

JANUARY 29, 2019

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 29th day of January, A.D., 2019 at 1:30 P.M. came on to be had a Wise County Groundwater Rules Workshop Meeting of the Commissioners' Court of Wise County, Texas held in the Large Training Room of the Elections Administration Office of said County in the town of Decatur with the following members present and presiding:

J.D. Clark		County Judge
Danny White	Absent	Commissioner, Precinct No. 1
Kevin Burns		Commissioner, Precinct No. 2
Harry Lamance	Absent	Commissioner, Precinct No. 3
Gaylord Kennedy	Absent	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court by Amanda Knox, Chief Deputy when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

1) Clark called the meeting to order at 1:30 PM. Upper Trinity Groundwater Conservation District (UTGCD) General Manager Doug Shaw, Burns, Clark, Tax Assessor/Collector Monte Shaw, Public Works Director Joey Highfill and Commissioners Court Attorney Thomas Aaberg were present in addition to members of the public.

2) Clark stated the purpose of the workshop is to hear UTGCD proposed rule changes.

Shaw presented information to the public about the UTGCD creation/history, counties included (Hood, Parker, Wise and Montague); and, water level declines in the Trinity aquifer.

Shaw briefly discussed water level decline; difference in recharge methods of the nine major aquifers in the state of Texas; recharge specific to the Trinity Aquifer; and, monitoring of aquifer levels within the UTGCD.

Clark asked Shaw if he is seeking additional monitoring locations? Shaw told Clark he is always looking for additional monitoring opportunities.

Shaw told the attendees that the UTGCD is currently operating under temporary rules and has since 2009. Shaw stated that this was to gather data and develop sound science. Shaw said in the future they will implement a permitting system including an increase in tract size requirements under Texas Water Code Chapter 36.

Shaw outlined what Texas Water Code Chapter 36 requires. Shaw told the court that the UTGCD has never discussed meters on private wells and has no intention to do so; Shaw stated this had circulated on social media and online. Burns commented that that is prohibited by statute. Shaw stated that registrations and permits are the two types of authorization. Shaw stated the requirements for registering a well and permitting a well. Shaw stated that registration is voluntary for wells drilled before 2009. Shaw stated that any well used for domestic/livestock use is excluded from metering, production fees and permitting.

Burns asked what a leachate well is? Shaw explained that it is a well that is used in the oil and gas industry that is used for measuring but doesn't have a pump.

Shaw discussed proposed rules regarding property tract size stating the current tract size is 2 acres and the UTGDC is proposing 5 acres with some exceptions. Shaw stated the exceptions as:

- Platted prior to 2009 and no public water is available it would have to meet county local requirements.
- 2 acre preliminary plat before September 1, 2018
- Subdivide within a family if owned a 10 acre tract allow for 2 acres. After pushback recommended 5-year transition allow if county won't allow 3.5 acre lots.
- If a groundwater study shows something smaller is sustainable then 2 acre lots would be allowed.

Shaw stated the rationale behind this is to give assurance to future homeowners and to make sure what is happening is sustainable. Shaw referenced areas in other counties where there are many small acre lots in areas where the aquifer is 40'-50' thick. Shaw stated they were trying to be proactive in allowing smaller lot size if the science proves it can be done. Shaw stated other recommendations that didn't go over well at all.

Shaw stated that due to overwhelming pressure from multiple groups and clear direction from at least two commissioners courts the board voted, without the support of the two Wise County directors, that the UTGCD will go back to the two acres lot requirement. Shaw briefly discussed this further. Shaw stated there are other items in the proposed rules that will proceed.

Shaw discussed historic use permitting and operating permitting on wells not exempt from permitting.

Shaw told the court that all groundwater districts in the Trinity Aquifer meet to determine the Desired Future Conditions (DFC) (physical characteristic of the aquifer in the future) for the aquifer. Shaw briefly discussed the Model Available Groundwater (MAG) being the amount of water that science indicates can be removed from the formation and achieves the DFC. Shaw stated it is about 5,175 gallons per acre per year. Shaw stated that not everyone is using their groundwater and explained the MAG further.

Shaw briefly discussed the practice in West Texas of leasing groundwater rights. Shaw opened the workshop to questions.

Page Three, January 29, 2019 UTGCD Workshop...

Clark asked Shaw, "If the decision last night was to stay with the 2 acre requirement what will the conversation be going forward about long-term groundwater health?" Shaw stated the UTGCD will continue to gather data and measure groundwater. Shaw stated that he's been accused of manipulating data. Shaw stated they're going to spend a lot of effort to obtain more data regarding well monitoring.

UTGCD Wise County Director Don Majka told those present his reasoning for his position on the 2 acre vote at the previous night's meeting and the proposed compromise of 3.5 acres. Majka stated it (2 acres) would be detrimental to the citizens of Wise County.

Burns asked Shaw if the UTGCD will do a model in the future that looks at regions/portions of the recharge zone? Burns discussed the recharge between different areas of the county. Burns asked if it will be possible to designate a certain area of the county with a minimum acre requirement? Clark asked if it has to be blanket across the county? Shaw told the UTGCD can designate management zones.

Burns discussed the support of science based decisions and not allowing decisions to be politically based. Clark stated this doesn't need to be county-line driven.

Shaw discussed future efforts to educate the public. Burns encouraged Shaw to look at it in the future based on the region and not only as a political subdivision. Clark commented that once commissioners are allowed to make groundwater decisions it undermines the science of the groundwater district.

Burns asked if there is any effort to be proactive (either by suggestion or legislation) about use of native species? Shaw and Burns discussed outdoor water usage and how the UTGCD office has utilized native species plants. Shaw commented that no one has the authority to require use of native species. Burns and Shaw discussed the need for a shift in mindset in order to keep Texas sustainable. Shaw discussed historic aquifer levels.

Clark recommended the Commissioner Court creating a workshop with the Water Development Board; Wise County Water Control and Improvement District; and the Tarrant Regional Water District to have a comprehensive discussion.

Shaw discussed UTGCD funds budgeted for a long-term water study and requested leadership from counties and water providers. Those present discussed the long-term protection of groundwater and water rights for Wise County residents. Clark told Shaw that the most important thing that Wise County can do to help the UTGCD is to see if there are property owners interested in allowing monitoring wells so they know what the aquifer is doing. Clark stated the county needs to have some conversations with groups (ground and surface water) regarding water.

Shaw, Clark, and Burns discussed Region C surface water interest in relation to groundwater.

Page Four, January 29, 2019 UTGCD Workshop...

Burns discussed encouraging xeriscaping in the Wise County Development Rules and Regulations as the county encourages contacting the Wise County Fire Marshal about fire mitigation.

Burns thanked Shaw for taking time to discuss this with the County. Burns asked Shaw to thank the UTGCD Board of Directors for their work on the rules.

Davis asked Shaw when these rules are going into effect? Shaw stated he can't speculate when the board will take action.

The group further discussed long-term conservation downstream and well monitoring. Davis asked Shaw how much data is enough data? Shaw told Davis that he can't answer that. Davis confirmed with Shaw that five times the water is going out than is being recharged into the aquifer.

Clark asked if there is to be any continued public education? Shaw stated the types of outreach they are currently doing. Clark asked if town hall meetings are an option. Shaw told Clark he is open to ideas.

Clark closed the workshop at 2:35 PM there being no further discussion to be had.

Minutes approved this 25th day of February, 2019, as printed.



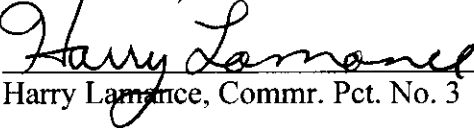
J.D. Clark, County Judge, Wise County



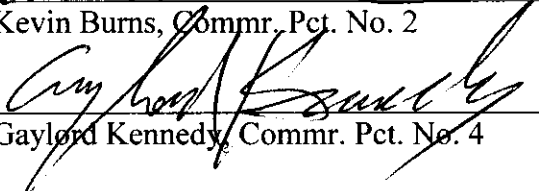
Danny White, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

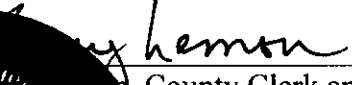


Harry Lamance, Commr. Pct. No. 3

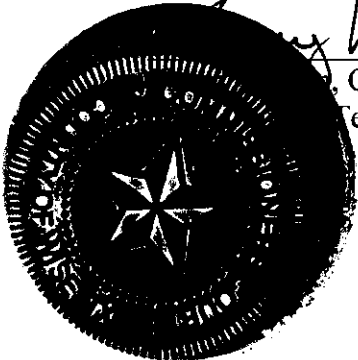


Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



County Clerk and Ex-Officio Clerk of Commissioners' Court,
Texas.



The Wise County Commissioners' Court adopted the *Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court* on February 28, 1994 and the rules have not been revised.