

**MINUTES OF THE APRIL 14, 2015  
BOARD OF DIRECTORS MEETING OF  
NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session April 14, 2015 at 9:00 a.m. in the Conference Room of the Hampton Inn, 2010 South Dumas Avenue, Dumas, Texas 79029. The following persons were present:

**Members Present at 9:04 a.m.:**

Bob Zimmer; President  
Danny Krienke, Secretary;  
Harold Grall, Vice-President;  
Gene Born, Director;  
Justin Crownover, Director;  
Mark Howard, Director; and  
Zac Yoder, Director.

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

Steve Walthour, General Manager;  
Kristen Lane, Executive Assistant;  
Dale Hallmark, Assistant General Manager/Hydrologist;  
Kirk Welch, Assistant General Manager/Outreach;  
Casey Tice, Compliance Coordinator;  
Odell Ward, GIS and Natural Resource Tech Lead;  
Paul Sigle, Agricultural Engineer; and,  
Laura West, Production Monitoring Coordinator.

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

Jay Moreland;  
Sabrina Leven;  
C. C. Sysombath;  
Ben Weinheimer;  
Ashley Handy;  
Myles Frische;  
Terry Frische;  
Mike Baumann;  
Joost Smulders;  
Mike McCoy;  
Scott Strawn;  
F. Keith Good, Attorney; and  
Ellen Orr, Paralegal.

President Zimmer declared a quorum present and called the meeting to order at 9:04 p.m. President Zimmer gave the invocation and led the pledge. At 9:07 a.m. President Zimmer recessed the regular Board Meeting to hold a Rulemaking Hearing.



President Zimmer called the Rulemaking Hearing to order at 9:07 a.m. At 9:41 a.m. the Rulemaking Hearing was recessed and the Hearing was reconvened at 9:57 a.m. At 10:09 a.m. President Zimmer closed the Rulemaking Hearing.

## **1 - Consent Agenda**

The Consent Agenda, consisting of the items set forth below, was discussed by the Board:

Board Minutes for the March 23, 2015 Stakeholder Meeting in Perryton, Texas; Board Minutes for the March 24, 2015 Stakeholder Meeting in Dumas, Texas; Board Minutes for the March 25, 2015 regular meeting of the Board of Directors; Board Minutes for the March 26, 2015 Stakeholder Meeting in Dalhart, Texas; review and approval of un-audited District expenditures for March 1, 2015 through March 31, 2015, including the General Manager's expense and activity report; consider approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses in the amount of \$19,717.02 for March 1, 2015 through March 31, 2015; and to consider approval of a contract to consolidate the assessment and collection of North Plains Groundwater Conservation District property taxes with Moore County.

It was noted that Zac Yoder attended the March 23, 2015 Stakeholder Meeting in Perryton, Texas and that the Board Minutes should be revised to reflect the same.

Danny Krienke moved to approve the Consent Agenda with the noted change to the Board Minutes of the March 23, 2015 Stakeholder Meeting in Perryton, Texas. Gene Born seconded the motion and it was unanimously approved by the Board.

### ***Action Agenda 2a - Receive report and consider action related to selection of a contractor to construct observation wells for the District.***

The North Plains Groundwater Conservation District ran advertisements in the Amarillo Globe News requesting bids to drill water level monitor wells November 4<sup>th</sup> and 11<sup>th</sup>, 2014. The contract will be valid for a period of two (2) years. The bid specifications were listed as if the wells were to be drilled and completed to a depth of 600 feet. The specifications include drilling to red bed, use of 5" PVC for casing, except for the top 10 feet, which will be steel casing with an installed lockable lid. The casing will be 10 feet of slotted pipe alternating with 10 feet of solid pipe from the bottom of the bore hole to the existing water level. The bore hole then will be gravel packed from the bottom of the bore hole to the existing water level. Bentonite pellets will be used to seal the bore hole from the top of the gravel pack (top of the water) to a depth of 200 feet below the surface. Bentonite flakes will be used from the top of the Bentonite pellets to 10 feet below the surface. Cement will be used from the top of Bentonite chips to the land surface. A 6 foot by 6 foot by 6 inch deep concrete slab will be constructed with steel rebar reinforcement. The slush pit is to be backfilled and the monitor well drill site cleaned.

The District received two (2) bids:



- (1) 3-T Drilling Inc., Dumas, Texas - per monitor well - \$21,075.00; and
- (2) Cascade Drilling L.P., Woodinville, WA - per monitor well - \$118,700.00.

Les Taylor Drilling, presently known as 3-T Drilling, is the contractor that has drilled all of the District's previous monitor wells.

The General Manager recommended retaining 3-T Drilling Inc., Dumas Texas to drill the District's monitor wells.

Danny Krienke moved that the District retain 3-T Drilling, Inc., Dumas, Texas to drill the District's monitor Wells. Mark Howard seconded the motion and it was unanimously approved by the Board.

***Action Agenda 2b - Consider Approval of Water Well Permits as Active and Complete Wells.***

District staff processed 13 water Wells that are ready for Board consideration and approval. These permits, listed in the attached table, 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 their 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. DA4998 and HA5441 are Well permits which were permitted prior to January 15, 2013 and may be metered at the Well or at the Pivot.

Well	Class	Qtr	Sec	Blk	Sur	NS
DA4998	C	SW	68	4	CSS	442S
HA5441	C	SW	4	11	CSS	450S
HA7781	C	NE	16	5	CSS	314N
HU8322	C	NW	116	5T	T&NO	602N
HU8323	D	SE	116	5T	T&NO	126S
HU8324	D	SE	116	5T	T&NO	625S
HU8461	C	SW	116	5T	T&NO	160S
MO6027	C	SW	305	44	H&TC	872S
MO7882	B	SE	273	44	H&TC	728S
MO8223	B	SE	425	44	H&TC	872S
SH7146	C	NW	12	2	GH&H	579N
SH7655	B	NE	73	1T	T&NO	448N
SH8191	D	NE	181	1C	GH&H	272N

Director Harold Grall announced that Well Permit MO8223 was his Well and moved to remove the Well Permit from the Schedule of Well Permits to be considered by the Board. Mark Howard seconded the motion it was unanimously passed by the Board.

Mark Howard moved to approve Well Permit MO8223 because the Well is properly equipped and otherwise complies with District Rules. Danny Krienke seconded the



motion and the motion passed by the majority vote of the Board with Harold Grall abstaining from the vote.

Zac Yoder moved to approve the remaining Well Permits on the Schedule presented to the Board because the Wells are properly equipped and otherwise comply with District Rules. Mark Howard seconded the motion and the motion passed by the unanimous vote of the Board.

***Action Agenda 2c - Receive Report Regarding Groundwater Production Reporting for 2014.***

As of April 7, 2015, District staff have reviewed and entered 2700 of the 2014 Annual Production Reports. So far, the 2014 groundwater usage numbers are lower than the numbers in 2013. The preliminary production number for the year 2014 is 1,767,843.64 acre-feet as compared to 1,847,733.71 acre-feet in 2013. The General Manager stated that these numbers are provisional and subject to review. Mr. Walthour stated that District staff will bring new preliminary production numbers to the Board once all of the Annual Production Reports have been reviewed and entered.

***Action Agenda 2d - Receive Report and Consider Action Regarding GMA-1 and Panhandle Regional Water Planning.***

Steve Walthour presented the following report to the Board:

The Groundwater Management Area 1 Joint Planning Committee meeting for April 17<sup>th</sup> has been cancelled. The reason for the meeting was to review preliminary groundwater availability model (GAM) runs from the new High Plains Aquifer Model developed by Intera and the Texas Water Development Board. However, representatives from Intera said that the preliminary runs would not be completed until April 14<sup>th</sup> instead of the March 31<sup>st</sup> schedule. The General Manager and the other District managers need time to evaluate the results before presenting the preliminary results to the Joint Planning Committee. Once the GAM runs are evaluated by the Districts' technical personnel, a meeting of the committee will be scheduled for either May or June of this year.

In July 2012, the Texas Water Development Board (TWDB) contracted with Intera, Inc. to develop a groundwater availability model (GAM) for the High Plains Aquifer System (Ogallala aquifer, Dockum aquifer, Edwards-Trinity (High Plains) aquifer, and Rita Blanca aquifer). By combining these aquifers into one model, the TWDB expects to better evaluate how future pumping may affect the interaction between these aquifers as demands change through time.

On April 6<sup>th</sup>, the TWDB posted online the Final Conceptual Model Report and the Draft Numerical Model Report, for the High Plains Aquifer System, for public review and comment. The District staff will review any written submitted comments, concerning the draft numerical model report or supplemental information to the TWDB, on or before Wednesday, May 6, 2015.

Panhandle Regional Water Planning Group (PWPG) is scheduled to meet in the offices of the Panhandle Regional Planning Commission at 1:30 on Monday, April 20, 2015. In addition to filling vacancies and general business of the PWPG, agenda items include:



- Discuss and Action as Appropriate - Legislative, rule, policy, and other recommendations to be considered for inclusion in the 2016 Panhandle Regional Water Plan;
- Discuss and Action as Appropriate - Development and status of the High Plains Aquifer Groundwater Availability Model being prepared by Intera for GCDs in the Region;
- Review and Comment - Content of the draft Panhandle Initially Prepared Plan (IPP) presented by Freese & Nichols Inc.; and,
- Discuss and Action as Appropriate - adopt the PWPG Initially Prepared Plan and authorize the PWPG political subdivision to submit the IPP to the TWDB by the May 1, 2015 deadline.

***Action Agenda 2f - Receive Report and Consider Action Regarding the District's Agriculture Water Conservation Demonstration Program.***

Paul Sigle and Scott Strawn presented the annual EPIC report to the Board which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

**The Next Project**

The Ag Committee met March 30<sup>th</sup> to discuss the District's next demonstration project. Harold Grall, Danny Krienke and Zachary Yoder all agreed to allow the District to use their farmland for the project. Stan Span and CPS have agreed to the project for the Water Conservation Center. The Ag Committee and Leon New decided to add an additional two producers to the project. Below is the preliminary budget for the first year of the project.

Item	Qty.		Unit Price		Total Cost
Soil Moisture Probes	21	\$	1,400.00	\$	29,400.00
Better Harvest	21	\$	765.00	\$	16,065.00
Seametrics Meters	3	\$	2,200.00	\$	6,600.00
Gypsum Blocks	10	\$	120.00	\$	1,200.00
Pivot Tracking	6	\$	2,500.00	\$	15,000.00
Participation Fee	240	\$	50.00	\$	12,000.00
Miscellaneous	1	\$	1,000.00	\$	1,000.00
<b>Total</b>				<b>\$</b>	<b>81,265.00</b>

***Action Agenda 2g - Receive Report and Discuss Variable Frequency Drive Application Program.***

On March 24, 2015 the District's Board of Directors authorized the District staff to work with the NRCS to implement the Variable Frequency Drive Application Program as a service to the District's stakeholders. District staff discussed its plans for implementing the plan and sought input from the Board on their experiences with variable frequency drives.

Data collected onsite by District staff for Pre-VFD and Post-VFD installation will include:

- Flow rate



- Pumping depth
- Pressure
- Amps
- Voltage
- Power factor
- Kilowatt

Paul Sigle presented the VFD information to the Board attached hereto as Exhibit "B" and incorporated herein for all purposes.

***Action Agenda 2h - Receive Report and Consider Action Regarding the District's GPS Equipment.***

The General Manager stated that the Board President added this item to the agenda regarding the District's global positioning system (GPS) use and GPS accuracy for discussion and possible action. Agriculture and other industries have seen a marked development in GPS precision in the past ten years since the development of differential GPS technology. Differential GPS technologies are used in survey systems, John Deere systems and others, such as Trimble systems.

The District does not allow any Well to violate the property line spacing Rule, or the spacing between Wells Rule, irrespective of the current 10-yard variance allowed for a permitted Well. Under the "Location of Well" Rule, if the Well site is moved, or drilled more than 30 feet from the permitted site, then the Well is an Illegal Well. Current District practice, if a driller or Owner, needs to move over the Well rig because of a bad location (usually from a failed drilling attempt):

- if the new proposed Well location is within the 10-yard boundary, the District has no issue with moving the rig over.
- if the new proposed Well location is outside the 10-yard boundary, District staff changes the latitude and longitude on the permit, once District field staff revisits the site for the new reading and verifies the new location does not violate any District spacing Rules.

The General Manager first proposed in 2013 to amend the location rule from ten yards to fifteen yards to accommodate drillers and Owners that could have a site location challenge.

The District's staff uses GPS to measure distances between Wells, but if there is a question regarding spacing, the District uses either range finders or a steel tape. When measuring from a Property Line, the primary issue for the staff, Owner, or driller is that no one know where the Property Line is located. The District relies on fence lines, roadways, and the Owner's information as indicators of possible Property Lines. Unlike a Well, which is physically present, to be completely accurate, the location of the Property Line must be surveyed or District staff must utilize the best information available.

The instances where District staff collects a GPS reading and later another staff member collects different GPS reading from the same point generally has not been an issue. However, from time to time if a variance occurs, the variance may be equipment error or user error.

The variance between the Well Owner's readings and the District's readings is a real issue. The reason for the variance could be equipment error. However, the variance can be potentially attributed to operator error and/or selecting a different



datum used to define the local or region geodetic network. Selecting the same datum is one of the largest issues regarding receiving multiple latitude and longitude readings for the same point. There are multiple coordinate systems that will provide a different datum for any given area. This is why ultimately the District relies on its GPS readings and not the Well Owners or their agents because the District's units are set to the same datum and the District has provided training on how to use the devices. It was pointed out there is a huge difference between accuracy and precision operability. In agriculture, for example, an implement precisely showing up in the same place every time is very important. This is repeatability. Whether or not the system is recording the correct latitude and longitude based on the selected datum would be accuracy.

Hand-held GPS units for normal civilian use have an accuracy nationwide (actually repeatability of readings) under normal conditions of 15 meters (about 50 feet). In the northern Texas Panhandle, there are no natural barriers such as trees and structures to block direct site to satellites allowing very little radio interference or environmental or atmospheric interference. Currently, the District uses Toughbook computers that come with an internal antennae and GPS unit. The equipment often achieves repeatability of measurement of 3 to 5 meters, depending on the location's Dilution of Precision reading. This repeatability precision is certainly not sufficient for the positioning needs of agriculture and other industries today. However, given the relatively few times the District has received a "bad" reading because of the way the District uses GPS, the system seems to work well since 1995.

Preliminarily, District staff has checked into upgrading to equipment that is more accurate. For example, the District could secure Trimble GPS Units and Subscription (other options and equipment are available but cost more) per unit cost of \$6,200 with an annual subscription fee of \$1,500 per-year per-unit. The GPS antennae connected to the field computers and map via a 9-pin connection and are attached to the vehicle. The unit will achieve 2 to 6 inch repeatable measurements. Accuracy and reliability of data is affected by the ability to maneuver the vehicle into the position desired, the accuracy of the mapping system and the ability to determine a property boundary. Total cost would be \$36,000 plus an additional subscription fee of \$9,000 per year.

There are probably more mobile units available in the market than this particular product.

The General Manager requested that the Board provide input regarding the accuracy or precision which the Board believes is necessary to implement the District's current, or future programs.

Assistant General Manager, Dale Hallmark, stated that the District has not investigated the different types of GPS systems which are available on the market and the cost of the different systems in a couple of years.

The general consensus of the Board was that the GPS system which the District is presently using is sufficient since 90 to 99 percent of the time the measurement is within the 10-yard variance factor.

Mr. Walthour stated that one of the most important factors to him of a GPS unit was its portability. Mr. Walthour stated that he planned to investigate this matter.



***Action Agenda 2i - Receive Report and Consider Action Related to the 84<sup>th</sup> Legislative Session.***

The District and its legislative counsel, Tom Forbes, have provided all information and notices required to Representative Four Price's and Senator Kel Seliger's offices to start the process to amend the District's Enabling Legislation to authorize the Board to change the Director election date from May to November.

***Action Agenda 2j - Receive Report and Consider Action Related to the Purchase of 607 First Place, Dumas, Texas.***

In March, the Board approved the acquisition contract on 607 First Place, Dumas, Texas. However, to complete the purchase of the property, the General Manager requested that the Board amend the District's budget by transferring \$50,000 from the Water Conservation Center Budget Item to Capital Outlay. Funding is available for transfer from the Water Conservation Center Budget because the Board has elected to use part of the existing irrigation infrastructure at the facility instead of replacing it. The Item must be moved to Capital Outlay before the District can proceed with the purchase of 607 First Place.

Gene Born moved that the Board amend the District's budget by transferring \$50,000 from the Water Conservation Center Budget Item to Capital Outlay. Harold Grall seconded the motion and it was unanimously approved by the Board.

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

At 11:30 a.m., Gene Born 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 from its attorney regarding compliance and Legislative issues; and to obtain legal advice regarding the repeal and adoption of the Proposed Rules. Harold Grall seconded the motion and it was unanimously approved by the Board.

Executive Session: At 11:37 a.m., the Board went into Executive Session. At 1:00 p.m., Director Gene Born moved that the Board reconvene into regular session. Justin Crownover seconded the motion and it was unanimously approved by the Board.

The Board reconvened into regular session at 1:23 p.m.

***Action Agenda 2e - Consider Action to repeal North Plains Groundwater Conservation District's Current Rules and to Adopt Proposed Rules.***

Danny Krienke moved that the Board not adopt Proposed Rule 4.3 (Well Location Accuracy) and to keep current Rule 11.1. (Well Location) and to clarify Proposed Rule 4.4 (Well Construction) to permit a person who installs or repairs Water Well pumps and equipment on his own property, or on property that he has leased or rented for his own use to do so without having a Texas pump installer's license. Zac Yoder seconded the motion and it was unanimously approved by the Board.

Danny Krienke moved that the Board repeal all of the current Rules, except for current Rule 11.1 (Well Location) which shall be retained and re-numbered as Rule 4.3 (Well Location Accuracy) in the Proposed Rules and that the Board adopt the



Proposed Rules, except for Proposed Rule 4.3 (Well Location Accuracy) with the clarification of Proposed Rule 4.4. (Well Construction) thereby authorizing a person who installs or repairs Water Well pumps and equipment on his own property, or on property that he has leased or rented for his own use to do so without having a Texas pump installer's license. Gene Born seconded the motion.

Mark Howard stated that there is overriding sentiment in the District about how the Conservation Reserve is handled. Mr. Howard stated that he is interested in moving ahead but is not sure that the Conservation Reserve is ready. Bob Zimmer stated that he also is of the opinion that the Conservation Reserve is not ready.

President Zimmer called for a roll-call vote:

Harold Grall – No  
Gene Born – Yes  
Justin Crownover – No  
Mark Howard – No  
Zac Yoder – Yes  
Danny Krienke – Yes  
Bob Zimmer – No

The motion failed with four (4) Board members opposing the motion.

Mark Howard moved to repeal all of the current Rules, except for current Rule 3.4 (Conservation Reserve) and current Rule 11.1 (Well Location) which shall be retained and re-numbered as Rule 4.3 and to adopt the Proposed Rules as modified, except for Proposed Rule 4.3 (Well Location Accuracy) and Proposed Rule 6.3. (Conservation Reserve). Zac Yoder seconded the motion.

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

At 2:07 p.m., Harold Grall 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 from its attorney regarding the repeal and adoption of the Proposed Rules. Danny Krienke seconded the motion and it was unanimously approved by the Board.

Executive Session: At 2:08 p.m., the Board went into Executive Session. At 2:46 p.m., Director Gene Born moved that the Board reconvene into regular session. Zac Yoder seconded the motion and it was unanimously approved by the Board.

The Board reconvened into regular session at 2:50 p.m.

***Action Agenda 2e - Consider Action to repeal North Plains Groundwater Conservation District's Current Rules and to Adopt Proposed Rules.***

President Zimmer called for a roll-call vote:

Harold Grall – No  
Gene Born – No  
Justin Crownover – No  
Mark Howard – Yes



Zac Yoder – Yes  
Danny Krienke – No  
Bob Zimmer – No

The motion failed with five (5) Board members opposing the motion.

Gene Born moved to repeal all of the current Rules of the District, except for current Rule 11.1 (Well Location) which shall be retained and re-numbered as Rule 4.3 (Well Location Accuracy) and to adopt all of the Proposed Rules as amended, except for Proposed Rule 4.3 (Well Location Accuracy). Harold Grall seconded the motion. President Zimmer called for a roll-call vote:

Harold Grall – Yes  
Gene Born – Yes  
Justin Crownover – Yes  
Mark Howard – Yes  
Zac Yoder – Yes  
Danny Krienke – Yes  
Bob Zimmer – No

The motion passed by the majority vote of the Board at 2:56 p.m. with six (6) members voting in favor of the motion and one (1) member opposing the motion.

Gene Born moved that the District's General Manager, District staff and the District's general counsel continue working on language for Rule 6.3 (Conservation Reserve) to attempt to find a more palatable solution and bring the proposed language back to the Board. Mark Howard seconded the motion and it was unanimously approved by the Board.

Danny Krienke moved that the District's legal counsel clarify Rules 3.3 (Auxiliary Well) and 3.4 (Replacement Well Spacing) to reflect that all other Rules of the District apply. Harold Grall seconded the motion and it was unanimously approved by the Board.

***Discussion Agenda 3c - General Manager's Report.***

Steve Walthour presented the General Manager's Report, including information concerning upcoming meetings and conferences and the General Manager's activity summary.

***Agenda 5 - Set Next Meeting Date and Time.***

By consensus, the Board set its next regular Board Meeting for 9:00 a.m. on May 12, 2015.

***Discussion Agenda 3a - District Directors' Reports.***

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

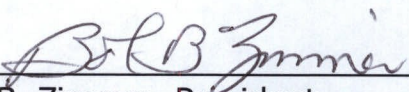


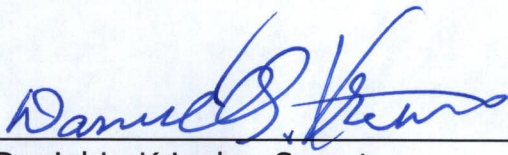
**Discussion Agenda 3b - Committee Reports.**

*None.*

**Agenda 6 - Adjournment.**

Justin Crownover moved to adjourn the meeting. Zac Yoder seconded the motion and it was unanimously approved by the Board. President Zimmer adjourned the meeting at 3:10 p.m.

  
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Bob B. Zimmer, President

  
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Daniel L. Krienke, Secretary