RED RIVER GROUNDWATER CONSERVATION DISTRICT

BOARD MEETING

BOARD ROOM GREATER TEXOMA UTILITY AUTHORITY 5100 AIRPORT DRIVE DENISON, TEXAS 75020

> THURSDAY DECEMBER 8, 2016

AGENDA

RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS BOARD MEETING GREATER TEXOMA UTILITY AUTHORITY BOARD ROOM 5100 AIRPORT DRIVE DENISON, TEXAS 75020 THURSDAY, DECEMBER 8, 2016

Public Hearing

The Public Hearing will begin at 2:00 PM.

Notice is hereby given that the Board of Directors of the Red River Groundwater Conservation District ("District") will hold a public hearing, accept public comment, and may discuss, consider, and take all necessary action, including expenditure of funds, regarding modification and adoption of the District's proposed Temporary Rules.

Agenda:

- 1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board
- 2. Summary presentation and review of proposed changes to the Temporary Rules
- 3. Public Comment on Proposed District Temporary Rules (verbal comments limited to three (3) minutes each; written comments may also be submitted for the Board's consideration).
- 4. Adjourn or continue public hearing on the Temporary Rules.

At the conclusion of the hearing or any time or date thereafter, the proposed Temporary Rules may be adopted in the form presented or as amended based upon comments received from the public, the Texas Water Development Board, District staff, attorneys, consultants, or members of the Board of Directors without any additional notice.

Board Meeting

The regular Board Meeting will begin at 2:15 p.m. or upon adjournment of the above-noticed Public Hearing, whichever is later.

The Board of Directors may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items below:

Agenda:

- 1. Call to order, declare meeting open to the public, and take roll
- 2. Public Comment
- 3. Consider and act upon approval of Minutes of October 20, 2016, Board Meeting
- 4. Review and approval of monthly invoices
- 5. Receive monthly financial information
- 6. Receive Quarterly Investment Report
- 7. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs)
- 8. Consider and act upon compliance and enforcement activities for violations of District Rules
- 9. Consider and act upon 2017 Administrative Services Contract with Greater Texoma Utility Authority
- 10. Annual review of 2016 State Brush Control Plan for the Management Plan
- 11. General Manager's report: The General Manager will update the Board on operational, educational and other activities of the District
- 12. Open forum / discussion of new business for future meeting agendas
- 13. Adjourn

¹The Board may vote and/or act upon each of the items listed in this agenda.

²At any time during the meeting or work session and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Red River Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gifts (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

³ Persons with disabilities who plan to attend this meeting, and who may need assistance, are requested to contact Velma Starks at (800) 256-0935 two (2) working days prior to the meeting, so that appropriate arrangements can be made.

⁴For questions regarding this notice, please contact Velma Starks at (800) 256-0935, at rrgcd@redrivergcd.org or at 5100 Airport Drive, Denison, TX 75020.



ATTACHMENT 2



RED RIVER GROUNDWATER CONSERVATION DISTRICT AGENDA COMMUNICATION



DATE:

December 2, 2016, 2016

SUBJECT:

Agenda Item No. 2

REVIEW AND EVALUATE DISTRICT RULES REGARDING WASTE OF GROUNDWATER

ISSUE

The Red River Groundwater Conservation District adopted its Management Plan May 17, 2012. One of the requirements of the Plan is that the Board review and evaluate District Rules annually to identify any amendments needed to reduce the amount of waste of groundwater within the District's boundaries.

BACKGROUND

The District adopted Temporary Rules for Water Wells in Fannin and Grayson Counties, Texas August 29, 2011. These rules include a definition of "waste" on page 6 of Section 1, and Section 5 of the Rules addresses regulation of production and prohibition of waste. The Texas Water Development Board provides a table containing water loss information annually, derived from the Region C Water Planning Group for this District.

CONSIDERATIONS

A copy of the section of the Rules pertaining to this matter is attached for your review in determining if there are any amendments necessary regarding the amount of waste of groundwater within the District's boundaries.

ATTACHMENTS

Excerpts from Section 1 and Section 5 of the Red River Groundwater Conservation District Temporary Rules for Water Wells in Fannin and Grayson Counties
Region C Water Loss Thresholds Spreadsheet

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E.

General Manager

the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

- (33) "Pump" means any facility, device, equipment, materials, or method used to obtain water from a well.
- (34) "Registrant" means a person required to submit a registration.
- (35) "Registration" means a well owner providing certain information about a well to the District, as more particularly described under Section 3.
- (36) "Rule" or "Rules" or "Temporary Rules" means these Temporary Rules of the District regulating water wells, which shall continue to be effective until amended or repealed.
- (37) "Substantially alter" with respect to the size or capacity of a well means to increase the inside diameter of the pump discharge column pipe size of the well in any way or to increase the size of the pump on the well.
- (38) "TCEQ" means the Texas Commission on Environmental Quality.
- (39) "Tract" means a contiguous parcel of land under the ownership of a single entity, such as a corporation, partnership or trust, or an individual or individuals holding as joint owners or tenants in common.
- (40) "Transfer" means a change in a registration as follows, except that the term "transfer" shall have its ordinary meaning as read in context when used in other contexts:
 - (a) ownership; or
 - (b) the person authorized to exercise the right to make withdrawals and place the groundwater to beneficial use.
- (41) "Waste" means one or more of the following:
 - (a) withdrawal of groundwater from the aquifer at a rate and in an amount that causes or threatens to cause an intrusion into the aquifer unsuitable for agriculture, gardening, domestic, stock raising, or other beneficial purposes;
 - (b) the flowing or producing of water from the aquifer by artificial means if the water produced is not used for a beneficial purpose;
 - (c) the escape of groundwater from the aquifer to any other underground reservoir or geologic stratum that does not contain groundwater;

- (d) pollution or harmful alteration of groundwater in the aquifer by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
- (e) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or other order issued by the Texas Commission on Environmental Quality under Chapters 11 or 26 of the Texas Water Code;
- (f) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge;
- (g) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205, Texas Water Code;
- (h) operating a deteriorated well; or
- (i) producing groundwater in violation of any District rule governing the withdrawal of groundwater through production limits on wells, managed depletion, or both.
- (42) "Well" means any artificial excavation located within the boundaries of the District dug or drilled for the purpose of exploring for or withdrawing groundwater from the aquifer.
- (43) "Well owner" means the person who owns a possessory interest in: (1) the land upon which a well or well system is located or to be located; (2) the well or well system; or (3) the groundwater withdrawn from a well or well system.
- "Well system" means a well or group of wells connected by piping, storage, or that share or are tied to the same distribution system. Examples of a well system include, but are not limited to, a well or group of wells connected to the same ground storage tank, pond, or swimming pool.
- (45) "Withdraw" means the act of extracting or producing groundwater by pumping or other method.
- "Year" means a calendar year (January 1 through December 31), except where the usage of the term clearly suggests otherwise.

(d) The well owner must cease all production from the well being replaced immediately upon commencing production from the replacement well, and must plug the well being replaced within 90 days from the date that the replacement well is completed.

SECTION 5. REGULATION OF PRODUCTION; WASTE PROHIBITED

Rule 5.1 Temporary Production Limitations.

The maximum quantity of water that a person may withdraw from a well that is not exempt under Rule 2.1(a) is the amount of water the person produces and timely:

- (1) submits payment to the District for in accordance with the fee rate adopted by the District under Section 7; and
- (2) reports pumpage volumes to the District under Rule 3.10.

Rule 5.2 Regular Production Limitations.

In order to accomplish the purposes of Chapter 36, Texas Water Code, and the District Act, and to achieve the goals of the District Management Plan, the District may, after notice and hearing, establish groundwater production limitations for all wells when it adopts permanent rules for the District.

Rule 5.3 Waste Prohibited.

No person shall engage in any conduct subject to the District's regulatory jurisdiction that constitutes waste, as that term is defined herein.

A retail public utility that owns and operates a water pipeline from which groundwater escapes is not engaged in conduct subject to the District's regulatory jurisdiction so long as the retail public utility is pursuing in good faith a maintenance plan to discover and repair leaks and to identify and replace deteriorated waterlines consistent with the accepted standards of retail public water utilities located within the District.

SECTION 6. TRANSPORTATION OF GROUNDWATER OUT OF THE DISTRICT

Rule 6.1 General Provisions.

(a) A person who produces or wishes to produce water from a well not exempt under Rule 2.1(a) that is located or is to be located within the District and transport such water for use outside of the district must register the well and submit timely payment of the

Region C 2015 Water Loss Thresholds - Fannin and Gravson Counties

		1	IOIRAN	C 2013 Wal	2013 Water Loss Tiffesholds - Fannin and Grayson Counties	- spiousa -	rannın s	and Gray	son Con	nties				
Entity Bois D Arc MUD	Region	Year of Audit.	Retail Population Served	Retail Connections Served	Service Connection Density (#/mile)	Average Yearly Operating Presure (pounds per	thfra- structure Leakage Index /	Customer Meter Accuracy %	Systematic Data Handling Discre- pancy Assess- ment Scale	Un- authorized Consump. Assessment Scale	Apparent Loss per Connection (gallons per connection per day) (1)	Real Loss per Connection (gallons per connection per day) (2)	Real Loss per Mile (gallons per mile per day)	Adjusted Total Water Loss Percent age
Carriage House Estates	U U	2015	3,472	1,235	9 0	80	0.0	97.0	2.0	25.0	2	0	224	26.2
City of Bailey	С	2015	300	167	11	55	0.0	90.0	6.5	5.5	559	0 0	0 0	0.0
City of Bells	C	2013	1,779	593	37	40	n/a	96.0	7.2	9.0	16	37	n/a	20.6
City of Collinsville	U	2015	10,058	3,360	45	56	4.5	98.0	3.0	2.0	7	29	0	18.5
City of Denison	U	2015	2,420	913	11	65	0.0	95.0	4.0	2.0	10	0	79	8.6
City of Dodd City	o o	2015	22,816	10,060	40	45	4.3	98.5	1.0	2.0	9	55	0	13.2
City of Dorchester	ر ر	2015	550	234	23	44	0.0	98.3	0.5	0.5	2	0	1661	23.4
City of Ector	J	2010	1,761	327	23 8	200	0.0	0.66	0. 4.0	1.5	2 ,	0	0	0.0
City of Gunter	С	2015	1,512	504	9	65	0.0	95.0	0.7	2.0	14	n/a 0	219	14.4
City of Honey Grove	C	2015	1,668	745	32	56	0.0	0.96	2.5	2.0	7	62	0	25.1
City of Howe	U	2015	2,600	1,090	103	09	0.0	100.0	4.5	1.5	1	5	0	2.8
City o Knollwood	O	2015	200	240	160	43	0.0	0.06	4.5	4.5	15	0	0	0.0
City of Leonard	O	2010	760	340	11	40	n/a	0.66	0.0	0.4	2	n/a	332	18.3
City of Pottsboro	٥	2015	2,000	823	206	43	0.0	0.66	2.0	2.0	8	124	0	37.4
City of Sherman	0	2015	2,130	1,010	51	80	0.0	0.66	1.0	1.0	3	45	0	14.7
City of Southmayd	٥	2015	39,943	18,551	64	89	2.9	98.0	5.0	4.0	11	47	0	10.4
City of Southmand Washulow Sub	٥	2015	200	157	7	65	0.0	95.0	4.0	2.0	16	0	150	11.5
City of Southingly Westview Sub	C	2015	950	317	32	65	0.0	95.0	4.0	2.0	S	0	239	11.5
CITY of Hoga	O	2015	1,434	478	37	65	0.0	97.0	2.0	2.0	7	15	0	7.9
City of Tom Bean	0	2015	1,045	456	32	58	0.0	98.0	1.0	2.0	4	0	2474	29.4
City of Trenton	O	2010	662	330	10	58	n/a	0.86	0.0	0.9	00	n/a	104	5.1
City of Van Alstyne	O	2015	3,230	1,479	25	09	0.0	0.66	3.0	1.5	3	0	2358	16.0
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C 2015 3,950 1,968 70 655 0.0 95.0 1.0 C 2015 1,95 1,44 16 65 0.0 95.0 1.5 1.0 C 2015 1,99 1,44 16 54 0.0 95.0 1.0 1.0 C 2015 1,99 1,44 16 54 0.0 98.0 1.0 1.0 C 2015 1,256 562 9 60 0.0 98.0 1.0 1.0 C 2015 205 110 4 65 0.0 98.0 1.0 1.0 C 2015 1,10 145 14 60 0.0 98.0 1.0 1.0 C 2015 3,300 1,130 13 60 0.0 98.0 1.0 1.0 C 2015 3,300 1,131 1,1 60 99.0 90.0 90.0 90.0 <th>Entity</th> <th>Region</th> <th>Year of Audit</th> <th>Retail Population Served</th> <th>Retail Connections Served</th> <th>Service Connection Density (#/mile)</th> <th>Average Yearly Operating Presure (pounds per</th> <th>Infra- structure Leakage Index (-)</th> <th>Customer Meter Accuracy %</th> <th></th> <th>Un- authorized Consump. Assessment Scale</th> <th>Apparent Loss per Connection (gallons per connection per</th> <th>Real Loss per Connection (gallons per connection per day) (2)</th> <th>Real Loss per Mile (gallons per mile per day)</th> <th>Adjusted Total Water Loss Percent age</th>	Entity	Region	Year of Audit	Retail Population Served	Retail Connections Served	Service Connection Density (#/mile)	Average Yearly Operating Presure (pounds per	Infra- structure Leakage Index (-)	Customer Meter Accuracy %		Un- authorized Consump. Assessment Scale	Apparent Loss per Connection (gallons per connection per	Real Loss per Connection (gallons per connection per day) (2)	Real Loss per Mile (gallons per mile per day)	Adjusted Total Water Loss Percent age
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	/SC	0	2015	1,824	809	10	48	0.0	90.06	4.0	2.0	21	0	500	28.0

										Carlotte Section				SEC. 2015
						Average			Systematic		Apparent Loss			
							Infra-		Data	Ļ		Real Loss per		
			Retail	Retail	Service	Yearly	structure	Customer	SPECK	authorized	ħ.	Connortion	Real Loss per	Adjusted
Entity	Region	Year of Audit Population	Population	Connections	Connection	Operating		-	Discre-	Consumo	Connection	(pallone ner	Mile (gallons Total Water	Total Water
			Served	Served	Density	Presure		Accuracy %	pancy	Acceemont	(gallons per		per mile per Loss Percent	Loss Percent
					(1)	(pounds per				Variety III	connection per	collinaction per	davl	aĝe
					(#/wile)		Ð		Assess-	Scale		day) (2)		
						square inch)			ment Scale		day) (1)			
White Shed WSC	O	2015	2,800	1,067	6	09	0.0	98.0	0.5	0.5	ď	c	258	17.5
											,		230	C. /T

Apparent losses include meter malfunction/accruacy, systematic data handling discripancy, unauthorized consumption.
 Real losses include reported breaks and leaks, unreported loss.

BOARD MEETING AGENDA

ATTACHMENT 3

MINUTES OF THE BOARD OF DIRECTORS' BOARD MEETING RED RIVER GROUNDWATER CONSERVATION DISTRICT

THURSDAY, OCTOBER 20, 2016

GREATER TEXOMA UTILITY AUTHORITY BOARD ROOM 5100 AIRPORT DRIVE DENISON TX 75020

Members Present:

David Gattis, P.E., Mark Gibson, P.E. (arrived at 2:13 pm), Harold Latham, Mark

Newhouse, Mark Patterson, William Purcell, Don Wortham, PhD

Members Absent:

None

Staff:

Drew Satterwhite, P.E., Debi Atkins, Tasha Hamilton, Velma Starks, Carolyn

Bennett, Wayne Parkman

Visitors:

None

1. Call to order, establish quorum; declare meeting open to the public.

President Patterson called the meeting to order at 2:01 pm, established a quorum was present, and declared the meeting open to the public.

2. Public comment

There were no citizens present requesting to appear before the Board of Directors for public comment.

3. Consider and act upon approval of Minutes from the September 15, 2016 board meeting

General Manager asked the Board if they had a chance to review the minutes for the September 15, 2016 board meeting. Board Member Gattis made a motion to approve the minutes of the September 15, 2016 meeting.

Board Member Purcell requested to change the minutes of the September 15, 2016 meeting to reflect a roll call vote with a note regarding his reason for voting no is because of irregularities in accounting. President Patterson stated he definitely remembered Mr. Purcell voting no on the budget. Board Member Purcell stated he wants record to reflect that he felt there were irregularities in the accounting for the budget, and he voted no because of this. President Patterson stated he had no issue with the vote being a roll call vote, and asked Board Member Purcell if the statement provided to the staff for inclusion in the minutes was that actual statement, or a thought he had. Board Member Purcell stated it was not verbatim.

Purcell made a motion to approve the minutes of the September 15, 2016 meeting, with the addition of the roll call vote in the minutes. Vice President Latham seconded the motion and the motion passed unanimously.

4. Review and approval of monthly invoices.

After a brief discussion, David Gattis made a motion to approve Resolution 2016-10-20-01. Mark

Newhouse seconded the motion. Motion passed unanimously.

5. Receive monthly financial information

General Manager Satterwhite discussed and reviewed the monthly financial information with the Board, as well as budget revision methods.

6. <u>Consider and act upon Engagement Letter for Audit Services for Fiscal Year Ending December 31,</u> 2016

General Manager Satterwhite informed the Board an engagement letter for audit services for the fiscal year ending December 31, 2016 has been received from McClanahan and Holmes. Proposals for audit services for a period of up to 5 years were solicited in 2013, with McClanahan and Holmes subsequently selected as the firm for Red River GCD's annual financial reports. Staff reported McClanahan and Holmes performed the audit for FYE December 31, 2015 in a satisfactory manner.

Motion was made by Board Member David Gattis to authorize the engagement letter with McClanahan and Holmes LLP for the 2016 audit to be completed for a fee of \$4,500.00. The Board discussed voting procedures for board members whose entities also utilize McClanahan and Holmes' services, the budget attachment provided to the Board, Generally Accepted Accounting Principles, and the procedure for providing budgetary supporting documentation. Debi Atkins, Finance Officer, reported that McClanahan and Holmes clarified that percentages may be utilized when providing supplementary budgetary supporting documentation. The motion was seconded by Harold Latham and passed unanimously.

7. Consider and act upon 2017 Operating Budget

General Manager Satterwhite reviewed the proposed budget with the Board of Directors. The budget is the same as was presented at previous meetings, with an additional handout for Board Members outlining the administrative costs contained in the budget outlining the costs in dollars in lieu of percentages. Board Member Gattis moved to approve the Red River GCD 2017 Operating Budget. Board Member Newhouse seconded the motion. Motion passed unanimously.

8. Discuss Potential Amendments to Temporary Rules

General Manager Satterwhite informed the Board the existing Temporary Rules may need to be revised prior to the scheduled update after approval of Desired Future Conditions. Mr. Satterwhite outlined the rules for which Red River GCD staff have expressed a need for review:

- a) Spacing requirements
- b) Late meter readings
- c) Show Cause Hearing notice
- d) Clarifying 40,000 gpd by adding 27.7 gpm where referenced
- e) Removing requirement for flow meters
- f) Permitting procedures applicable to the number of days allowed for completion after applying
- g) Water loss reporting
- h) Procedure for clarifying gpm on wells
- i) Construction requirement for wells requesting exempt status to allow well to be metered to clarify meets guidelines for exemption
- j) Back flow prevention
- k) Requiring well drillers to report non-exempt wells discovered during repairs
- Transport fees
- m) Oil and gas wells rehabbed into new water wells

General Manager Satterwhite discussed each request with the Board. Discussion ensued regarding

the time provided for Board Members to review changes prior to a board meeting,

Upon completion of discussion, it was the consensus of the Board that j) back flow prevention and k) requiring well drillers to report non-exempt wells discovered during repairs be removed from the rule changes at this time.

9. Update and possible action regarding the development of Desired Future Conditions (DFCs)

General Manager Satterwhite reported a GMA8 meeting was held September 29, 2016. Each District represented on the Board presented their summary report for the Desired Future Conditions. Upper Trinity Groundwater Conservation District was the only District that requested recommendations to the proposed DFCs for the GMA8. Individual Groundwater Conservation Districts may submit information to be included in the Explanatory Report for the DFCs until November 1, 2016. Bill Mullican, the GMA8 consultant preparing the DFC report on behalf of GMA8, informed the group a draft report will be available by December 1, 2016, with comments due December 15. The final report is scheduled to be completed by January 15.

10. Consider and act upon compliance and enforcement activities for violations of District Rules

General Manager Satterwhite reported there are currently no compliance and enforcement activities for violations in the District for consideration by the Board. There is a possibility of a show cause hearing for December's meeting.

11. Receive 2016 3rd Quarter Report.

GM Satterwhite reviewed the Quarterly Report with the Board as required by the District's Management Plan, providing the latest assessment of the status of drought in the District.

12. General Manager's Report.

General Manager Satterwhite reviewed the well registration report with the Board of Directors, informed the Board the new website is live for the District, that Scott Perry has provided his two-week notice to the District, and discussed with the Board the consideration of Mr. Perry working on a contract basis. Discussion ensued regarding the RFQ process for the District's geodatabase.

13. Open Quorum/discussion of new business

President Patterson asked if there were any items of discussion requested by the Board for future agendas. It was the consensus of the Board that the next meeting will be December 8th for discussion of the DFCs.

14. Adjourn public meeting

President Patterson declared the meeting adjourn ####################################	
Recording Secretary	Secretary-Treasurer

ATTACHMENT 6

Red River Groundwater Conservation District Investment Report November 30, 2016

This report complies with the requirements of the Public Funds Investment Act and covers all the funds of the District that are subject to the Act. At November 30, 2016, the investment position was a little more than \$350 thousand.

The District's funds are consistent with the prior periods.

The District was in compliance with all provisions on the investment policy and the Public Funds Investment Act as of November 30, 2016.

All transactions were routine.

The following schedules are also a part of this investment report.

Debi Atkins

Finance Officer

Red River Groundwater Conservation District Investment Portfolio

Type of Instrument	MATURITY DATE	COUPON RATE	PAR VALUE	BOOK VALUE	MARKET VALUE 10/31/2016	
Cert of Deposit	2/24/201	6 1.000%	110,000.00	110,000.00	110,000.00 First Unit	ed
Checking account	@ 11/30/16				240,158.00	
	Total Portfolio	as of Novembe	r 30, 2016	\$	350,158.00	

Years to Maturity	0.1507			
Wkt + Accr Int Value	\$110,124	\$110,124		
Accrued	\$124	\$124		
Market Value	110,000	\$110,000		
Par Value	110,000	\$110,000		
Rate	1.10%			
Maturity Date	1/24/2017	0.15		
Investment	C.D. First United	TOTAL Weighted Ave Maturity in yrs		
	Maturity Par Market Accrued Mkt + Accr Inf Date Rate Value Interest Value	Maturity Par Market Accrued Mkt + Accr Into Market Accrued Mkt + Accr Into Yeste Value Interest Value Market Accr Into Yeste Value Interest Value Market Accr Into Yeste Value Market Accr Into Yeste Value Interest Value Market Accr Into Yeste Value Market Value Interest Value Market Accr Into Yeste Mark	Maturity Par Market Accrued Mkt + Accr Ini Ye Siment Date Rate Value Interest Value Mistreest Value Mistreest Mistreest Value Mistreest Alto,124 \$110,124 <td< td=""><td>Maturity Par Market Accrued Mkt + Accr Ini Ye First United 1/24/2017 1.10% 110,000 110,000 \$124 \$110,124 AL hted Ave Maturity in yrs 0.15 \$110,000 \$110,000 \$124 \$110,124</td></td<>	Maturity Par Market Accrued Mkt + Accr Ini Ye First United 1/24/2017 1.10% 110,000 110,000 \$124 \$110,124 AL hted Ave Maturity in yrs 0.15 \$110,000 \$110,000 \$124 \$110,124

ATTACHMENT 9



RED RIVER GROUNDWATER CONSERVATION DISTRICT AGENDA COMMUNICATION



DATE:

December 2, 2016

SUBJECT:

AGENDA ITEM NO. 9

CONSIDER AND ACT UPON 2017 ADMINISTRATIVE SERVICES CONTRACT WITH GREATER TEXOMA UTILITY AUTHORITY

ISSUE

Renewal of contract with Greater Texoma Utility Authority (GTUA) for administrative services for 2017.

BACKGROUND

In November 2010, the District and GTUA entered into an agreement for administrative services to be provided by GTUA for the District. The Board of Directors of GTUA is satisfied with the outcome of the agreement and has indicated their desire to continue the arrangement.

CONSIDERATIONS

This contract contains the same provisions as the contract executed for 2016. The amounts identified in the contract are consistent with the 2017 budget adopted by the District. The GTUA Board of Directors will consider this agreement at their December 19th meeting.

STAFF RECOMMENDATIONS

The staff recommends that the contract between the District and GTUA be approved.

ATTACHMENTS

2017 Administrative Services Contract with GTUA. 2017 Budget

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager

ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE GREATER TEXOMA UTILITY AUTHORITY AND THE RED RIVER GROUNDWATER CONSERVATION DISTRICT

STATE OF TEXAS

§ STATE OF TEXAS

§

GREATER TEXOMA UTILITY AUTHORITY

§ RED RIVER GROUNDWATER

§ CONSERVATION DISTRICT

This Agreement, made and entered into by and between the Greater Texoma Utility Authority, hereinafter referred to as ("Authority") and the Red River Groundwater Conservation District in Fannin and Grayson Counties, Texas, hereinafter referred to as ("District").

WITNESSETH:

WHEREAS, the District is experiencing a need for administrative services in order to achieve the objectives provided in its enabling legislation and Chapter 36 of the Texas Water Code; and

WHEREAS, the Authority has staff experienced in water related activities; and

WHEREAS, the District has determined that it is in the best interest of the District to engage the Authority to assist in providing administrative assistance in establishing the District's programs and activities; and

WHEREAS, the District has determined that the proposal dated December 19, 2016 from the Authority, as said proposal is modified and supplemented herein, is in the best interest of the District and that the Authority is qualified and capable of providing such services;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and of the terms and conditions hereinafter set forth, the parties agree as follows:

1. <u>The Scope of Services.</u> The term "Scope of Services" as used herein refers to the Scope of Services made and submitted by the Authority to the District dated December 19, 2016, as amended, modified, or supplemented herein. (attached hereto as "Exhibit A")

The Scope of Services is a general guideline for the commencement of administrative activities and related services. Said Scope of Services is amended and superseded by specific terms of this Agreement, which may be amended in writing from time to time upon agreement of the Authority and the District.

2. <u>Administrative Services</u>. The Authority shall perform administrative services for the District at the direction of the District Board, and the District Board President to the extent that the Board President's direction does not conflict with any District, State or Federal Laws, or Authority rule, policy, or order of the District or Authority Board. Such directions from the District Board and Board President regarding the performance of administrative services shall supplement any specific services delineated in this Agreement or the attached

Scope of Services. Administrative services shall include, but not be limited to recording and communication services, database collection and well registration services, as well as assistance in developing personnel policies, operating procedures, refining of temporary rules and developing a management plan. Administrative services shall also include performance of the duties of the "General Manager" as set forth in the District's Temporary District Rules, Bylaws, rules and orders, subject to the directions and orders of the District Board and Board President. The Authority shall not retain outside professional services to be reimbursed by the District without prior authorization from the District. The District Board shall retain ultimate authority in decision-making under the District's Rules.

- 3. <u>Charges and Payment.</u> Monthly payments shall be made by the District to the Authority for actual costs incurred including hourly wages and benefits of the Authority employees, insurance costs, extra travel costs to and from the District, overhead, and other direct costs, including fees for professional services. The Authority shall invoice the District for any such services performed hereunder during the preceding thirty (30) day period, said invoice to be presented by the 25th day of the following month. Said invoice shall be itemized in such a manner that the District may determine the reasonableness of the charges submitted. The District shall pay the full amount of invoices received from the Authority by the tenth day of the month following receipt of any such invoice unless notice of protest or disagreement is given to the Authority within seven (7) business days after receipt of said invoice. Failure of the Authority and the District to agree upon payment of such invoice within thirty (30) days of protest shall be grounds for termination under Paragraph 4 unless the parties can otherwise agree in writing to a schedule of payment.
- 4. <u>Terms of Agreement</u>. The Term of this Agreement shall be for a 12-month period commencing as of the effective date of this Agreement, which shall be the later date that the District or the Authority executes this Agreement. This Agreement may be renewed upon expiration of the 12-month term of this Agreement by written agreement between the parties. Either the District or the Authority may terminate this agreement for any reason at any time upon ninety (90) days written notice of termination to the other party. Should the Authority or the District elect to terminate this Agreement, the District shall remain responsible for its share of any costs for which it is obligated that remain existing and unpaid as of the effective date of termination.
- 5. <u>Indemnity.</u> Neither the District nor the Authority shall be liable to the other for loss, either direct or consequential. All such claims for any and all loss, however caused, are hereby waived. Said absence of liability shall exist whether or not the damage, destruction, injury, or loss of life is caused by the negligence of either party or of any of their respective agents, servants, or employees. It is contemplated that each party shall look to its respective insurance carriers for reimbursement of any such loss. Neither party shall have any interest or claim in the other's insurance policy or policies, or the proceeds thereof, unless it is specifically covered therein as an additional insured. Nothing contained in this Agreement is intended by either party to create a partnership or joint venture, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint any party as an agent of any other party, for any purpose whatsoever. It is understood and agreed that by execution of this Agreement, no governmental powers or immunities are waived or surrendered by either the District or the Authority.
- 6. <u>Independent Contractor</u>. The Authority is, and shall perform this agreement as, an independent contractor, and as such, shall have and maintain complete control over all of its employees, subcontractors, agents, and operations. Neither the Authority nor anyone employed by it shall be, represent, act, purport to act or be deemed to be the agent, representative, subcontractor, employee, officer or servant of the District. No

employee or agent of the District shall be, represent, act, or purport to act or be deemed to be the agent, representative, subcontractor, employee, officer, or servant of the Authority.

- 7. <u>Surety Bond.</u> Any officer, employee, or agent of the Authority who collects, pays, or handles any funds of the District shall furnish good and sufficient bond payable to the District in an amount determined by the District Board to safeguard the District. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the District. The bond shall be signed or endorsed by a surety company authorized to do business in Texas. The District Board hereby determines that the initial amount of each bond shall be set at \$50,000.00, and may alter the amount pursuant to a minute order or resolution adopted at a properly noticed meeting. The District Board shall provide the Authority with notice of any such alternative amount. The District shall reimburse the Authority for costs incurred in connection with providing administrative services to the District. Any such out-of-pocket costs exceeding \$2,500.00 per year shall require prior approval of the District Board. The Authority shall limit the collection, payment, or handling of District funds only to the officers, employees, and agents of the Authority who have been bonded in accordance with this paragraph.
- 8. No Third Party Rights. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the parties hereto, and all duties and responsibilities undertaken pursuant to this Agreement shall be for the sole and exclusive benefit of the parties hereto, and not for the benefit of any other party. There are no third party beneficiaries to this Agreement.
- 9. <u>Assignment.</u> This Agreement shall not be assignable except at the written consent of the Authority and the District hereto, and if so assigned, shall extend to and be binding upon the successors and assigns of the Authority and the District thereto.
- 10. Notices. All notices given under this agreement shall be deemed properly served if delivered in writing personally, or sent by certified mail to Mark Patterson, President, Red River Groundwater Conservation District, PO Box 1214, Sherman, TX 75091-1214, and to the Authority addressed to the President, Greater Texoma Utility Authority, 5100 Airport Drive, Denison, TX 75020-8448. Date of service of notice served by mail shall be the date on which such notice is deposited in a post office of the United States Postal Service. Either party may change their respective addresses for notice by providing notice of such address change in the aforesaid manner with specific reference to this Agreement.
- 11. <u>Authority Financial Obligations.</u> Nothing in this agreement shall be construed to require the Authority to expend funds from any source other than the revenues received hereunder. All costs required by valid rules, regulations, laws, or orders passed or promulgated by the United States of America, the State of Texas, and regulatory or judicial branches thereof having lawful jurisdiction shall be the responsibility of the District.
- 12. <u>Entire Agreement</u>. This agreement embodies the entire understanding between the Authority and the District hereto relative to the subject matter hereof and shall not be modified, changed or altered in any respect except in writing signed by the Authority and the District.
- 13. <u>Governing Law and Severability.</u> This agreement shall be governed by the laws of the State of Texas and the venue in Grayson County, Texas. The provisions of this agreement shall be deemed to be severable and

the invalidity of or inability to enforce other provisions hereof. In the event of a conflict between the terms of this Agreement and any exhibit attached hereto, the terms and conditions of this Agreement shall take precedence. Venue shall be in Grayson County, Texas.

14. <u>Interpretation.</u> Although drawn by the Authority, this contract shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party. Captions and headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused the signatures of their legally authorized representatives to be affixed hereto, having been duly approved by the respective governing bodies and effective on the last date of execution as set forth below.

Secretary-Treasurer	Secretary-Treasurer
ATTEST:	ATTEST:
DATE:	DATE:
BY: President	BY: President
GREATER TEXOMA UTILITY AUTHORITY 5100 AIRPORT DRIVE DENISON TX 75020-8448	RED RIVER GCD PO BOX 1214 SHERMAN TX 75091-1214

Exhibit "A"

Scope of Services

- I. Recording and Communication Services
 - Act as point of contact for well owners by answering questions regarding rules
 - Provide all postings for meetings
 - Provide notice postings in timely manner
 - Mail notices and rules as needed
 - Prepare agenda after consultation with President
 - Prepare and e-mail draft minutes to Board of Directors
 - Complete minutes after review by Board of Directors
 - Maintain website as needed
 - Establish and maintain paper and electronic filing system
 - Provide written communications to well owners, TWDB and others as needed
 - Draft correspondence for signature by designated persons
- II. Database Collection for Registered and Non-Registered Wells in the District
 - Work with chosen database development firm to create the well registration system for the District
 - Operate and maintain well registration website and map, which will depict wells in each District county
 - Work with well owners to register wells and collect well registration fees
 - Employ field technician to locate and verify wells in each District county
- III. Development of Personnel and Other Policies
 - Prepare and present drafts of personnel policies for review by appropriate committee and Board of Directors
 - Prepare and present drafts of operating procedures for future staff to follow
 - Assist Board of Directors in training personnel for District at appropriate time
- IV. Assistance for Rule Development
 - Assist Board of Directors in development of permanent rules
 - Assist Board of Directors in the development and implementation of a Management Plan
- V. Accounting
 - Provide accounting services including keeping financial records, issuing invoices, paying invoices, etc.
 - Prepare and present monthly financial statements
 - Assist Board of Directors with development of budget
 - Prepare and provide documentation for audit

Approach to Provision of Services

- Staff is able to work diplomatically with well owners and others
- Use 800 number on all letterhead and other communication for calls to make contact easier for well owners
- Well-acquainted with TWDB staff
- Utilize assistance from Texas Alliance of Groundwater District members
- Coordinate District activities with GMA 8 activities
- Develop records and procedures in a manner that will make for easy transition when desired

Estimated Cost of Services

The Authority is a public agency. The Board's approach to provision of services has always been to seek reimbursement for the costs of providing the services requested. These costs include:

- The salary and employer personnel costs (social security, worker's compensation insurance, retirement, and accounting, etc.)
- Mileage for travel required at the rate set annually by IRS
- Any direct expenses required to provide the services requested (telephone charges, copies, postage, and similar expenses directly associated with the project)
- The contract for services will not exceed \$105,000 for administration and accounting, \$80,000 for the field technician, and \$30,000 for field permitting specialist without prior authorization from the Board of Directors
- Field personnel costs will be an expense of the District, which will include salary, benefits, transportation and other costs directly associated with verification of well and pumping information
- Billing Rates:
 - o General Manager \$92 per hour
 - o Project Coordinator \$48 per hour
 - o Administrative Assistant- \$28 per hour
 - o Finance Officer \$63 per hour
 - Accounting Assistant \$41 per hour
 - o Accounting Assistant (2) \$30 per hour
 - o Office Clerk \$24 per hour
 - o Field Technician \$43 per hour
 - o Operation Supervisor \$53 per hour

RED RIVER GROUNDWATER CONSERVATION DISTRICT BUDGET YEAR 2017

Actual Actual Approved App	2013 2014 2015 2016 2017	297,037.92 284,250.06 \$322,861.01 325,000.00 325,000.00		1,306.23 \$65.88	\$500.00	1,600.00 \$600.00		\$305,937.92 \$292,356.29 \$331,215.25 \$325,000.00 330,500.00	\$305,937.92 \$292,356.29 \$331,215.25			383.65 00.000 t 00.87 383.65	3,750.00		18,300.00	7,200.00 7,200.00 7,200.00 7,200.00	17,263.64 25,099.53 * 43,900.00 65,000.00 2		3,116.52 2,533.68 2,087.97 3,000.00 4,000.00	1,064.00 1,302.50 1,332.75 1,400.00 1,400.00	2,188.77 1,460.25 21,500.00 2,000.00	5,744.44 3,836.86 4,000.00 1,000.00	53,130.45 21,222.00 22,852.00 70,000.00 80,000.00 5	30,000.00	2,573.50 2,942.00 2,903.50 3,000.00 5,000.00	2,591.90 4,557.75 6,330.27 6,500.00 6,500.00	13,443.50 13,479.22 21,780.51 25,000.00 35,000.00 3		2,400.00 2,400.00 2,400.00 2,400.00 2,400.00	1,285.00 1,750.00 1,415.00 2,000.00 2,000.00	2,435.56 2,295.61 5,000.00	1,336.99 1,321.06 2,000.00	\$200,929.24 \$181,890.65 \$213,480.97 323,900.00 361,500.00		200,929.24 \$181,890.65 \$213,480.97 \$323,900.00	
Actual	7107	\$298,044.87						\$298,044.87	\$298,044.87		\$79.748.58	300.87	3,250.00		83,980.54				3,367.37	136.88	15,166.95	624.78	4,338.00		2,158.12		11,701.50	441.06		2,000.00	73.26	943.18	\$208,231.09		208,231.09	
Actual	1107	\$148,116.67						\$148,116.67	\$148,116.67		\$68,057,56	0.00	00.00						4,737.80	200.00	445.00				300.00	8,478.00	17,964.68	1,379.86		268.46		821.23	\$102,952.59		102,952.59	
	Income	46002 GW Production Cost	46007 Registration Fees	46005 Violetic Fees	46006 Violation Fees	460'10 Drillers Dep Forfeit 46400 Interact Inc	Total Income		Gross Profit	Expense	77010 ADMINISTRATIVE COST	77033 ADS-LEGAL	77027 AUDITING	77031 BANKING FEES	77855 CONTRACT SERVICES	Web Maintenance	Hydro-Geologist	GAM Kuns	7775 PITO COST	77550 TOWNSTATE	72566 EEES OMAS	TOTAL PERSONNE	//035 FIELD SERVICES	77040 FIELD PERMITTING SPECIALIST	77840 INSURANCE & BONDING	11840 INTERNET SERVICES		78010 MEETINGS AND CONFEREN	70500 CONTRACT	70770 TEANOROME MAIN	78776 TELINAINT	Total Eugene	lotal Expense	Contingencies	Total Expenditures	

ATTACHMENT 10



RED RIVER

GROUNDWATER CONSERVATION DISTRICT



FANNIN COUNTY AND GRAYSON COUNTY

Annual Review

of

Texas State Soil & Water Conservation Board

State Water Supply Enhancement Plan dated July 2014

(formerly State Brush Control Plan)

Red River Groundwater Conservation District Management Plan Objective G.3 – Brush Control – requires that the District evaluate the State Water Supply Enhancement Plan (formerly referred to as the State Brush Control Plan) at least once each year to determine whether projects within the District will increase groundwater resources of the District. The most recent State Brush Control Plan ("Plan") is the July 2014 Plan by the Texas State Soil & Water Conservation Board ("TSSWCB").

The following are excerpts from the TSSWCB State Brush Control Plan dated July 2014:

In watersheds where Water Supply Enhancement Program ("WSEP") grant funds have been allocated, the TSSWCB works through the Soil and Water Conservation Districts ("SWCDs") to delivery technical assistance to landowners in order to implement brush control activities for water supply enhancement. A 10-year resource management plan is developed for each property enrolled in the WSEP which describes the brush control activities to be implemented, follow-up treatment requirements, and brush density to be maintained after treatment. Cost-share assistance is provided through the WSEP to landowners implementing brush control activities on eligible acres.

In 1985 TSSWCB and the Texas Water Development Board ("TWDB") developed a list of water supply reservoirs where brush control could possibly enhance water supplies (Table 3.1) (TSSWDB 1999) (copy attached). Beginning in 1998, TSSWCB, in cooperation with many partnering entities, has been conducting assessments of the feasibility of conducting brush control water supply enhancement in watersheds across Texas. These feasibility studies estimate the potential water yield enhanced.

For a watershed to be considered eligible for allocation of WSEP cost-share funds, a feasibility study must demonstrate increases in projected post-treatment water yield as compared to the pre-treatment conditions.

Feasibility Studies have been conducted and published, and the reports accepted by the TSSWCB as established WSEP Project Watersheds for the following:

Lake Arrowhead (RRA 2002)

Lake Brownwood (LCRA 2002)

Upper Guadalupe River above Canyon Lake (Bumgarner and Thompson 2012)

Gonzales County [Carrizo-Wilcox Aquifer Recharge Zone and Guadalupe River] (McLendon et al. 2012)

Frio River above Choke Canyon Reservoir (HDR 2000b)

Nueces River above Lake Corpus Christi [above confluence Frio River] (HDR 2000c)

Edwards Aquifer Recharge Zone [Frio River, Hondo Creek, Medina River, Upper Nueces River, Sabinal River, and Seco Creek] (HDR 2000a)

North Concho River [O.C. Fisher Lake] (UCRA 1999)

O.H. Ivie Reservoir [Upper Colorado River] (UCRA 2000)

Wichita River above Lake Kemp (RRA 2000)

Canadian River above Lake Meridith (CRMWA 2000)

Palo Pinto Reservoir (BRA 2003b)

Fort Phantom Hill Reservoir (BRA 2003a)

E.V. Spence Reservoir [Upper Colorado River] (UCRA 2000)

Lake J.B. Thomas [Upper Colorado River] (UCRA 2000)

Pedernales River [Lake Travis] (LCRA 2000)

Twin Buttes Reservoir [including Lake Nasworthy) (UCRA 2000)

Feasibility Studies in Progress, being either solely conducted with TSSWCB WSEP funding or collaboratively funded by third-parties:

Goliad and Victoria Counties, including Lower San Antonio and Guadalupe Rivers

Lake Alan Henry (impounds South Fork Double Mountain Fork Brazos River)

O.H. Ivie Reservoir lake basin (saltcedar specific)

Upper Llano River, including South and North Llano Rivers and Junction City Lake

Wilson, Karnes, and Refugio Counties (third-party funding; SARA)

Edwards Aquifer Recharge Zone – Upper Nueces River (Carrizo cane specific) (third-party funding; NRA and EAA)

Studies critical to the WSEP and that will contribute to the overall understanding of water supply enhancement through brush control:

Linking the Gonzales County Feasibility Study to the Carrizo-Wilcox Aquifer Groundwater Availability Model in Gonzales County

Linking Empirical Data from Honey Creek State Natural Area to the Upper Guadalupe River Feasibility Study Model

Effects on Huisache Removal on ET in South Central Texas at the McFaddin Ranch in Victoria County

Proposed Feasibility Studies to be considered in the future:

Bandera County groundwater recharge to Medina River

DeWitt County, including lower Guadalupe River and Lavaca River

Hubbard Creek Lake (saltcedar specific)

Stillhouse Hollow Reservoir (impounds Lampasas River)

Upper Brazos River Basin above Possum Kingdom Reservoir (endangered species issues)

Caldwell and Guadalupe Counties, Carrizo-Wilcox Aquifer Recharge Zone

Upper Blanco River, Edwards Aquifer Recharge Zone

Upper Cibolo Creek, Edwards Aquifer Recharge Zone

Lake Buchanan, including San Saba River, Brady Creek, and lower Pecan Bayou

Lake LBJ, primarily Llano River below confluence of South and North Llano Rivers

Lake Whitney, including Steele Creek

White River Reservoir (saltcedar specific)

The TSSWCB program goals and evaluation criteria are focused on enhancing domestic and municipal uses of water for sustaining human life and the life of domestic animals, agricultural and industrial uses, commercial value and environmental flows, as well as enhancing mining and recovery of minerals, power generation, navigation, recreation and pleasure and other beneficial uses of water. TSSWCB implements project proposals that most enhance water quantity to the municipal water supplies most in need, and directs grant funds toward acreage within an established project that will yield the most water.

Agriculture Code §203.053 requires that in prioritizing water supply enhancement projects for funding, the TSSWCB shall consider the need for conservation of water resources within the territory of the project, based on the *State Water Plan* as adopted by the TWDB. The only Regional Water Planning Groups providing recommended Water Management Strategies for brush control with quantified yields were for Region F and Region J.

The TSSWCB identifies watersheds across the state where it is feasible to conduct brush control in order to enhance public water supplies. Detailed guidance on factors that must be considered in a feasibility study have been developed. Once a feasibility study is completed, if it demonstrates increases in projected post-treatment water yield as compared to the pre-treatment conditions, the TSSWCB may consider designating the study area as a priority WSEP Project Watershed, making the watershed eligible for allocation of WSEP cost-share funds. The TSSWCB uses a competitive grant process to rank and select feasible projects and allocate WSEP cost-share funds.

Currently, there are no feasibility studies occurring in Fannin or Grayson Counties.

References:		
Texas State Soil & Water Conservation Board, State Water Suppl	y Enhancement Plan, July 2014	

ATTACHMENT 11

Red River Groundwater Conservation District

Well Registration Summary As of October 31, 2016

Well Type	Total Registered Fannin County	Total Registered Grayson County	Total RRGCD	New Registrations
Domestic	108	187	295	5
Agriculture	15	25	40	0
Oil/Gas	0	20	20	0
Surface Impoundments	4	12	16	0
Commercial	5	4	9	0
Golf Course	0	15	15	0
Livestock	12	18	30	0
Irrigation	0	5	5	0
Public Water	55	209	264	0
Monitoring	0	1	1	0
Total	199	496	695	5

Red River Groundwater Conservation District

Well Registration Summary As of November 30, 2016

Well Type	Total Registered Fannin County	Total Registered Grayson County	Total RRGCD	New Registrations
Domestic	109	189	298	3
Agriculture	15	25	40	0
Oil/Gas	0	20	20	0
Surface Impoundments	4	12	16	0
Commercial	5	3	8	0
Golf Course	0	15	15	0
Livestock	12	18	30	0
Irrigation	0	5	5	0
Public Water	55	209	264	0
Monitoring	0	1	1	0
Total	200	497	697	3

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