



Board Meeting Minutes

Riverside Hotel, Ft. Lauderdale Florida

4:00 PM January 13, 2020

The Groundwater Management Districts Association (GMDA) meeting was called to order by Vice President Linda Luebbe at 4:10 PM. The Board discussed President Kissler’s absence because of health reasons and Luebbe circulated a card for the board to sign.

The Board Members and Advisors whose names are underlined below were in attendance. This board listing represents the 2020 GMDA board following Caucus actions:

State	1-Yr Director	2-Yr Director	3-Yr Director	Advisor
California		John Woodling	James Cioffi	
Colorado	Everett Kissler	Jim Reasoner	<u>Don Rosenbrock</u>	<u>Randy Ray</u> <u>Billy Mihelich</u>
Idaho				
Kansas	<u>Jason Norquest</u>	Orrin Feril	<u>Tim Boese</u>	<u>Mark Rude</u>
Louisiana	William Daniel	Mark Frey	J A Rummler	<u>Tony Duplechin</u>
Mississippi	<u>Buck Falls</u>	<u>Don Christy</u>	<u>Daniel Shannon</u>	Ben Griffith
Nebraska	<u>Linda Luebbe</u>	<u>Dick Ehrman</u>	<u>Tylr Naprstek</u>	<u>Lyndon Vogt</u>
New Mexico	A.J. Olsen	<u>Aron Balok</u>	Greg Alpers	
North Dakota				
Texas	<u>Steve Walthour</u>	<u>Gene Born</u>	<u>C.E. Williams</u>	Robert Bradley
Washington				

Also, in attendance were Kristen Blackwell, Kyle Sprouse and Russ Callan.

Aron Balok moved that the minutes from June 7, 2019 board meeting be approved, Tony Duplechin seconded the motion which passed unanimously via voice vote.

Treasurer and Membership Reports:

Walthour reported that as of December 31, 2019, GMDA’s bank balance in First State Bank of Stratford, Texas is \$112,917.02 which reflects a \$102,444.86 for June 1, 2019 beginning balance, \$15,340.08 of income and \$1,669.84 in expenses for the period from June 1, 2019 to December 31, 2019. Since June 1, 2019, GMDA has received \$10,800.00 from membership dues and \$4,540.08 in income from the Salt Lake City summer meeting. Expenses include \$792.00 for the balance of 2019 dues to NWRA, \$225.00 in maintenance expenses for the website, \$550 in accounting fees and \$102.84 in awards. There is approximately \$3,225.00 in open invoices for

12 members for 2020 membership. Walthour reported that as of the board meeting GMDA has approximately \$75,000 in the bank because we wrote a check during the conference to cover some of the conference expenses and anticipates that the GMDA will get most of those funds back.

Walthour reported that NWRA dues for the 2020 Groundwater Caucus are \$14,205.00.

As of December 31, 2019, there are 54 paid members and nine honorary lifetime members

According to Article 4.0 of the GMDA Constitution there are four types of membership: District, Organizational, Affiliate and Individual.

- a) District membership is open only to those districts who have major programs and responsibilities for groundwater development, conservation, and management and which are chartered under the laws of their respective states.
- b) The Organizational membership is open to organizations and associations whose major purposes are the development, conservation, and management of groundwater.
- c) The Affiliate membership is open to those organizations, agencies, corporations, businesses, or partnerships affiliated with the interests and purposes of the Association.
- d) The Individual membership is open to those individuals interested in the purposes of the Association.

Walthour referred to the board packet describing that Article 6.0 of the GMDA Constitution states the Association shall be governed by a board of directors from each state with representation in the Association by either a District or Organizational membership. Additionally, GMDA has an Affiliate membership. Based on his interpretation of the Constitution Walthour believes that the Garrison Diversion Conservancy District of North Dakota, the Idaho Water Users Association of Idaho, and Seametrics, Inc. of Washington are listed and have paid dues as Organizational Members and therefore a caucus for those states are allowed representation on the board.

James Cioffi moved that the board accept the Secretary/Treasurers report for finances and membership through December 31, 2019. Lyndon Vogt second the motion which passed unanimously via voice vote.

Aron Balok moved that the board approve payment of NWRA Groundwater Caucus dues in the amount of \$14,205.00. James Cioffi second the motion which passed unanimously via voice vote.

Rude discussed that he had a presentation on the agenda the next day that should provide the board can realize the value of being the Groundwater Caucus for NWRA He discussed that the dues are expensive, but it places GMDA right where the organization wants to be on Capitol Hill.

The motion passed unanimously via voice vote.

Walthour reported that membership in the organization is static and recommended that GMDA create a committee of the board meet in Colorado Springs before the Summer Conference to plan, review, and map the future direction for GMDA. The board discussed the need to do long term planning that would consider membership, membership dues, and direction of the organization. The president could appoint a committee. Luebbe discussed that she wanted to talk to Everette Kissler first to see what he thinks.



State Caucus Reports – The election results from the state caucuses are captured in the table at the beginning of these minutes. Additionally, the states reported as follows:

California – James Cioffi reported that there is discussion in California regarding tribal water rights issues similar that is going on in other western states. A local tribe won a senior water right through the federal court system. The local tribe is forming its own water authority to probably determine how the tribe will be charging Desert Water and a sister agency to use the water. Additionally, there are taxing issues and water quality issues related to the litigation.

Colorado – Randy Ray reported that there is discussion in Colorado on how upper basin states can meet their obligations to provide water to lower basin states in the face of rising temperatures, changing precipitation pattern etc. There is continual discussion of acquiring more water in the Front Range on the east side from the west side of the Rockies. His district is on the South Platte River on the east side of the Continental Divide, Ray mentioned that there's a lot of interest in developing more storage in the South Platte Basin through potential projects.

Kansas – Rude reported the board members as provided above. The state engineer in particular his legal counsel which abides under the Kansas Department of Agriculture have questioned whether they really even need to pay attention to GCDs. Whether the engineer needs to recognize them or give them time to review applications and whether they are even obligated to consider those reviews. On the federal level, the Kansas Caucus is excited and anxious regarding the possibility of getting congress to put language in WRDA to revisit the WRDA authorization of an old High Plains study to address elements of interstate and interbasin water supply collaborations and coordination. We believe we should take another look at the prospect of interbasin transfers and have authorization and funding WRDA. We have not seen draft language yet, but we want to collaborate with folks like Texas and others in the High Plains.

Louisiana – Duplechin reported the new directors for the board and then discussed the progress regarding finishing an observation well to monitor saltwater intrusion. However, they have not completed site work. The driller has a different idea what reclamation looks like than do driller have. Drilling spoils are still out there but they are working to get it cleaned up. The agency audit he mentioned at the last meeting did not go as well as it should. The auditor was questioning agency practices from 40 years ago before he started working part time for the agency 9 years ago. Additionally, the state's ethics board had filed complaints against some of the Capital Area commissioners because they work for entities regulated by the commission. The commission has added Ascension Parish. The commission has increased their fees. He reported that he is not sure if this will be my last meeting or not when they hired nine years ago that he could only work part-time based on his retirement from the USGS, there is a push on at the commission have a full-time manager. He hoped to see us in Colorado Springs.

Mississippi – Don Christy reported Buck Falls went off the Yazoo Mississippi Delta Joint Water Management District board officially back in September, However the YMD board has requested that Buck continue to represent YMD in the GMDA. Buck has graciously agreed to do that, so he's going to go on director. Christy reported the new directors for the board as shown above and then announced that the Mississippi Caucus is organizing the summer conference in Colorado Springs on June 11th and 12th at the Mining Exchange Hotel. They are working on the agenda. The other major water issue in Mississippi right now is that the state dealt with some severe flooding last spring in the Delta. About 500,000 acres were underwater and 226,000 acres

of those were arable land where growers did not get to produce some level of crop on those lands. What's affectionately known as the Yazoo pumps project was vetoed by EPA back into 2008. The Army Corps of Engineers has been supplementing the information to EPA to try to get the veto removed and have the project move forward to try to prevent or reduce some of that flooding in the South Delta. So, we will see how that goes. In Mississippi this is the year that statewide elections will take effect. So, tomorrow Mississippi will have a new governor sworn in and then other state officials will be sworn in. Since most of the executive heads who are appointed by the governor have resigned their positions, the state will have some new appointees. One will be the head of the Department of Environmental Quality. At that point Mr. Christy needed to leave the meeting for a conference call.

Nebraska – Tylr Naprstek reported the new directors for the board as reflected in the table at the beginning of the minutes. During the caucus meeting they discussed NWRA. They are working on a summer location for 2021.

New Mexico – Aron Balok reported Mr. Netherland has stepped down as a director. reported the new directors for the board as reflected in the table at the beginning of the minutes. He reported the current PCAB chairman, Mr. Alpers agreed to take up that other director position. As far as issues in New Mexico. The only thing I'd mention it still ongoing is the lawsuit on the Lower Rio Grande with Texas before the Supreme Court. The Bureau of Reclamation weighed in on behalf of Texas. BOR's position is that groundwater pumping had affected deliveries to Texas for which BOR had an interest because BOR felt that that was their water as Project water, even though it was being pumped out of the ground. So BOR is essentially asserting ownership of the groundwater to meet surface water deliveries. And so regardless how that case comes out. New Mexico hopes that the BOR claim is not factored into the solution. He believes that BOR position can affect every State in GMDA. If New Mexico is in fact under-delivering it is Balok's belief that should be left to the New Mexico State Engineer to figure out how to fix that problem. Not the federal government. He plans to keep GMDA posted if anything develops regarding the BOR issue.

Texas – Walthour reported the directors for the board as reflected in the table at the beginning of the minutes. He reported that Texas Legislature is performing studies to address interim charges by the Speaker of the House and the Lieutenant Governor. A portion of the studies encompass how groundwater is managed in the state and how management could be more efficient to private property owners. Walthour stated he had reviewed an old study that Congress directed the Army Corps of Engineers to work with the six High Plains states to complete a comprehensive water resource study to address the problem of depleting the High Plains Ogallala aquifer. The study included state-level research completed in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

Walthour moved that GMDA advocate that Congress fund and direct reassessment of the 1982 Study and seek new opportunities to address water supply needs for the six state High Plains region. Aron Balok seconded the motion.

Rude said that this was the study he was discussing in his report. Kansas is very much in support of the concept. The board positively discussed the motion.

The motion passed unanimously via voice vote.

Williams is concerned that he is hearing Kansas local districts being glossed over at the state level. This is happening to a big extent in Texas as well. And it is not only groundwater districts. Texas' local school districts, cities, counties, and other local entities ability to do their job is being diminished because there are some members of the legislature who think the institutional knowledge is in Austin. Williams sparked a discussion of the entire board relating to the challenges of local management being eroded from local to state level and from state level to federal government. Board members from Kansas, Nebraska, Colorado, Texas, New Mexico and California expressed the same concern of losing the ability to manage a local issue to the



state or federal levels of government. Williams recommended that someone take a shot at drafting something but not him.

Luebbe created a committee to write a position statement for the GMDA as it applies to local management of the groundwater appears to be common concern between all the board members. Luebbe appointed Mark Rude, Randy Ray and Aron Balok as the committee.

Luebbe noted that Idaho, Washington, and North Dakota are not present at the board meeting. Walthour stated they have membership which gives them an opportunity to be a director and meet as a caucus.

Committee Reports:

NWRA, Groundwater and Federal Issues: Walthour reported that the National Water Resources Association groundwater caucus will have a presentation on the 15th, he said Ian may be here for that may help with the NWRA presentations. Walthour referred to the information regarding NWRA in the board packet is his notes, but he is not one of the representatives. He listed the priority issues and upcoming NWRA conference. Rude reported that the NWRA 2020 punch list could not accomplish the priority list in 10 years much less in three months. Rude passed out information on NWRA and will be speaking on NWRA issues later in the conference. The board discussed the NWRA Leadership Forum that was last week and if GMDA had any priorities other than the five already list.

Water Quality Committee: Balok discussed the issue of polyfluoroalkyl substances (PFAS) and that committee has had brief teleconferences on the issue. Balok reported that big part of that is nobody really has any clear definition of how bad are PFAS is part of the debate, whether its classified as dangerous or toxin, so the standards are pretty ambiguous on who cleans it up and when they are required to clean it up. None of those issues have been settled. There is hope that the issues with PFAS would be addressed in that to HR 535 but it that has been stripped out of the bill. Aron expressed that he thinks that's something that we need to work on it and but has not yet formulated a proposed policy or priority to recommend to the board. There are multiple variations of PFAS, and it's used for Teflon pans, Scotch Guard, to coating pizza boxes. Rude reported that water suppliers are concerned that regulation of PFAS without knowing to the extent it would need to be treated can create a massive problem. It is not about just replacing one substance but multiple substances. Cioffi reported California is already writing legislation regarding the substance.

Membership Committee: Walthour reported that the membership committee has not met but GMDA has put out a quarterly newsletter and will putting another quarterly letter out at the end of January or the first of February. He asked members to send in information to be published. Walthour recommended that the president fire the committee chair. Vogt said not a chance.

Website: Kristen Blackwell said the Website needs work and asked that the membership send in information quarterly to post on the web. Walthour reported that Krista Markham is now the person that should be receiving any news to go on the website or in the newsletter. Lyndon Vogt complimented the website.

Awards: Tony Duplechin reported that we have an award for Everett Kissler for outgoing president and we will be giving him the award through Randy Ray.

Consider Policy Priority Recommendations for the NWRA Leadership Forum: Walthour reported that there were no new priorities.

Election of Officers: Lyndon Vogt made the motion that Linda Luebbe be president and Aron Balok be vice president. James Cioffi second the motion. Balok said he will accept the position as Vice President subject to approval by his board. Walthour reported that the vice president is responsible for the winter meeting in 2021. The motion passed unanimously via voice vote.

Luebbe appointed chairs and members of committees as follows:

Water Quality – Aron Balok with Mark Rude and Randy Ray as committee persons

Membership – Steve Walthour with Tim Boese and Jim Cioffi as committee persons

Website – Kristen Blackwell

Awards – Tony Duplechin

National Water Resources Association Caucus & Groundwater and Federal Issues – AJ Olsen, Mark Rude, Lyndon Vogt (alternate) and Randy Ray (alternate).

Walthour made a motion that any of our delegates that attend NWRA can vote on behalf of the Groundwater Caucus. Tylr Naprstek second the motion. The motion passed unanimously via voice vote.

2020 Summer Conference Location: Luebbe commented that Don Christy had already reported that Mississippi is holding the summer conference in Colorado Springs.

2021 Annual Conference: Luebbe commented that New Mexico will be picking the location of the 2021 Annual Conference.

There being no other business Williams moved and Dick Ehrman seconded that the meeting adjourned. The motion passed via voice at 4:51 pm.



Steve Walthour, GMDA Secretary/Treasurer