

**MINUTES OF THE NOVEMBER 16, 2021  
BOARD OF DIRECTRS MEETING OF  
NORTH PLAINS GROUNDWATER DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session on November 16, 2021, 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 9:04 a.m.:**

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

**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; and,  
Dale Hallmark, Hydrologist.

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

F. Keith Good, General Counsel for the District.

President Zimmer declared a quorum present and called the meeting to order at 9:04 a.m. Director, Harold Grall gave the invocation and President, Bob B. 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 October 12, 2021; (b) the review and approval of un-audited District expenditures for October 1, 2021 through October 31, 2021, including the General Manager's expense and activity report; and, (c) 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, 2021 through October 31, 2021, in the amount of \$5,327.24; and (d) the review and approval of Sherman County Appraisal District's request to approve the 2021 tax amount for tax roll in Sherman County.

Daniel L. Krienke moved to approve the Consent Agenda. Justin Crownover 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 355 non-exempt Well Permits had been issued by the District since January 1, 2021, that 138 Exempt Wells had been Registered since January 1, 2021; and that 228 non-exempt Well Permits had been approved by the Board since January 1, 2021.

The General Manager reported that the District 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-11384	C	SE/4	14	3	CSS	816 S	31 E
DA-11385	C	SW/4	13	3	CSS	103 S	775 W
DA-11411	B	NW/4	14	1	CSS	111 N	779 W
DA-11412	B	SE/4	20	1	CSS	843 S	126 E
DA-11461	B	NW/4	27	1	CSS	509 N	653 W
DA-11532	C	NE/4	16	2	B&B	847 N	120 E
DA-11538	D	NW/4	86	7	CSS	258 N	564 W
DA-11541	C	NW/4	392	1-T	T&NO	116 N	748 W
DA-11542	C	SE/4	356	1-T	T&NO	93 S	442 E
DA-11546	B	NW/4	357	1-T	T&NO	110 N	440 W
DA-11596	B	NW/4	17	7	CSS	174 N	103 W
DA-11599	C	SE/4	15	1	B&B	374 S	704 E
DA-11662	D	NE/4	78	47.5	H&TC	107 N	113 E
DA-11663	D	SE/4	78	47.5	H&TC	25 S	130 E
HA-11388	B	NW/4	85	4	CSS	889 N	172 W
HA-11591	C	NW/4	2	Frazier &		61 N	256 W
HA-11634	C	SW/4	21	5	CSS	66 S	181 W
HA-11660	C	SW/4	5	A-4	PFS	1045 S	709 W
HA-11681	C	SE/4	14	11	CSS	35 S	104 E
HA-11684	C	NE/4	17	14	CSS	171 N	79 E
HA-11686	B	NE/4	5	A-4	PFS	585 N	589 E
HA-11691	C	NE/4	71	48	H&TC	878 N	286 E
HN-11656	C	NW/4	15	1	CIF	106 N	616 W
HU-11482	B	SE/4	17	3	SA&MG	110 S	162 E
LI-11693	D	SW/4	72	43	H&TC	726 S	120 W
LI-11726	D	NW/4	153	10	SPRR	111 N	735 W
MO-11630	B	SE/4	236	3-T	T&NO	108 S	475 E
SH-11641	B	NE/4	171	1-C	GH&H	240 N	403 E
SH-11795	B	NW	308	1-T	T&NO	115 N	154 W
SH-11796	B	NW	308	1-T	T&NO	753 N	156 W

Harold Grall 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. Mark Howard 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 and the North Plains Water Conservation Center.**

Nich Kenny presented the following report to the Board:  
NPGCD Water Conservation Center Update Nicholas Kenny, P. E.

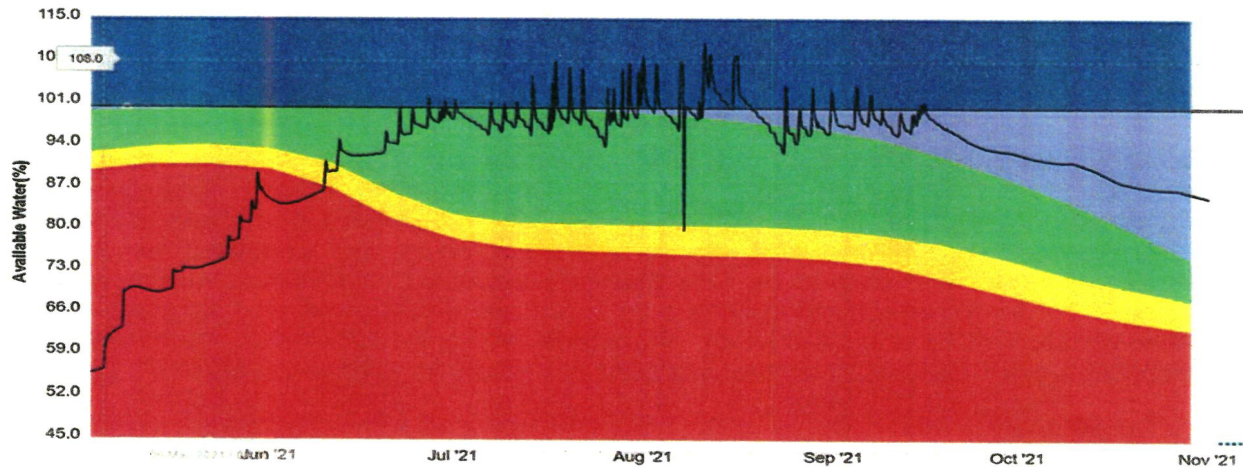
**Corn Harvest Results**

The North SDI blocks at the WCC were harvested on 12 October. The SDI demonstrations were managed by varying irrigation frequency; yield and total irrigation are as follows.

<i>North SDI - DG58VC37RIB</i>	Yield (Bu / Acre)	Irrigation (in.)
SDI Daily - 0.21"	234.9	19.6
SDI 2x - 0.42"	230.6	17.4
SDI 3x - 0.63"	228.9	21.3
SDI 4x - 0.84"	225.7	20.1

The SDI plots matured and dried 9 days earlier than the pivot plots and yielded substantially less. The summary of the irrigation differences indicates that we did not have excellent control on our irrigation applications. The differences in applied irrigation and higher yields where less water was applied indicate that even further reductions in irrigation volumes and capacity should be evaluated for the SDI treatments. The soil moisture across all four drip blocks was easily maintained with 4 GPM / Acre and multiple shut-downs. The irrigation figure includes approximately 2 inches of pre-water.

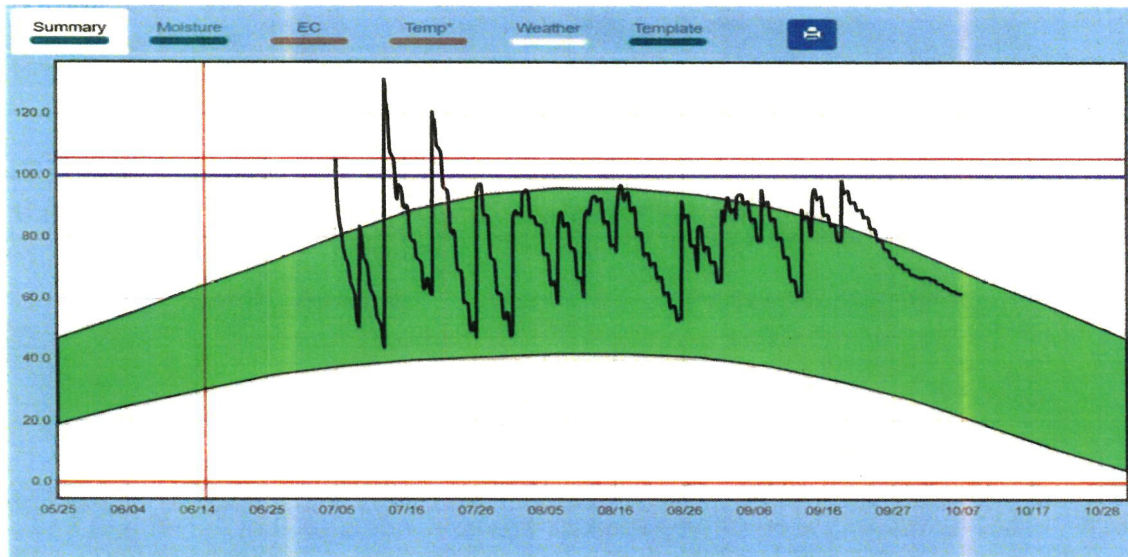
The GroGuru Chart below is from the SDI 3x plot which received the most irrigation water. These zones received one inch less than the pivot and spent much of the season saturated.



The East Pivot was primarily harvested on 21 October. 6 truck loads were harvested on 12 October following the SDI blocks. Early harvest was delayed due to high grain moisture. The East Pivot layout had 5 hybrids planted east to west in 24-row blocks, repeated on the North and the South side of the pivot. The North average yield is 254.4 bushels / acre and the South average is 233 bushels / acre. The nominal irrigation on the East Pivot is 22.1 inches. Hybrid results are as follows.

<i>East Pivot</i>	North	South	AVG
Pioneer 1108Q	250.7	254.6	252.6
Pioneer 1828AML	257.9	264.3	261.1
Pioneer 1366AML	238.9	248.0	243.5
Pioneer P0908AML	270.4	248.1	259.2
DynaGro DG58VC37RIB	253.0	243.8	248.4

The AquaSpy chart below is from the North DG58VC37 plot. This is useful for comparison to the SDI plot above.



Soil moisture details are in the process of being calculated at the time of this report and soil pits will be dug at the time of cotton harvest.

Cotton harvest is expected to between 8-20 November. Defoliant and boll openers were applied on 13 October on all treatments and a light freeze occurred on 16 Oct. At the time of this report, top bolls are not yet opened in the West Pivot and South SDI as a significant freeze has not occurred. Cotton will be harvested with a stripper baler and weighed on truck scales. Samples from each population treatment will be ginned at the Texas Tech gin.

### WCC Well Estimate – 3 Nov 2021 Estimate

The table below is the updated cost schedule for the WCC Well construction planned for the winter of 2021 / 2022. The estimate is also included as an attachment. Well construction, development, and equipping costs are provided by Hydro Resources. Pipeline and onsite electrical costs are provided by Ag H2O. Electrical delivery is provided by Rita Blanca Electrical Cooperative. Alignment #1 is the ideal route for electrical delivery to maintain equipment and airplane access. The estimated difference between Alignment #1 and #2 is \$5K. Note that price guarantees are VERY short at the moment (as short as 3-days on the PVC pipe).



ITEM	DESCRIPTION	Electrical Alignment		
		1	2	3
1	Well Drilling and 16" 0.25" Mild Steel Casing and Mill Slots (460'-660'), gravel pack, well pad - 665' drilled depth.	\$ 104,000	\$ 104,000	\$ 104,000
2	Well Development and Test pumping (12 hours constant rate)	\$ 12,000	\$ 12,000	\$ 12,000
3	Equipping - Pump (400 GPM 650' TDH), 100 hp Motor, 6" Column, 2-1/2" x 1-1/2" IC and Shaft, 6" discharge head, oiler, installed	\$ 82,000	\$ 82,000	\$ 82,000
4	Electrical Assembly: Service entrance, meter section, disconnect, VFD, rack, etc. Underground electrical (350' -or- 1,800') (Alignment #1 is overhead to the SDI filter and underground to the well, Alignment #2 is overhead to the well)	\$ 51,000	\$ 23,000	\$ 23,000
5	Electrical Delivery (Rita Blanca) - 2,500 ft extension, transformers, drop (Overhead lines from origination to well) (Alignment #1 is overhead to the SDI filter and underground to the well, Alignment #2 is overhead to the well)	\$ 21,000	\$ 44,000	\$ 75,000
6	8" PVC Pipeline - 8' PVC, Trenching, vents, connections (approx 850ft.) 6" Discharge: Check valve, control valve, 6" flowmeter, vents, pressure ports, spigot.	\$ 20,000	\$ 20,000	\$ 20,000
		\$ 290,000	\$ 283,000	\$ 316,000

During the October meeting, the board authorized management to proceed with engaging Hydro Resources to drill the new well at the WCC, not to exceed \$300,000. At that time, the estimates from the additional vendors necessary to complete the well were not available.

#### **Meter Reimbursement**

The current funding through the Texas Water Development Board for the Meter Reimbursement Program will end in December. The District must have a funding procedure in place before December to be prepared to pick up where the TWDB funding leaves off. A procedural document prepared by Hydrologist; Dale Hallmark was presented to the Board.

Justin Crownover moved to approve the Meter Reimbursement Program as presented by Mr. Hallmark for the period beginning October 1, 2021 through September 30, 2022. Daniel L. Krienke seconded the motion and it was unanimously approved by the Board.

#### ***Action Agenda 3.c.- Consider contract renewal between Stan Spain and the North Plains GCD to farm the North Plains Water Conservation Center.***

Steve Walthour, presented the following report to the Board:

Stan Spain is under contract to operate the WCC farm through December 31, 2021. A new contract will need to be signed for Mr. Spain to continue in his role as the farmer/operator of the WCC after the expiration date of the current contract. Mr. Spain and the Agriculture Committee reviewed the existing contract and recommended the same contract, with no price increase for a three-year period.

Harold Grall moved to approve a new contract with Stan Spain with no price increase and with terms similar to the existing contract for an additional three-year period. Justin Crownover seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.d. - Review and consider approving North Plains GCD Director Policies.***

General Manager, Steve Walthour, presented the following report to the Board:

Periodically, the Board reviews, and if necessary, amends its North Plains Groundwater Conservation District Director Policies. The North Plains Groundwater Conservation District Director Policies highlights, in general, District policies, practices, and benefits affecting Directors.

The Director Policies include: a Code of Ethics, Purpose, Conflicts of Interests, Nepotism, a Fraud Policy, Director Duties and Standards of Conduct, Organization of the Board, Meetings and Committees, Directors Fees and Travel Reimbursement Policy. These policies are required to fulfill in part Texas Water Code Section 36.061(Policies) related to groundwater conservation district operations.

The Board last reviewed and amended its Director Policies on February 12, 2019. General Counsel and the General Manager have reviewed the Director Policies and recommended that the Board consider adoption of the draft proposed Director Policies as presented to the Board.

Daniel L. Krienke moved to adopt the Director Policies presented to the Board. Harold Grall seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.e. - Review and consider approving North Plains GCD Employment, Office and Employee Policy Manual.***

General Manager, Steve Walthour, presented the following report to the Board:

Periodically, the Board reviews, and if necessary, amends its North Plains Groundwater Conservation District Employment, Office and Employee Policy Manual. The Manual instructs employees in general District policy and provides standards and guidelines for conduct or behavior.

The Manual includes Employment Policies, Office and Property Policies, and Employee Work and Pay Policies. These policies are required to fulfill in part Texas Water Code Section 36.061(Policies) related to groundwater conservation district operations.

The Board last reviewed and amended its Employment, Office and Employee Policy Manual on October 15, 2019. General Counsel and the general manager have reviewed the policies and recommended that the Board consider adoption of the proposed draft presented at the meeting.

Gene Born moved to adopt the Employment, Office and Employee Policy Manual presented to the Board. Daniel L. Krienke seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.f. - Review and consider approving North Plains GCD Professional Services Policy.***

Steve Walthour presented the following report:

Periodically, the Board reviews, and if necessary, amends its North Plains Groundwater Conservation District Professional Services Policy. The Policy provides for the selection, engagement, monitoring, review and evaluation of the district's consultant/professional services for the District.

The Policy includes Purpose, Definitions, Selection, Contacts/Agreements and Periodic Review. Texas Water Code Section 36.061(Policies) requires policies, and procedures

for selection, monitoring, or review and evaluation of professional services.

The Board last reviewed and amended its Professional Services Policy on November 14, 2017. General Counsel and the General Manager have reviewed the Policy and recommended no changes be made to the Policy.

The General Manager requested that the Board adopt the Professional Services Policy presented to the Board.

Mark Howard moved to adopt the Professional Services Policy presented to the Board at the meeting. Justin Crownover seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.g. - Review and consider adopting North Plains GCD Public Participation in Board Meetings Policy.***

The General Manager stated that the 86th Texas Legislature amended Texas Government Code, Section 551.007 to provide the public more opportunity to comment during an open meeting as follows:

**Sec. 551.007. PUBLIC TESTIMONY.**

(a) This section applies only to a governmental body described by Sections 551.001(3)(B)-(L).

(b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

(c) A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.

(d) This subsection applies only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously. A rule adopted under Subsection (c) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.

(e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

The Board last reviewed its Public Participation in Board Meeting Policy on October 15, 2019. General Counsel and the General Manager have reviewed the Policy and proposed no changes to the Policy. A copy of the Policy was presented to the Board and the General Manager requested that the Board adopt the Public Participation in Board Meetings Policy as presented at the meeting.

Justin Crownover moved to adopt the Public Participation in Board Meetings Policy presented to the Board at the meeting. Gene Born seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.h. - Consider General Manager's request to amend the 2021-2022 Budget.***

In October, the Board approved entering into a contract with Hydro Resources to drill a well at the Water Conservation Center, not to exceed the amount of \$300,000.00, and to authorize the Ag Committee to oversee the completion of the well. To address the additional costs associated with this project, the General Manager has reviewed the District 2021 – 2022 Budget to provide funding for the well construction including electrical and pipeline services. The General Manager requested that the Board amend the 2021 - 2022 Budget as follows:

<b>Budget Item description</b>	<b>Current Budget Amount</b>	<b>Increase or (Decrease)</b>	<b>Proposed Budget Amount</b>	<b>Explanation</b>
Capital Outlay	\$325,000.00	\$125,000.00	\$450,000.00	To the current total anticipated costs of the Water Conservation Center, in addition to other budgeted capital equipment and software needs.
<b>Total overall 2020-2021 budget change</b>	\$3,529,905.00	<b>\$125,000.00</b>	\$3,654,905.00	<b>Total overall budget increased by \$125,000.</b>

The General Manager requested that the Board amend the 2021-2022 District Budget as described above. The proposed budget amendments reflect a \$125,000.00 increase in the District's overall budget.

Gene Born moved to amend the 2021 -2022 budget as follows:

- Increase the Capital Outlay Budget from \$325,000.00 to \$450,000.00. The budget amendments reflect a \$125,000.00 increase in the District's overall budget.

Harold Grall seconded the motion and it was unanimously approved by the Board.

***Action Agenda 3.i. - Receive report regarding the Missouri River Interstate Water Resources Infrastructure Feasibility Study.***

The General Manager stated that in June, Region A Planning Group, voted to work with Region O to support the "Missouri River Transfer Project to Mitigate Flooding and Protect the Six-State Ogallala-High Plains Regional Socio-Economic Viability" after the General Manager presented the concept at the meeting. The General Manager has been invited to present the concept to Region O on November 17th. Once, Region O approves supporting the proposal, then this project would become a Texas Water Development Board Interregional Water Planning Project.

In July, the General Manager presented the proposal to the Panhandle Groundwater Conservation District. That district approved supporting the project by resolution.

In August, the General Manager presented the proposal to the TWCA Flood Workgroup. The Flood Workgroup referred the proposal to the TWCA Federal Affairs Committee to be included in the TWCA Federal Priorities to the National Water Resources Association. Instead of adding the proposal to the TWCA's Federal Priorities for NWRA, the committee simply referred the matter to Ian Lyle, Executive Director of NWRA to work with the General Manager on the matter. The General Manager met with Ian Lyle at the NWRA conference on November 8th.

In October, the Groundwater Management Districts Association approved amending the association's federal priorities to include development of interstate water infrastructure



projects into the Ogallala region and other regions to address increased water demand on regional aquifers. These federal priorities are scheduled to be presented by GMDA at January 4th Leadership Forum of NWRA.

Legal counsel for the District recommended the amendment of the August 13, 2021 Resolution of the North Plains Board of Directors regarding the Update of the 1982 Six State High Plains-Ogallala Aquifer Regional Resources Study as follows:

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**Amendment of the August 13, 2021 Resolution by the  
North Plains Groundwater Conservation District ("NPGCD")  
to Seek Federal Legislation for an Update of the 1982  
Six-State High Plains-Ogallala Aquifer Regional Resources Study  
and to Solicit Federal Support to Implement the Import of  
Surface Water into the High Plains Region**

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**RECITALS**

1. By its resolution of August 13, 2021, the NPGCD Board of Directors authorized the expenditure of funds and other actions in support of an effort to update the 1982 Six State High Plains – Ogallala Aquifer Regional Resources Study and other actions.
2. The Board now desires to expand its efforts to develop this update and to pursue an effort to import water to the Six State region described in the 1982 Study.
3. The Ogallala aquifer is the primary water source for one of the most fertile regions of the world.
4. Groundwater withdrawals continue to outpace recharge, causing depletion of the Ogallala aquifer.
5. In 1976, Congress authorized the Six State High Plains-Ogallala Aquifer Regional Resources Study of depleting water supplies in the region.
6. The study was completed in 1982 and was updated in 2015 (collectively, the "1982 Study").
7. The 2015 update identified alternative concepts for water transfer to the Six States (Texas, Oklahoma, Kansas, Nebraska, Colorado, and New Mexico) included in the 1982 Study.
8. The Missouri River has a history of severe flooding.
9. Diverting Missouri River flood water, available seasonal water, other excess water or purchased water could be an effective strategy to mitigate Missouri River flooding and depletion of the Ogallala aquifer.
10. Approximately \$35 Billion in crops are grown each year on the High Plains.
11. Farmland in the region produces nearly 1/5 of the wheat, corn and cotton in the United States each year; and nearly 1/2 of the sorghum and cattle in the United States each year.

12. Despite aggressive efforts to conserve water in the region, depletion continues, and, without a new source of water, the region will eventually be without a source of water, particularly for irrigation.
13. The Missouri River watershed is the longest drainage basin in the United States.
14. As early as 1967, water transfer plans were proposed to divert flood water to supply the foregoing High Plains states.
15. The 1982 Study further examined the feasibility of water transfer from the Missouri River basin to the High Plains.
16. A project of this nature could help solve the Missouri River basin flooding by diverting the flood water to the High Plains and, thereby mitigate the High Plains aquifer depletion issues.
17. Such a project is important to North Plains Groundwater Conservation District ("NPGCD") because, if determined to be feasible, moving water from the Missouri River Basin to the High Plains will help ensure the continued economic and social viability of the Ogallala region and, specifically, the area served by NPGCD.

#### **RESOLUTION**

Therefore, be it resolved that the August 13, 2021 Resolution is hereby amended to authorize the NPGCD to pursue any and all authorizations and funding necessary to update the 1982 Study and such other activities as may be necessary to fulfill the goals set out in the August 13, 2021 Resolution;

Be it further resolved that the August 13, 2021 Resolution is amended to authorize the District to cooperate with the other states in the Six State region described in the 1982 Study including necessary expenses to pursue such cooperative efforts.

Harold Grall moved to amend and adopt the August 13, 2021 Resolution of the Board as set forth above. Mark Howard seconded the motion and it was unanimously approved and adopted by the Board.

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

Steve Walthour reported that the 2021 Annual Production Reports were email beginning November 5, 2021, for all producers that have confirmed their emails. Non-confirmed emails of recipients shall be sent the 2021 Production Reports by regular mail on November 15th, 2021. The early mail out gives a producer an opportunity to correct any discrepancies or request missing reports before reporting their production. Producers are encouraged to report their production as soon as possible. All 2021 Production Reports are due by March 1, 2022.

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

The General Manager reported that there was no compliance or contested matters to be discussed with the Board.

**Action Agenda 3.I. - Executive Session - Section 551.071 of the Texas Government Code.**

None.

**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, predrill inspections and post-drill well inspections as of October 2021, and upcoming meetings and conferences.

**Discussion Agenda 4.a. - 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.

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

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


**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 January 11, 2022, at 9:00 a.m.

**Agenda 6. - Adjournment.**

There being no further business to come before the meeting, President Zimmer adjourned the meeting at 11:01 a.m.

  
Bob B. Zimmer, President

  
Zac Yoder, Secretary