

**PANHANDLE GROUNDWATER
CONSERVATION DISTRICT**

BOARD OF DIRECTORS HEARING

District Office – Windmill Room
201 W. Third Street, White Deer, Texas

Thursday December 20, 2018
9:00 A.M.

Those present were:

Danny Hardcastle	President
Phillip Smith	Vice-President
Chancy Cruse	Secretary
Joy Shadid	Director
John R. Spearman, Jr	Director
C. E. Williams	General Manager
Peter Winegeart	Asst. Manager
Monique Norman	Attorney
Bill Mullican	Professional Geoscientist
Steve Shumate	Geoscientist
Britney Britten	PR/Education
Jennifer Puryear	Meteorologist
Julie Bennett	Admin. Asst.

Guests present: Paul Argonbright, City of Wheeler; Mark Cadra, Rusty Early, Raymond Henry, Matt Hinton, Scott Honeyfield, PSC; Bob McCain, Chad Pernell, CRMWA; Kevin Ratliff, Troy Ritter, Jan Shaw, Lee Shaw, Barry Smith, Shane Stokes, City of Pampa; Gary Turley, City of Pampa; Lance Weaver, Lance Williams

AGENDA ITEM 1 – Call to Order

President Danny Hardcastle called the hearing to order at 9:05 A.M.

AGENDA ITEM 2 – INTRODUCTIONS

All present introduced themselves.

AGENDA ITEM 3- PRESENTATION OF PROPOSED PANHANDLE GROUNDWATER CONSERVATION DISTRICT RULE CHANGES.

General Manager C.E. Williams welcomed everyone stating that this public hearing is being held in accordance with Chapter 36.101 of the Texas Water Code and Rule 10 of the Panhandle Groundwater Conservation District Rules.

Mr. Williams continued stating that the District has been working on the rule changes for over a year with a lot of effort from the Staff and Board. He went on to make a presentation of the high points of the major rule changes.

A copy of the presentation is attached to these minutes

AGENDA ITEM 4 – PUBLIC COMMENT AND DISCUSSION

Floyd Hartman with the City of Amarillo stated that the new rules simplify the process and maintain consistency with the rules from 2004. Mr. Hartman asked the Board to consider making the quarter-mile waiver larger than 640 acres.

Kent Satterwhite with CRMWA stated that he is involved with water throughout the state and very familiar with water districts throughout the state and clear to him that Panhandle Groundwater is the best in the state and applauds the hard work from the Staff and the Board and feels like the District is headed in the right direction.

Paul Argonbright with the City of Wheeler stated that after visiting with President Hardcastle and C.E. Williams he understands the District doesn't distinguish between irrigation wells and municipal wells; however, he is asking the District to reconsider that policy. Mr. Argonbright added that there will be a substantial cost to the City and the tax payers to come into compliance with the new rules and take money away from the maintenance and repair of their water system.

Brian Guymon with the Underwood Law Firm representing the City of Wheeler stated that there should be more consideration given for the situations the cities face with the proposed rules. He feels there should be a grandfather provision for these wells that were drilled years before Wheeler County came into the District. Mr. Guymon added the cost to the City of Wheeler will be in the hundreds of thousands of dollars with no added income and would like to see an exemption to cities in respect to the proposed rule changes.

General Manager C.E. Williams responded to Floyd Hartman's comment. Mr. Williams stated that the District is willing to give some flexibility without allowing huge acreages corner to corner. C.E. added that the District Rules are required to apply to everyone the same; therefore the District has the task of deciding what's reasonable yet achieve the conservation of the aquifer.

The District's Attorney Monique Norman also responded on Mr. Hartman's comment stating that the statute allows for contiguous acreage based on science and property rights. The more contiguous acreage tracts that are allowed corner to corner of sections, causing checker boarding, effects other property owners. Ms. Norman added the aquifer doesn't work that way either and that's the reason why, per the chapter 36 of the water code and hydrologically the District doesn't allow large contiguous acreage tracts joined corner to corner.

Ms. Norman continued responding to comments made by Mr. Argonbright and Mr. Guymon concerning the City of Wheeler stating that state law doesn't allow the District to treat beneficial use differently. The State Supreme Court ruled that groundwater rights are property rights, so to not consider the property rights around a well, municipal or otherwise and allowing wells to pump and not control the water rights around the wells would be a major legal concern to the District.

General Manger C.E. Williams responded the comments made by Mr. Argonbright and Mr. Guymon concerning the City of Wheeler stating that he understands the cost to bring the city into compliance; however, CRMWA, City of Amarillo and many independent farmers and ranchers have spent substantial sums of money over the years to be in compliance with District rules. Mr. Williams also stated that he would like to see some conservation by the City to help come into compliance. Mr. Williams continued stating that by law the District has to treat everyone the same and therefore there cannot be a grandfather clause just for municipalities. C.E. also stated that by producing more water than they have water rights for the argument could be made that the City is stealing their neighbor's water and the District has to take that into consideration as well.

President Danny Hardcastle responded to the comments made by Mr. Argonbright and Mr. Guymon concerning the City of Wheeler stating that if a waiver is granted to the City of Wheeler's wells then by law a waiver would have to be given to all wells drilled before coming into the District.

President Hardcastle polled the Board asking if they had any questions or comments.

Director Phillip Smith asked those in attendance if they had any questions.

Leland Gable addressed the Board asking what happens if everyone is producing within their one-acre foot, but there is still depletion of the aquifer.

President Hardcastle stated that the Board has written in a five year sunset provision. The provision allows the Board, at the end of five years, to look at the data from the well measurements the District will continue to get annually and if it looks like the draw down will keep the District from meeting the 50/50 standard will be decided if the one-acre foot allowable needs to be changed.

Director Joy Shadid thanked everyone for their feedback on the one-quarter mile waiver and asked if anyone else had an opinion on the waiver.


Amy Zybach from Wheeler stated that she is in favor of the one-quarter mile waiver, because it will help the City of Wheeler and the feedyard in Wheeler come into compliance.


General Manager C.E. Williams stated that the District received some written comments concerning the metering of windmills, which was never intended, so the staff made some changes to the draft before posting clarifying that meters will not be required on windmills and solar wells.

The Board reviewed some minor clerical changes recommended by the staff before consideration of adoption of the rules.

AGENDA ITEM 6 – Adjourn

The hearing adjourned at 9:52 AM


Chancy Cruse, Secretary


Danny Hardcastle., President