

# PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

March 27, 2023

## REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS

The Board of Directors (the “Board”) of the Prairielands Groundwater Conservation District (the “District” or “Prairielands GCD”) met in a regular board meeting, open to the public, within the boundaries of the District at 208 Kimberly Dr, Cleburne, TX, on March 27, 2023.

### CALL TO ORDER AND DECLARE REGULAR MEETING OPEN TO THE PUBLIC

President Charles Beseda presided and called to order the regular Board of Directors Meeting at 9:31 a.m., announcing the meeting open to the public.

### ROLL CALL

The roll was called of the members of the Board of Directors, to wit:

Charles Beseda  
Brad Daniels  
Barney McClure  
Paul Tischler

John Curtis  
Maurice Osborn  
Marty McPherson  
Kathy Tucker

All members of the Board were in attendance, thus constituting a quorum of the Board of Directors. Also present at said meeting were Kathy Turner Jones, General Manager; Brian Sledge, General Council; District staff; and members of the public. *Copies of the public sign-in sheet(s) are attached hereto as Exhibit “A”.*

### PUBLIC COMMENTS

President Beseda announced the Board would now receive public comment on issues relating to today’s agenda. The following persons provided public comments:

Mr. Matt Van Hattem, Sr. representing Collier Consulting asked to hold his public comment until after the board work session presentation.

### CONSENT AGENDA

Motion was made by Director McClure to approve the consent agenda. Director Curtis seconded the motion and it carried unanimously by all those who were present.

### FINANCE REPORT – Brian Watts, Comptroller

- a) Presentation of unaudited financials for the month of February 2023. Mr. Watts reported ending cash balances for February 28, 2023, totaled \$2,246,583.76 and stated that compared to the ending cash balances on February 28, 2022, February 2023's balances reflect an increase in cash of \$99,124.73. Profit and Loss report for the month of February showed gross revenue of \$43,641.49 and a refund allowance accrued for February of \$3,818.40, bringing the District's "net" revenue to \$39,823.09 for the month end. Total operating expenses for the month of February totaled \$161,920.65, leaving a net result of \$122,097.56 of expenses in excess of revenues.
- b) Update on 2022 water use fee refunds. – Mr. Watts discussed a chart provided in the directors' board packets which listed the permittees who qualified for the refunds in accordance with the District Rules. Total refunds issued following 2022 production totaled \$190,575.91, equivalent to 9.98% of the 2022 water production fees collected.

**GROUNDWATER MANAGEMENT AREA 8 – UPDATE ON ACTIVITIES RELATED TO JOINT PLANNING IN THE DEVELOPMENT OF DESIRED FUTURE CONDITIONS – Kathy Turner Jones**

- a) Discussion and possible action regarding Interlocal Agreement related to Groundwater Management Area 8 (GMA 8) funding for update to Northern Trinity Groundwater Availability Model, including but not limited to authorizing the District representative to GMA 8 to execute the Interlocal Agreement on behalf of the District and take action as necessary. Ms. Jones reported GMA 8 met on March 7, 2023, at the District's office in Cleburne and reviewed a draft Interlocal Agreement for funding updates to the Northern Trinity Groundwater Availability Model (NTGAM). She noted the proposed cost to GMA 8 is estimated at \$591,000 which will be shared between the 11 GCD's representing GMA 8. Ms. Jones recommended the board authorize the GMA 8 representative to execute the Interlocal Agreement and funding to update the GAM over a two-year period totally \$61,000 for the District. Motion was made by Director Curtis to authorize the District Representative to GMA 8 to execute the "Interlocal Agreement Regarding Groundwater Management Area 8 Funding for Update to Groundwater Availability Model" on behalf of the District. Director McClure seconded the motion and it carried unanimously by all those who were present.

**UPDATE ON PUBLIC OUTREACH ACTIVITIES, EDUCATIONAL, AND CONSERVATION EFFORTS – Whitney Curry, Public Relations/Education Director**

Ms. Curry provided an update on the schools enrolled with Tinker, LLC for Fall 2022 in Ellis and Hill counties and reported of the 351 students who were enrolled, 223 have completed the assigned assessments. Final assessment numbers for the remaining 128 are in progress. Ms. Curry noted for FY 2023, Tinker, LLC has began the recruitment process with 170 students currently enrolled at four schools in Johnson and Hill counties. She also highlighted some of the topics included in the spring eLine newsletter released on March 22. Ms. Curry discussed two recent presentations with the Water Education Trailer at Dinosaur Valley State Park and an educational booth focused on rainwater harvesting at the Ellis County Master Gardeners Expo.

Ms. Curry noted the District participated in two social media campaigns, National Groundwater Association's Groundwater Awareness Week and EPA's Fix-a-Leak Week. She concluded her presentation by mentioning several upcoming events she has scheduled in the coming months.

#### **UPDATE ON WELL MONITORING AND FIELD OPERATIONS – Michael Heath, Field Operations Coordinator**

Mr. Heath reported on field activities since the last board meeting. Mr. Heath stated field staff has reviewed the 2022 water levels and the data has been sent to the TWDB. Mr. Heath reported staff executed eight gpm verifications and corrected the locations of 55 exempt wells. Mr. Heath concluded his report stating INTERA's senior geologist, Ed Hughes, had received one proposal so far for the drilling and installation of monitoring well in grid 40-07. INTERA is exploring all available options for drilling companies.

#### **HYDROGEOLOGIST REPORT – Wade Oliver, INTERA, Inc.**

Mr. Oliver reiterated comments from the monitoring wells report regarding the monitoring well in grid 40-07. Mr. Oliver concluded his presentation by stating he would be making a presentation regarding the allocation evaluation later in the agenda.

#### **GENERAL MANAGER'S REPORT AND UPDATE – Kathy Turner Jones**

- a) Update on current administrative activities of the District. – Ms. Jones noted several past and upcoming meetings involving the District.
- b) Monthly update on well registrations and groundwater production reports. – Ms. Jones reported the month of February the water usage totaled 413,063,974 gallons, and 2023 production is up approximately 20 million gallons from 2022, totaling 955,304,876 gallons. Permitting Report for the month of February, Ms. Jones noted year-to-date the District has issued 207 permits with a total permitted authorization of 9,530,517,162 billion gallons.
- c) Enforcement. – Ms. Jones stated that staff is managing those currently on enforcement is and no formal board action is required at this time.

#### **GENERAL COUNSEL'S REPORT – Brian L. Sledge**

Mr. Sledge briefly updated the board on Legislative issues noting the 8,198 bills that had been filed this session and that his firm is actively tracking 179 of them for the District.

#### **BOARD WORK SESSION ON EVALUATING DISTRICT'S GROUNDWATER PRODUCTION ALLOWABLE PER CONTIGUOUS CONTROLLED ACRE FOR OPERATING PERMITS AND NEW MODELED AVAILABLE GROUNDWATER VOLUMES FROM THE TEXAS WATER DEVELOPMENT BOARD**

President Beseda called the Board Work Session to order and welcomed the participation of the public.

- a) Presentation from District Hydrogeologist on preliminary analysis – Wade Oliver, INTERA, Inc. – Mr. Oliver presented the preliminary results of the allocation evaluation in relation the District’s maximum groundwater production allowable per contiguous controlled acre for Operating Permits in light of the new Modeled Available Groundwater (MAG) volumes for the District that were received from the Texas Water Development Board (TWDB) after the most recent adoption of Desired Future Conditions (DFCs) for the District. According to District Rule 5.2 (b), the initial production allowable is currently established at 50,000 gallons per acre. The District Rules contemplate that the production allowable per contiguous controlled acre for Operating Permits may be adjusted downward from this initial amount in the future if necessary to achieve the DFCs, but that the floor for how much it can be adjusted downward is the True Production Allowable. The True Production Allowable per contiguous controlled acre is determined by dividing the MAG for an aquifer in the District by the estimated total number of surface acres overlying the aquifer in the District. Mr. Oliver explained that the calculation of the True Production Allowable under the new MAG comes out to approximately 4,760 gallons per acre per year.

Mr. Oliver also stated that, because of a public comment previously received by the District from Collier Consulting, Intera also calculated a variation of the True Production Allowable that apportions available groundwater under the MAG on a three-dimensional basis so that properties with greater aquifer thickness are allocated a greater proportional share of the available groundwater. Mr. Oliver stated that under that calculation with the True Production Allowable being weighted for aquifer thickness, the highest production allowable for land in the District that overlies the very thickest portions of the aquifer would still only be approximately 14,042 gallons per acre per year, which is well lower than the current production allowable. Director McPherson expressed concern that, based on these numbers, if the Board wants to change the current 50,000 gallons per acre production allowable, it should consider lowering it—not increasing it.

Mr. Oliver also presented information to the Board that compared estimated total groundwater production from 2017 to 2022 to the new MAG values received from the TWDB. Based on the current average annual groundwater availability under the MAG, which is 26,775 acre-feet per year, estimated annual total groundwater production is slightly below the MAG for most years, although it was slightly above the MAG in the drought year of 2022.

- b) Receive public comment and suggestions or alternative ideas regarding the groundwater production allowable per continuous controlled acre – The Board invited the public to provide comments on the presentation by Mr. Oliver and the production allowable per contiguous controlled acre. The Board received public comment from Mr. Matt Van Hattem representing Collier Consulting, who advised the Board that he was a last-minute stand-in for Aaron Collier who was unable to attend. To accommodate Mr. Collier and get his input on the issue, the Board agreed to put the item on the agenda again at the April board meeting.
- c) Discuss path forward and future public meetings on this topic – The growth within

the boundaries of Prairielands GCD over the past 53 years has tripled. It was mentioned the population for all four counties was approaching 500,000 people and for Johnson County in 2022 was over 195,000 people. Director McClure noted the population for Johnson County in 1975 was 56,200 people, and we need to be planning for the next 50 years. Director Curtis noted we need to be educating the counties about the current limited water supply. Ms. Jones suggested hosting Lunch and Learn sessions in each county with permittees.


#### **OPEN FORUM/DISCUSSION OF NEW BUSINESS FOR FUTURE MEETING AGENDAS**

President Beseda announced the new committee assignments. President Beseda called for a motion of the Board to accept their committee assignments. Director McPherson moved to accept the new committee assignments. Director McClure seconded the motion. Director Osborn voted against. Motion passed.

#### **ADJOURN**

There being no further business, Director McPherson made a motion to adjourn the meeting which was seconded by Director Daniels. The motion passed unanimously by all those who were present. The meeting was adjourned at 10:38 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 17<sup>TH</sup> DAY OF APRIL 2023.**

  
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Maurice Osborn, Secretary/Treasurer