich Kenny.

Daniel L. Krienke moved the District enter into the proposed contract with Nich Kenny. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

Mark Howard joined the meeting via videoconference at 10:04 a.m. but did not vote on any item on the Agenda.

**Action Agenda 3.e. - Receive report regarding 2021 Annual Production Reporting.**

The General Manager presented the following report to the Board:

As of April 1, 2022, approximately 2,924 reports were received of the 2,933 reports sent out. 2,619 Production Reports have been entered or processed by the Administrative Staff. The total acres of all GPUs required to report production for 2021 were approximately 2,078,159 acres. Aquifer Science staff are checking meters to clarify any readings provided by well owners that seem inconsistent. Mr. Walthour also presented the following comparison of wells for 2022 compared to 2010.

NORTH PLAINS GCD											
WELL REPORT COMPARING 2022 TO 2010											
Preliminary Data (Subject to Review)											
4/10/2022											
Wells by County 4/10/2022											
County	Subtotal	PERMITTED				REGISTERED					
		Auxiliary	Commercial/Industrial	Irrigation	Municipal/PWS	Domestic	Heat Exchange	Livestock	Monitor	Rig Supply	Plugged
Dallam	4024	10	21	2913	17	321	1	507	32	0	202
Hansford	1840	5	34	1297	9	115	0	225	4	29	122
Hartley	3658	4	40	2890	15	173	1	274	33	7	221
Hutchinson	728	1	25	504	12	45	0	89	18	4	30
Lipscomb	846	1	12	325	13	96	0	161	7	215	16
Moore	2527	3	88	1565	28	277	0	225	119	3	219
Ochiltree	1346	1	78	688	16	168	0	151	19	173	52
Sherman	2904	4	65	2236	6	128	0	255	11	2	197
<b>Total</b>	<b>17873</b>	<b>29</b>	<b>363</b>	<b>12418</b>	<b>110</b>	<b>1323</b>	<b>2</b>	<b>1887</b>	<b>243</b>	<b>433</b>	<b>1059</b>
<b>GPUs</b>	<b>Acres</b>										
<b>2923</b>	<b>2,078,160</b>										
Wells By County 12/31/2010											
County	Subtotal	PERMITTED				REGISTERED					
		Auxiliary	Commercial/Industrial	Irrigation	Municipal/PWS	Domestic	Heat Exchange	Livestock	Monitor	Rig Supply	Plugged
Dallam	2119	1	16	1670	7	140	1	148	17	0	119
Hansford	1389	0	26	1097	7	57	0	81	4	17	100
Hartley	2042	0	32	1751	9	53	1	65	22	1	108
Hutchinson	470	0	13	368	1	29	0	30	0	3	26
Lipscomb	486	0	10	272	12	41	0	46	6	88	11
Moore	1760	0	82	1221	22	94	0	114	82	0	145
Ochiltree	907	0	68	575	14	89	0	44	8	66	43
Sherman	2038	0	61	1641	5	56	0	97	4	1	173
<b>Total</b>	<b>11211</b>	<b>1</b>	<b>308</b>	<b>8595</b>	<b>77</b>	<b>559</b>	<b>2</b>	<b>625</b>	<b>143</b>	<b>176</b>	<b>725</b>
<b>GPUs</b>	<b>Acres</b>										
<b>2417</b>	<b>1,525,192</b>										

***Action Agenda 3.f. - Receive report regarding Region A Water Planning Area.***

The General Manager stated that on April 7th, that he and Daniel L. Krienke attended the Regional Water Planning Meeting, which is the beginning of the next regional water planning cycle. Mr. Walthour reported that the Regional Planning group will be receiving a report on irrigation at its meeting in August.

***Action Agenda 3.g. - Receive report regarding District Cybersecurity training.***

Steve Walthour reported HB 3834 requires local government employees and elected officials to complete a certified cybersecurity awareness training course annually. The District contracted with "KnowBe4" that will provide online training to address HB 3834. KnowBe4 is recommended by our cybersecurity insurance vendor through the Texas Water Conservation Association Risk Management Fund. The District cooperatively participates in the TWCARMF for all the District's vehicles, facilities, and liability insurance needs.

The training should take no more than an hour.

***Action Agenda 3.h. - Consider Video Conferencing Standards for North Plains GCD Board meetings.***

General Manager, Steve Walthour stated that under Government Code Section 551.127(c), the Board is permitted meeting by video conference if the presiding officer of the Board of Directors of the District will be physically present at one location of the meeting open to the public during the open portions of the meeting. Other board members and employees of the District may participate remotely in the meeting by video conference as permitted by Government Code Section 551.127. General Counsel has recommended that the best practice for the District to use for video conferencing meetings is for the presiding officer, and a quorum of the Board (if possible), to all be present at one location of the meeting open to the public during the open portions of the meeting.

The current meeting has been posted to allow for a Board member or staff to participate in a Board meeting by video conferencing. The Board member would be eligible to vote.

The General Manager recommended that the Board consider the circumstances that it would wish to use this method of meeting. By consensus, the Board tabled this item until the next regular Board meeting.

***Action Agenda 3.j. - Closed Session.***

**Executive Session - Section 551.071 of the Texas Government Code.**

At 10:30 a.m., Daniel L. Krienke 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 attorneys 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 approved by the majority vote of the Board., with Justin Crownover being absent from the room and Mark Howard abstaining from the vote.

Executive Session: At 10:39 a.m., the Board went into Executive Session. At 11:29 a.m., Justin Crownover moved that the Board reconvene into regular session. Zac Yoder seconded the motion, and it was approved by the majority vote of the Board, with Mark Howard abstaining from the vote.

The Board reconvened into regular session at 11:29 a.m.

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

Justin Crownover moved that the District issue a Show Cause Order to Jason Wilhelm to appear before the Board on June 14, 2022, for violation of District Rules 1.5, 2.1 and 2.7. Daniel L. Krienke seconded the motion, and it was approved by the majority vote of the Board, with Mark Howard abstaining from the vote.

Justin Crownover moved that the District issue a Show Cause Order to Kyle Frerich, d/b/a 2F Brothers, to appear before the Board on June 14, 2022, for violation of District Rule 4.7. Harold Grall seconded the motion, and it was approved by the majority vote of the Board, with Mark Howard abstaining from the vote.

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

By consensus, the Board set its next regular Board meeting on June 14, 2022, at 9:00 a.m.

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

Steve Walthour presented a report to the Board, which included the General Manager's activity summary, the District's activity summary, permits issued in March 2022, general Well inspections, predrill inspections in March - April 2022 and upcoming meetings and conferences.

***Discussion Agenda 4.b. - Committee Reports.***

Except as stated herein, no other Committee reports were presented to the Board.

***Agenda 6. - Adjournment.***

There being no further business to come before the meeting, Harold Grall moved to adjourn the meeting. Justin Crownover seconded the motion, and it was approved by the majority vote of the Board, with Mark Howard abstaining from the vote. President Zimmer adjourned the meeting at 11:35 a.m.

  
Bob B. Zimmer, President

  
Zac Yoder, Secretary