

**MINUTES OF THE PUBLIC HEARING
RED RIVER GROUNDWATER CONSERVATION DISTRICT**

WEDNESDAY, DECEMBER 12, 2012

**AT THE GREATER TEXOMA UTILITY AUTHORITY
BOARD ROOM
5100 AIRPORT DRIVE
DENISON, TX 75020**

Members Present: George "Butch" Henderson, George Olson, Don Wortham, David Gattis, Harold Latham, Don Morrison, Mark Patterson

Members Absent: None

Staff: Jerry Chapman, Carolyn Bennett, Wayne Parkman and Carmen Catterson

Visitors: Dale McQueen, Fannin County Leader
Alex Moser, Moser Drilling

NOTE: The audio recording of the hearing is the official record of the hearing. These minutes are provided only for convenience.

1. Call to Order, establish quorum; declaring hearing open to the public; introduction of Board.

President Henderson called the hearing to order at 1:30 PM. All members were present.

2. Review draft amendment to the Temporary Rules

Mr. Chapman explained that the staff and the Rules Committee discussed potential amendments to the Temporary Rules. The Committee, composed of Board Members Gattis, Latham and Wortham met and discussed the changes and have provided a recommendation. The staff had requested the Board review the Temporary Rules and discussed changes that would better suit the District without causing hardships.

These changes include modifications to the reporting and payment periods. The Board had developed a method for funding the District using contributions based on a proportionate share of water pumped in 2010. The District began registering wells and collecting production volume information in 2012. The reporting periods were initially set on a semi-annual basis. This would cause the District to receive no funds in 2012 until September or October. The staff has recommended that the reporting period be shortened to quarterly with payments and meter readings due within 30 days following the end of the period.

The registration process has also been recommended for modifications to separate exempt wells and non-exempt wells. Exempt wells would be given a 360-day registration with the ability to extend an

additional year. Non-exempt wells will be eligible for up to two years, depending on the difficulty and complexity of the well being drilled.

The Committee also provided recommended changes to implement seals on meters. The District would provide a seal on every meter that can only be removed by the District. If the seal needs to be removed to facilitate a meter change or repair, the District would need to be contacted to be present when the seal is removed and the new seal is added. The staff has discussed the response time and has commented that two days may not be adequate to respond to a request to remove a seal. The staff recommends the response time be extended to five days. The seals will help the District receive the most accurate information on the well and will verify that the meter has not been removed from one well to another. The cost to purchase the crimper and the seals will be minimal. The initial seal would be at cost to the District with subsequent seals be charged at the cost to install the seal.

The Committee also recommended removal of Section 8.3, which allowed for metering of aggregate systems. The Committee felt that each well should be individually metered to verify the amount of water being pumped by each well.

The enforcement area has also been amended for non-compliant well owners. A minor violation was also added for drilling with an expired well registration. If the Rules are contested in court, and the District wins, the person who filed suit must pay for all of the District's legal fees.

3. Public Comment (verbal comments limited to three (3) minutes each; written comments may also be submitted for the Board's consideration.)

Mr. Moser clarified that if someone challenged the District's Temporary Rules, if they lose they must pay all of the District's legal fees, but if they win they do not. However, the District will not be required to pay the individual's legal fees. Mr. Chapman confirmed this to be true.

Mr. Moser also asked if he would be able to break a seal to work on a meter and then put the well back into service. The Board stated that the Rules are designed for only the staff to be allowed to remove the seal, except in emergency situations.

Mr. Moser stated that he occasionally receives calls for abandoned or capped wells to be put back in service, even though they have not been used in several years. He asked if those wells would need to be registered and the Board confirmed all new exempt and non-exempt wells need to be registered. The well would have to be registered before any work began to rehabilitate the well.

4. Adjourn or continue public hearing on proposed rules

The Board unanimously adjourned the public hearing at approximately 1:50 PM.

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Recording Secretary


Secretary-Treasurer