

**MINUTES OF THE MARCH 14, 2023
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 March 14, 2023, 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 9:06 a.m.:

Daniel L. Krienke, Vice President
Bob B. Zimmer, Secretary;
Justin Crownover, Director;
Harold Grall, Director; and,
Allan Frerich, Director.

Staff present during part or all the meeting:

Steve Walthour, General Manager;
Kirk Welch, Assistant Manager;
Kristen Blackwell, Administration Manager;
Odell Ward, Aquifer Science Manager;
Lou Orthman, Compliance Coordinator;
Curtis Schwertner, Natural Resource Specialist; and
Baylee Barnes, Conservation Outreach Specialist; and,
Krystal Donley, Administrative Assistant.

Others present during part or all the meeting:

Marvin L. Jones, Esq.
Tom Forbes, Esq. – via Zoom
F. Keith Good, Esq.; and,
Ellen Orr, Paralegal.

Vice President Krienke declared a quorum present and called the meeting to order at 9:06 a.m. Vice President Krienke gave the invocation and led the pledge.

1. - Public Comment

No Public Comment was made to the Board.

Action Agenda 3.e. - Receive report regarding the 88th Legislative Session.

Tom Forbes, Esq. presented a report to the Board regarding the 88th Legislative Session. Mr. Forbes stated that a record number of Bills (approximately 8,000) had filed by the filing deadline and most likely, less than 2,000 will be passed.

The following report was provided to the Board regarding Bills which were filed:

HB 1852 Holland, Justin(R) Relating to the authority of the Texas Commission on Environmental Quality to issue an order to create a special district.

Remarks: Would amend 36.022 to prohibit TCEQ from issuing order creating a GCD; makes same change to Ch. 49 and Ch. 375 of Local Govt Code.

HB 1971 Ashby, Trent(R) Relating to the procedures for acting on a permit or permit amendment application by a groundwater conservation district and the disqualification of board members of groundwater conservation districts.

Remarks: Would amend Chapter 36 to provide that a director of a GCD who has recused themselves from voting or fails to attend 2 consecutive meetings is disqualified from service on the board; a board member recused from voting shall not count toward quorum or majority requirements; limits board continuances; for contested cases that go to SOAH, provides that a district's final permit decision must be in writing and adopted within 180 days after receipt of a PFD; failure to do so results in PFD becoming final.

Comment – Would potentially disqualify any farmer or other citizen that sat on a GCD board who had two or more permits before the board that would be appropriate for that farmer to recuse himself from taking action to serve on the board. Would disqualify any citizen who sat on a GCC board who missed two board meetings regardless of the reasons such as business, family or health. In the case of North Plains, a board member would be disqualified if he or she missed two consecutive meetings over their four-year (Approximately 40 meetings) term.

HB 2119 Dorazio, Mark (F)(R) Relating to the award of attorney's fees in certain suits involving a groundwater conservation district.

Remarks: Would amend Ch. 36.066(g) and (h) to provide that any prevailing party shall be awarded attorney's fees; would apply only to suits filed after effective date of bill

Comment - Removes protection of GCD from paying attorney's fees to litigants that prevail in court.

HB 2443 Harris, Cody(R) Relating to the authority of certain persons to petition a groundwater conservation district to change certain rules.

Remarks: Would amend Ch. 36 to establish a procedure whereby a person could petition a GCD to initiate a rulemaking; as filed tracks HB 2123 from 86th, but anticipate a CS that will track language from HB 668/SB 152 from 87th

Comment – The District has discussed developing better procedures in its Rules.

HB 2483 King, Tracy(D) Relating to financial assistance provided and programs administered by the Texas Water Development Board.

Companions: **SB 837 Perry, Charles (Identical)** 2-10-23 S Filed

Remarks: Would add to Water Code Ch. 5 a new Water for Texas fund for water infrastructure projects; a portion of funds must be for water infrastructure projects by rural political subdivisions and for development of new water supplies (incl. produced water, water from another state, desal, research) to acquire 7m additional AF of water; creates water law audit program at TWDB; funds to be disbursed through existing TWDB funds

Comment – This would be a great opportunity to fund the feasibility study and help build the Ogallala project.

SB 156 Perry, Charles(R) Relating to the regulation of groundwater conservation districts.

Remarks: Would amend Ch. 36 by: changing award of attorney's fees from "shall" to "may; requiring notice of permit application in certain situations;

establishing a process to petition a GCD to initiate a rulemaking; clarifying which DFCs are used in management plan when a DFC is declared unreasonable; providing a notice requirement for landowners of certain permit applications/amendments. Language reflects the Senate version of SB 152 from last session.

Comment – Makes awarding attorney's fees to a GCD permissive instead of mandatory is silent in awarding attorney's fees to other parties, Provides for a district to prescribe the procedure for submission, considerations and disposition of a petition for rulemaking. Allows additional public notice before acting on a permit. The District would post a list of the permit applications that includes the name of the applicant and address or approximate location of the well or proposed well in the District's office and post the list on the home page of the District's Internet website.

SB 638 Springer, Drew(R) Relating to the governance and decision-making of groundwater conservation districts in contested cases.

Remarks: Would amend the following provisions in Water Code Ch. 36 to: disqualify from service any director who recuses themselves more than one time or misses two consecutive meetings (36.051); establishes "majority of the quorum" for decisions on permit applications (36.053); limits continuances (36.409).

Comment – Would potentially disqualify any farmer or other citizen that sat on a GCD board who had two or more permits before the board that would be appropriate for that farmer to recuse himself from taking action to serve on the board. Would disqualify any citizen who sat on a GCC board who missed two board meetings regardless of the reasons such as business, family or health. In the case of North Plains, a board member would be disqualified if he or she missed two consecutive meetings over their four-year (Approximately 40 meetings) term.

SB 837 Perry, Charles(R) Relating to financial assistance provided and programs administered by the Texas Water Development Board.

Companions: **HB 2483 King, Tracy** (Identical) 2-17-23 H Filed

Remarks: Would add to Water Code Ch. 5 a new Water for Texas fund for water infrastructure projects; a portion of funds must be for water infrastructure projects by rural political subdivisions and for development of new water supplies (incl. produced water, water from another state, desal, research) to acquire 7m additional AF of water; creates water law audit program at TWDB; funds to be disbursed through existing TWDB funds.

Comment – This would be a great opportunity to fund the feasibility study and help build the Ogallala project.

SB 988 Perry, Charles(R) Relating to the establishment of the TexMesonet Hydrometeorology Network and creation of the TexMesonet Advisory Committee.

Remarks: Would amend Ch. 16 Water Code to clarify authority of TWDB to monitor hydrometeorological conditions; directs TWDB to establish the TexMesonet network; grants authority to enter into agreements associated with the network; directs state agencies/political subdivisions to cooperate with network; allows TWDB to establish an advisory committee.

SB 1047 Perry, Charles(R) Relating to funding and activities of the Texas Produced Water Consortium.

Remarks: Would require Produced Water Consortium to select a pilot project by Oct. 2023 and report on status of pilot project, along with suggested policy/regulatory changes arising from implementation of pilot project.

HB 2460 King, Tracy(D) Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.

Companions: **SB 296 Perry, Charles (Identical)** 2-15-23 S Introduced and referred to Senate Water, Agriculture and Rural Affairs Committee

Remarks: Would direct TCEQ to update certain WAMs

Comment – Would apply to Regional Water Planning.

HB 2515 Rogers, Glenn(R) Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.

Remarks: Would repeal Water Code Sec. 11.085(s) and (t), which provides that surface water transferred from one basin to another loses its water rights priority.

Comment – This would remove an impediment to using surface water from outside a basin that would reduce the reliance on groundwater.

HJR 116 King, Tracy(D) Proposing a constitutional amendment creating the water for Texas fund to assist in financing water projects in this state.

Companions: **SJR 43 Perry, Charles (Identical)** 2-10-23 S Filed

Remarks: Associated with HB 2463

Comment – Creates a fund to encourage water development in the state.

SB 296 Perry, Charles(R) Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.

Companions: **HB 2460 King, Tracy (Identical)** 2-17-23 H Filed

Remarks: Would amend Water Code to require TCEQ to update WAMs for certain river basins.

Comment – The WAMs are used in Regional Water Planning and surface water availability.

SB 469 Springer, Drew(R) Relating to the eligibility of certain political subdivisions to receive certain financial assistance administered by the Texas Water Development Board.

Remarks: Would amend Water Code Chs. 15 and 17 to define "rural political subdivision" as service area with a population of 10k or less, along with other perimeters for purposes of utilizing TWDB financial assistance programs.

HB 92 Landgraf, Brooks(R) Relating to the authority of a municipality, county, or property owners' association to prohibit or regulate certain activities on residence homestead property.

Remarks: Would prohibit municipal, county, or property owners' associations from adopting or enforcing ordinances that prohibit rainwater harvesting and other activities.

HB 145 Vasut, Cody(R) Relating to a limitation on increases in the appraised value of real property for ad valorem tax purposes.

Remarks: Would amend Tax Code to apply exemptions to real property instead of homesteads and makes changes to timing of exemptions when property is transferred.

HB 163 Spiller, David(R) Relating to the applicability of lobbyist registration requirements to a person who provides legal services to a political subdivision.

Remarks: Would amend Gov't Code (Ch. 305.003) that a person does not need to register as a lobbyist if the person has an attorney-client relationship with a political subdivision to provide legal services and is entitled to receive compensation pursuant to agreement under which the person is retained.

HB 170 Spiller, David(R) Relating to certain requirements applicable to certain public entities that engage in lobbying.

Remarks: Would amend Gov't Code Ch. 556 to restrict public entities (including political subdivisions that impose a tax or are authorized to issue bonds) use of and compensation to lobbyists; restricts spending public money to pay a lobbyist unless first approved by majority vote of the governing body and certain information is posted on website.

HB 1306 Paul, Dennis(R) Relating to a requirement for certain entities to enter into a contract for election services.

Companions: **SB 742** Middleton, Mayes (F) (Identical) 2- 7-23 S Filed

Remarks: Would require counties to contract with political subdivisions for elections; does not require political subdivisions to contract with county.

HB 2023 Munoz, Sergio(D) Relating to the award of court costs and attorney's fees in certain actions challenging certain local laws, local regulatory actions, or the failure of an officer of certain political subdivisions to perform certain actions.

Remarks: Would make political subdivisions liable for decisions that a court determines are preempted by status constitution or state statute; mandatory attorney's fees.

HB 2350 Harris, Cody(R) Relating to the authority of a political subdivision to regulate certain activities.

Remarks: Would prevent a political subdivision from adopting or enforcing any rule or regulation that is more stringent than applicable state authority requirement on a person required to possess occupational license; monitor for possible implications to well driller/GCD interactions.

Comment: - Can affect regulating drillers and pump installers.

SB 175 Middleton, Mayes (F)(R) Relating to the use by a political subdivision of public funds for lobbying activities.

Remarks: Would amend Gov't Code CH. 556 to prohibit political subdivisions from spending public funds on lobbyist or organization that primarily represents political subdivisions and hires or contracts with a lobbyist

Comment – Inhibits the District from working with the Legislature during session and seeking professional advice and assistance regarding proposed or filed legislation.

SB 215 Eckhardt, Sarah(D) Relating to the prohibition on lobbying by certain elected officers.

Remarks: Would amend Election Code Ch. 141 to prohibit lobbying by certain elected officials; prevents standing for elected office if required to register as a lobbyist; has thresholds on population for application.

SB 679 Johnson, Nathan(D) Relating to the use of audiovisual technology during meetings by the Texas Water Development Board and the Water Conservation Advisory Council.

Remarks: Would amend Ch. 6 of Water Code to allow remote public testimony at TWDB meetings and to allow Water Conservation Advisory Council to hold open meetings in accordance with Gov't Code 551.127(c).

SB 680 Johnson, Nathan(D) Relating to the disclosure of certain contracting information under the public information law.

Companions: **HB 2492 Capriglione, Giovanni (Identical)** 2-17-23 H Filed

Remarks: Would amend Gov't Code Ch. 552, Govt. Code, to require disclosure of certain types of contracting information; would prohibit a governmental body from declining to release information even if it intends to assert an exception to disclosure.

SB 742 Middleton, Mayes (F)(R) Relating to a requirement for certain entities to enter into a contract for election services.

Companions: **HB 1306 Paul, Dennis (Identical)** 1-12-23 H Filed

Remarks: Would require counties to contract with political subdivisions, does not require that political subdivisions contract; should probably more specifically address cost - that cost charge cannot exceed cost to county for adding to election.

SB 864 Hughes, Bryan(R) Relating to certain seller's disclosures for the sale of residential real property.

Remarks: Would modify seller disclosure statement to include special district question. This bill could potentially be modified to improve notice regarding groundwater/wells/GCDs.

SB 933 Middleton, Mayes (F)(R) Relating to the definition of a governmental body for the purposes of the public information law.

Remarks: Would add "a nonprofit state association or organization primarily composed of similarly situated political subdivisions" to definition of "governmental body" for purposes of public information law.

Mr. Forbes departed the meeting at 9:26 a.m.

Action Agenda 3.h. - Consider action regarding BLF request for Exception Rehearing under District rules regarding Chapter 7 Groundwater Production Units ("GPU") specifically District Rules 7.5 and 7.6.

Action Agenda 3.j. - Closed Session.

Executive Session - Section 551.071 of the Texas Government Code.

At 9:27 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 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 unanimously approved by the Board.

Executive Session: At 9:27 a.m., the Board went into Executive Session. At 10:21 a.m., Harold Grall moved that the Board reconvene into regular session. Bob B. Zimmer seconded the motion, and it was unanimously approved by the Board.

The Board reconvened into regular session at 10:21 a.m.

Bob B. Zimmer moved to grant BLF Land, LLC's request for rehearing, re-asserted by its attorney, Marvin Jones, Esq. on March 8, 2023, in regard to the District's denial on February 14, 2023, of BLF Land, LLC's Application for Exception to Chapter 7 of the District's Rules, specifically Rules 7.5 and 7.6. Harold Grall seconded the motion, and it was unanimously approved by the Board.

Bob B. Zimmer moved to suspend the application of the timelines set forth in Rule 11.2.7 (Request for Rehearing) on BLF Land, LLC's request for rehearing for 120 days to allow continued negotiation between representatives of BLF Land, LLC and the District to resolve BLF Land, LLC's compliance matters, including its 2021 overproduction and its current metering issues. Harold Grall seconded the motion, and it was unanimously approved by the Board.

Action Agenda 3.g - Discuss and consider request to allow de minimis livestock watering from irrigation wells without flowing through meters.

The Board discussed a request to allow de minimis livestock watering from irrigation wells without flowing through meters. Bob B. Zimmer moved that the Board continue to require all wells which are capable of producing more than 16.5 gallons of groundwater per minute to be metered, even if the well is used for de minimis livestock watering. Harold Grall seconded the motion, and it passed by the majority vote of the Board with Allan Frerich opposing the motion.

2. - Consent Agenda

The Consent Agenda was discussed by the Board and consisted of: (a) the review and approval of the Minutes of the regular Board of Directors Meeting held on February 14, 2023; (b) the review and approval of un-audited District expenditures for February 1, 2023 through February 28, 2023, including the General Manager's expense and activity reports; (c) the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses incurred from February 1, 2023 through February 28, 2023 in the amount of \$12,375.04; and, (d) ratification of the tax sale of Lot Two (2), Block Three (3), Unit No. 1, Harbor Heights Addition to the City of Stinnett, Hutchinson County, Texas to LaTrina Gerstberger for \$2,000.00.

Bob B. Zimmer 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 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.

It was noted that 90 non-exempt Well Permits had been issued by the District since January 1, 2023; that 9 Exempt Wells had been Registered since January 1, 2023; and that 60 non-exempt Well Permits had been approved by the Board since January 1, 2023.

Number	Class	Quarter	Section	Block	Survey	N S	E W
DA-12254	B	NE	15	3	CSS	204 N	825 E
DA-12256	C	SW	12	7-T	T&NO	52 S	74 E
DA-12303	B	NW	71	M E Hays	CRL	519 N	44 W
DA-12305	B	SE	2	2	B&B	390 S	797 E
DA-12306	B	NE	3	2	B&B	150 N	583 E
DA-12308	B	NW	6	A 7	PSL	2818 N	90 W
DA-12371	A	NE	6	6	CSS	405 N	435 E
DA-12388	D	NW	19	M E Hays	CRL	838 N	147 W
DA-12432	B	NE	29	1	CSS	21 N	395 E
HA-11890	B	NW	127	44	H&TC	171 N	103 W
HA-12085	C	NW	30	12	CSS	515 N	760 W
HA-12168	B	SE	4	5	CSS	845 S	707 E
HA-12177	C	NE	167	44	H&TC	719 E	56 E
HA-12178	C	SE	167	44	H&TC	440 S	426 E
HA-12364	C	NW	250	44	H&TC	121 N	110 W
HA-12373	C	NE	210	44	H&TC	210 N	230 E
HA-12402	D	SE	0	0	H HALL	506 S	1090 E
HN-12280	C	NW	126	45	H&TC	108 N	540 W
HN-12347	B	SE	192	45	H&TC	356 S	128 E
HN-12389	C	NW	10	1	WCRR	839 N	806 W
HN-12440	D	NW	91	4-T	T&NO	815 N	4 W
MO-12038	B	NE	363	44	H&TC	400 N	264 E
MO-12258	B	SE	20	Q	H&GN	378 S	16 E
MO-12339	B	NW	14	1-PD	W J MORTON	987 N	441 W
MO-12351	B	NW	14	1-PD	W J MORTON	1025 N	184 W
MO-12504	B	NW	208	3-T	T&NO	850 N	319 W
OC-12350	C	SW	12	13	T&NO	751 S	50 W
SH-12300	C	NW	131	1-C	GH&H	103 N	592 W
SH-12424	B	SW	267	1-T	T&NO	540 S	121 W
SH-12464	A	SE	207	1-C	GH&H	516 S	230 E

It was also noted that Mark Howard had Well Permits DA-12388, HA-12177, HA-12178, and HA-12402 listed on the Well Permit Schedule.

Harold Grall moved to approve all of the Well Permits listed on the Well Permit Schedule, noting that the Wells are properly equipped and otherwise comply with District Rules. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

Action Agenda 3.b. - Consider action to adopt desired future conditions approved by resolution of Groundwater Management Area 1 District representatives on August 26, 2021 and declared administrative complete by the TWDB executive administrator on December 16, 2022.

The General Manager requested that the Board table this item.

Action Agenda 3.c. - Receive report and consider action as needed regarding agriculture water conservation demonstration programs and the North Plains Water Conservation Center.

NPGCD Water Conservation Center Update
Nicholas Kenny, P.E.

2023 Irrigation Start-up

The crop plan at the WCC will continue in the corn – cotton rotation. The fields will be as follows:

East Pivot and North SDI – Corn
West Pivot and South SDI – Cotton.

Based on the current soil water storage condition at the WCC, the fields following cotton will require a moderate amount of pre-water to meet the critical management point, this will be in the East Pivot and the North SDI. The plan is to apply compost (already delivered to the WCC) and immediately follow with deep irrigation passes, likely applying up to 4" of pre-water. The East Pivot will be irrigated in bubble mode at approximately 2" per pass (8-10 day lap). The North SDI will be irrigated with 0.21" daily and monitored until satisfactory moisture is stored. Pre-emergent herbicide will be applied in April. Pre-watering will also accomplish the chemical incorporation.

The West Pivot and South SDI following corn are in excellent condition and the only pre-water scheduled will correspond to the application of pre-emergent herbicide. It is important to note and observe that this is the third consecutive winter with no appreciable precipitation. If you observe the GroGuru chart in Figure 1, notice the winter pattern in 2020 compared to the subsequent three winters.

Figure 1: GroGuru probe on the East Pivot showing 4-years of the corn cotton rotation. Notice the very dry winters of the last three years. Especially notice how dry the East Pivot is in its current state following the 2022 cotton crop. Pre-water is expected to commence in mid-March following compost spreading.

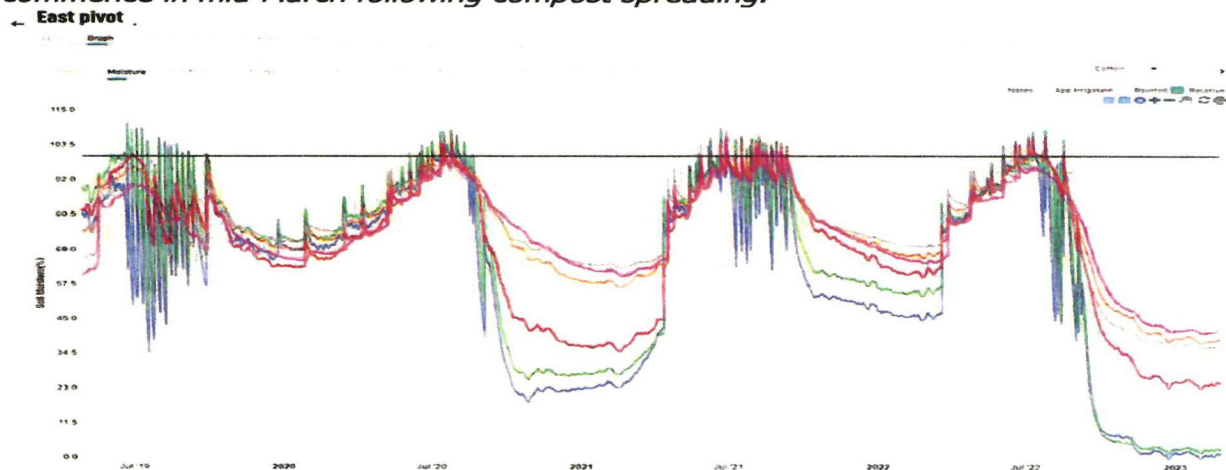


Figure 2: GroGuru probe on the West Pivot showing 4-years of the corn cotton rotation. Compare the stored soil moisture following corn to the condition of soil profile following the cotton. Recall that we irrigated this corn later into the season than normal in the hopes of overcoming the intense irrigation demand on the corn in August 2022.

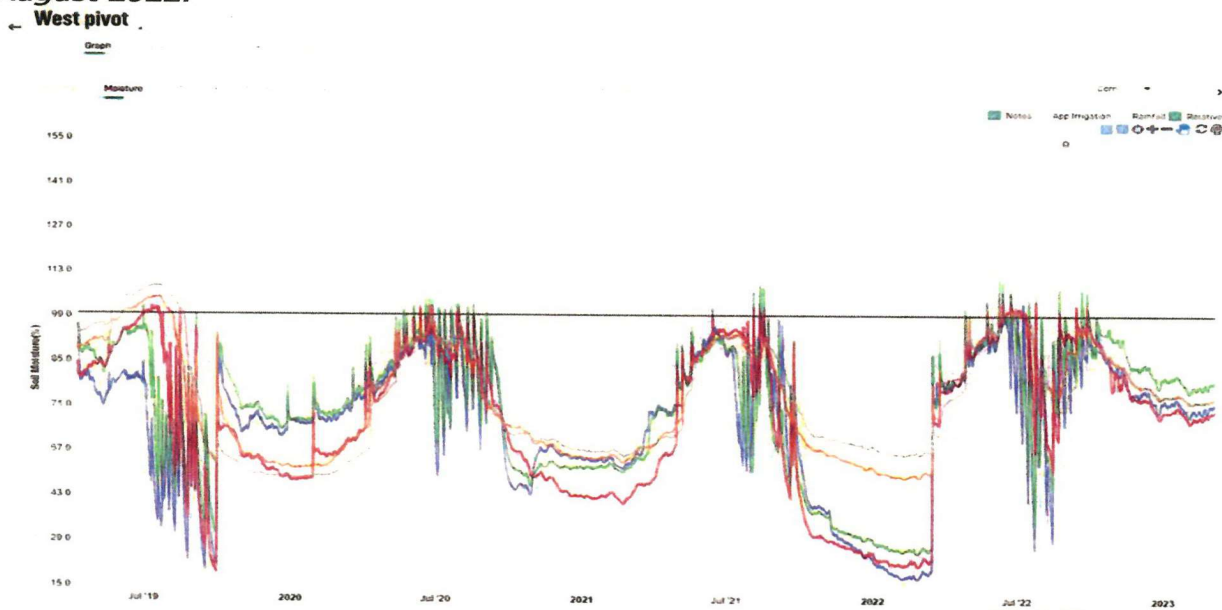
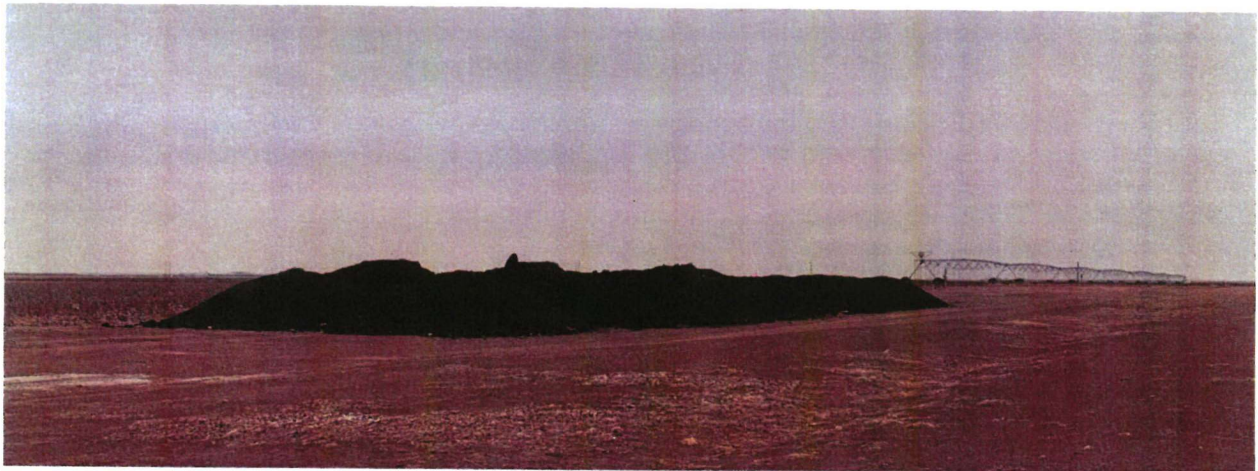


Figure 3: Compost Staged at WCC

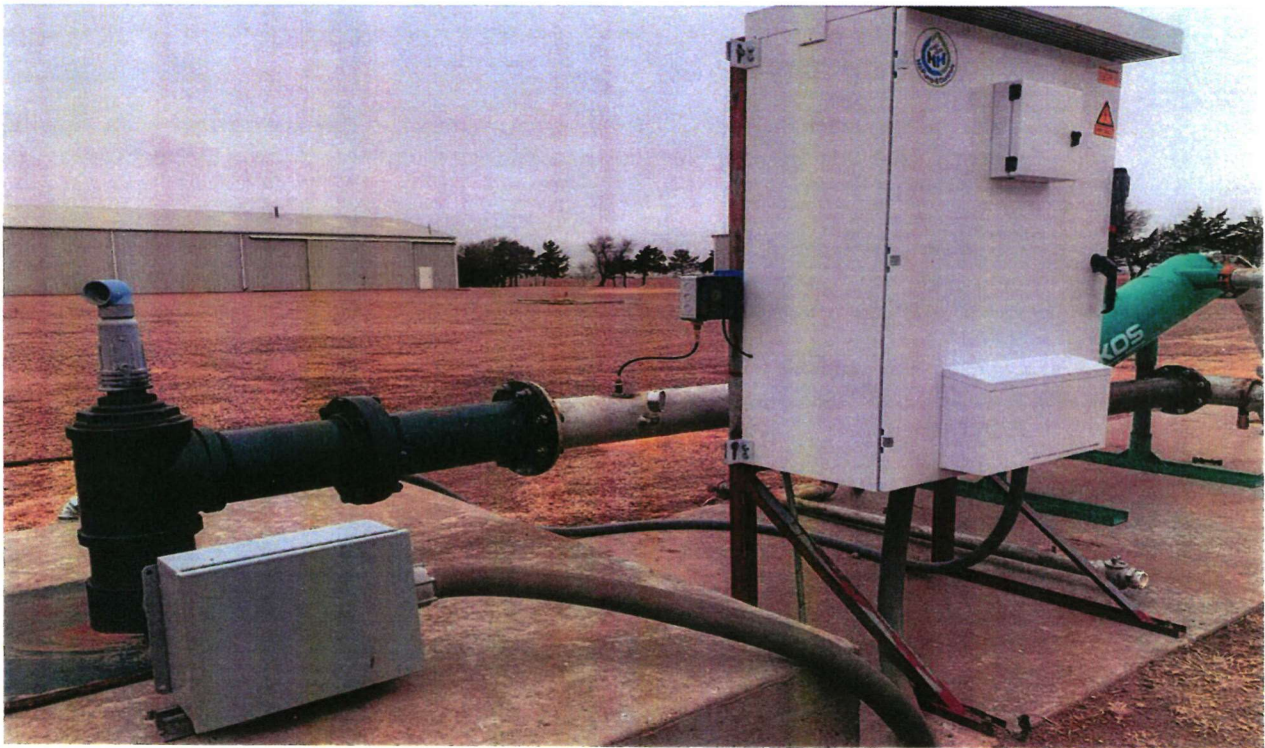


East Well Repairs

The variable frequency drive on the East Well malfunctioned at the end of the 2022 growing season. Quotes were obtained for replacement and repair from Brandon and Clark as well as a quote for replacement from Ag H2O. The quote to replace the VFD with a new 100hp Danfoss AquaDrive unit from AgH2O for \$15,550, installed.

The Danfoss VFD was installed over the week of 27 Feb. During installation, it was observed that a short run of the discharge pipe (just prior to the sand separator) has worn through from rust and sand pumping and required replacement. This was observed during the installation of the pressure transducer fitting. Curtis made arrangements for this piece of the discharge pipe to be repaired by Down and Dirty ditching. This repair is noticeable in Figure 4 below just to the right of the VFD. Notice also that the pressure transducer was installed and connected during this repair.

Figure 4: East Well with new Danfoss VFD and section of discharge pipe to be replaced.



Master Irrigator

The Master Irrigator Class of 2023 is completed. Approximately 27 participants graduated and received certificates on March 8th.

Process for Allowing Growers from Other Districts to Have Access to MI Funds
Texas Water Development Board Agriculture Conservation Program Director, Antonio Delgado, presented the idea of the District allowing producers from outside the boundaries of the District to qualify for the funding. Delgado expressed that the TWDB would be agreeable to distribution of funds to "outside" participants within the State. The concept was introduced at the February 14 Board meeting and management was directed to investigate a process by which the program funding could be made available to growers within the State of Texas, but outside the boundaries of the North Plains Groundwater Conservation District.

The following are some suggested guidelines:

1. Growers within the District continue to have priority for participation in the program and access to funds.
2. District continues to allow growers outside the boundaries of NPGCD to participate if there are not enough applicants from inside the District boundaries to fill the class.
3. Participants from outside the District would have access to the MI funding with the same responsibilities for equipment upkeep and reporting as those within the District boundaries.
4. Equipment inspections outside the District would be performed by District personnel or by staff of the district in which the equipment is located.

Options:

- a. Continue to hold the event in the NPGCD but allow outside participation and access to funds.
- b. Seek participation from other groundwater conservation districts to present the program. Consider holding the event in a central location outside the District.

NRCS Payments for Irrigated to Dryland Rotation

The Agriculture Committee may have a recommendation on this item.

Director Frerich requested that the District investigate the potential of an NRCS EQIP Program under code 328 for Crop Rotation that pays between \$260 to \$400 per acre on irrigated land that is converted to dryland. Local NRCS representatives said those payments may be available in Oklahoma and Kansas, but not in this area at this time. Based on the District's track record with the Texas Conservationist, the board advocating the program could go a long way in initiating it in Texas. There is the possibility that this program could be available in the future. District staff will bring back a proposal regarding this issue in April.

Action Agenda 3.d. - Receive report regarding 2022 Annual Production Reporting.

The General Manager reported that approximately 2,973 production reports for 2022 were sent to 677 recipients via mail or email by December 5, 2022, with an option to report online, upon request. As of March 3, 2023, 2865 production reports have been received and 1550 reports have been entered. Fifteen (15) recipients were set up to report online. Twenty- nine (29) production reports have been successfully submitted and approved through the online portal.

Action Agenda 3.f. - Receive Panhandle Water Planning Group Report.

The General Manager reported that a group meeting was coming up and that the group had been working on ag production numbers. Daniel L. Krienke stated that the numbers from the Texas Water Development Board continued to be inaccurate and he believed that we should continue using the District's numbers because they are the most accurate information we have to utilize.

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

Action Agenda 3.j. - Closed Session.

Executive Session - Sections 551.071 and 551.074 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 attorneys to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 and to discuss a personnel matter. Harold Grall seconded the motion, and it was unanimously approved by the Board.

Executive Session: At 10:51 a.m., the Board went into Executive Session. Justin Crownover departed the Executive Session at 11:00 a.m. At 11:26 a.m., Harold Grall moved that the Board reconvene into regular session. Bob B. Zimmer seconded the

motion, and it was unanimously approved by the Board.

The Board reconvened into regular session at 11:26 a.m.

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

No Director reports were presented.

Discussion Agenda 4.b. - Committee Reports.

No Committee reports were presented to the Board.

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

The General Manager's presented his report to the Board in the Board Packet which included the General Manager's activity summary, the District's activity summary, permits issued in February 2023, Conservation Outreach Activities, Aquifer Science Activities, Well Inspections and Type Completed during the past 12-month period.

The District's General Counsel, F. Keith Good, presented a report to the Board regarding "Produced Water" which was included in a groundwater seminar that Mr. Good had recently attended from the 23rd Changing Face of Water Law Conference in San Antonio.

Set Next Meeting Date and Time

The next regular meeting of the Board was scheduled for April 11, 2023, at 9:00 a.m.

Adjournment.

There being no further business to come before the meeting, Allan Frerich moved to adjourn the meeting. Bob B. Zimmer seconded the motion, and it was unanimously approved by the Board. Vice President Krienke adjourned the meeting at 12:02 p.m.



Danny Krienke, Vice President



Bob B. Zimmer, Secretary