



Board Meeting Minutes
Hyatt Place Hotel, Fort Worth, Texas
January 9-11, 2017

The Groundwater Management Districts Association (GMDA) meeting was called to order by President Larry Angle at 5:00 P.M. The Board Members and advisors whose names are underlined were in attendance. This board listing represents the 2017 GMDA board following Caucus actions:

State	1-Yr Director	2-Yr Director	3-Yr Director	Advisor
Colorado	<u>Everett Kissler</u>	<u>Jim Reasoner</u>	Byron McCall	<u>Randy Ray</u>
Kansas	<u>Mark Rude</u>	<u>Orrin Feril</u>	<u>Tim Boese</u>	Earl Lewis
Louisiana	<u>Tony Duplechin</u>	Amelia Kent	Barry Huggins	William Daniel
Mississippi	<u>Buck Falls</u>	<u>Don Christy</u>	Daniel Shannon	<u>Ben Griffith</u>
Nebraska	<u>Linda Luebbe</u>	<u>Larry Angle</u>	Lyndon Vogt	Doug Hallum
Texas	<u>Steve Walthour</u>	<u>Sarah Schlessinger</u>	<u>C.E. Williams</u>	Robert Bradley
New Mexico	AJ Olsen	<u>Aron Balok</u>	Bill Netherlin	

Everett Kissler moved to approve the June 30, 2016 minutes as amended. Linda Luebbe seconded the motion which passed via voice vote.

Steve Walthour provided the treasurers report that as of December 31, 2016, GMDA's bank balance in First State Bank of Stratford, Texas is \$69,282.05 which reflects a \$61,002.61 for June 1, 2016 beginning balance, \$12,900.00 of income and \$4754.06 in expenses for the period from June 1, 2016 to December 31, 2016. Since June 1, 2016, GMDA has received \$12,250.00 from membership dues and \$650.00 in donations. Expenses include \$4449.51 for attrition fees related to the 2016 Summer Conference, \$271.30 for recognition awards, \$125.00 for filing appropriate tax documents, and \$25.11 for postage expenses. GMDA has received an invoice from NWRA in the amount of \$13,000.00 for annual dues that is payable by February 1, 2017. There are 44 paid members and eight honorary lifetime members. Everett Kissler moved that the board accept the Treasurer's report as presented and Orrin Feril seconded the motion. The motion passed via voice.

As part of the report from state caucuses Colorado appointed Byron McCall to fill the 3-year board position. Mark Rude reported that Kansas elected Tim Boese for its 3-year board position. Kansas will keep Earl Lewis as its advisor. Kansas is sensitive to any federalization of groundwater. Tony Duplechin reported that Louisiana elected Barry Huggins as the 3-year board position and reported that William Daniel would fill the advisor position. Mississippi selected Don Christy to replace Dean Pennington to fill the 2-year board position. Mississippi appointed Daniel Shannon to the 3-

year board position. Nebraska selected Lyndon Vogt to fill the 3-year board position and corrected Doug Hallum's name as the advisor for Nebraska. C.E. Williams reported that Sarah Schlessinger will fill the 2-year position replacing Adaline Fox and Steve Walthour will fill the 3-year position for Texas. New Mexico appointed Bill Netherlin to the 3-year position. Aron Balok reported that the GMDA 2017 Summer Conference will be from May 24th through May 26th at the Hotel Albuquerque, Albuquerque, NM.

Larry Angle lead the discussion that GMDA currently has a website maintained by Lower Platte North NRD for providing information to it members and the public, a board agenda and packet that is provided twice a year, information related to the GMDA conferences and the NWRA news e-mail developed by Water Strategies. In the past, GMDA provided a newsletter to its members. For GMDA to grow or even to stay a viable organization, the organization needs to provide its members and those organizations that GMDA's members would seek to influence a better communication platform. The board discussed contributing to the website and that a committee would meet to review GMDA's communication platform.

The board discussed that the National Water Resources Association's 85th Annual Conference was held November 14 - 16, 2016, at the Hotel del Coronado in Coronado, California (San Diego). GMDA Members that attended the conference will provide a report.

GMDA has received the 2017 invoice regarding the Groundwater Caucus from NWRA in the amount of \$13,000.00. Walthour reported that he intends to pay the invoice after the GMDA winter conference. GMDA member dues generally cover only the cost of the GMDA's membership as the NWRA Groundwater Caucus. AJ Olsen provided a written report but could not attend the board meeting for the board to consider policy recommendations for the NWRA Leadership Forum AJ Olsen report is as follows:

"The NWRA Groundwater Caucus is based upon membership in the Groundwater Management District Association (GMDA). GMDA is a non-profit organization established to provide groundwater management districts, groundwater developers, users, owners, and individuals and organizations concerned with the management, development, conservation and protection of groundwater.

GMDA members come from Colorado, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, Oklahoma and Texas. GMDA and the NWRA Groundwater Caucus encourage and welcome membership in both organizations.

The NWRA Groundwater Caucus continues to monitor federal and state groundwater issues, including state primacy, federal administration of groundwater, environment and endangered species, drought planning and water conservation.

The Groundwater Caucus in conjunction with the NWRA Groundwater Task Force has been monitoring the U.S. Forest Service Directive related to the appropriation and administration of groundwater. Although the Forest Service has withdrawn its proposed directive of May 20, 2014 indications are that the USFS is in the process of developing a new groundwater directive in 2017. In addition, there is some indication that the Forest Service would like to take steps to shorten the notice and comment period when it issues its new proposed directive.

Drought conditions continue to plague the West, and as a result, demands on groundwater continue to increase. The Groundwater Caucus supports the conservation efforts of its members and water users. However, the Groundwater Caucus and GMDA are unwavering in their support of individual rights and state primacy in the administration and appropriation of groundwater.

At the present time, three Federal Court cases are being closely monitored by the Groundwater Caucus, GMDA members and the NWRA Groundwater Task Force.

In *County of Maui v. Hawaii Wildlife Fund; Sierra Club-Maui Group; et al NWRA* has joined with the Association of California Water Agencies, California Association of Sanitation Agencies, California State Association of Counties, International Municipal Lawyers Association, League of California Cities, National Association of Clean Water Agencies, National Association of Counties, and the National League of Cities as *Amici Curiae* (Friends of the Court) in an appeal to the 9th Circuit Court of Appeals of the decision rendered by a United States District Judge in May, 2014. The appeal seeks to overturn the District Judge's unsupportable holding that discharges to groundwater require an NPDES permit. More specifically, the District Court without any legal basis determined that unconfined groundwater can act as a point source if it can somehow convey pollutants from a point source into waters of the United States. The District Court's decision is troubling in part because the decision is legally unsupportable, and the Judge acknowledged that there was no law or statutes expressly allowing the conduit theory to be considered. At the present time, no decision has been rendered by the Court of Appeals.

The second case of interest is *State of Texas v. State of New Mexico and State of Colorado* which is before the United States Supreme Court. Although the case is centered on the Rio Grande Compact delivery requirements, the issue of groundwater is an important component. Texas has alleged in part that groundwater pumping by users in the Elephant Butte Irrigation District has affected the flows of the Rio Grande by asserting that the groundwater is hydrologically connected to the surface, and as such, groundwater pumpers are taking water intended for Texas. On June 28, 2016, A. Gregory Grimsal, the special master appointed by the Supreme Court issued his draft 241-page report. The Special Master has not issued his final report, and as such, it is not anticipated that the Supreme Court will take action until the fall term of 2017 or the spring term of 2018.

The third case of interest is *State of Mississippi v. State of Tennessee, et al.* The dispute arises out of the appropriation of groundwater from a shared interstate aquifer. Tennessee is seeking damages; however, the underlying issue is whether there should be some apportionment of the water. This case could have serious impact on several states who appropriate water from a common aquifer.

The NWRA Leadership Forum is scheduled for January 10 and 11, 2017. The participants will be discussing the future of water policy and set priorities for the 115th Congress. The NWRA Groundwater Task Force and the Groundwater Caucus has identified 5 issues to be part of the topics of discussion at the conference. They are:

1. State primacy, including protection of State and private property rights related to federal claims to groundwater ownership and administration under EPA regulations, WOTUS, U.S. Forest service, BOR, ESA litigation, and other federal agencies intrusion.
2. Groundwater conservation measures, including irrigation, industrial and municipal use.
3. Storage and groundwater recharge with attention to conjunctive management for the benefit of groundwater and surface water.
4. Drought planning due to the increased demands on groundwater.
5. Water supply and the fallowing of farm ground with special attention to the individual financial and public welfare costs."

C.E. Williams moved to approve the policy recommendations and Mark Rude seconded the motion.

During Committee Report no further discussion was provided regarding the National Water Resources Association Caucus or the Groundwater and Federal Issues. The board discussed membership and a membership committee. Based on historical information that the last membership committee was chaired by Glen Bowers. Larry Angle wanted to reestablish the membership committee with one member from each state.

Walthour and Angle reported that in June, GMDA was informed by Casey Designs – Web Hosting and Development, LLC that it was closing its doors after 18 years of service. Casey Designs hosted the Wiki site originally constructed by Wayne Bossert. The gmdawikki account was transferred. Walthour reported that Larry Angle will receive an award in appreciation for his service as GMDA President.

C.E. Williams rotated into the GMDA President position and Tony Duplechin was elected and accepted the position of Vice President.

C.E. Williams will make the following Committee Appointments:

- National Water Resources Association Caucus - AJ Olsen, Mark Rude
- Groundwater and Federal Issues- AJ Olsen, Mark Rude
- Membership – __ Not made at time of meeting_____
- Website- _____Not made at time of meeting_____
- Awards – Steve Walthour

Aron Balok announced that the 2017 Summer Conference would be in Albuquerque.

Duplechin announced that he planned for the 2018 Winter Conference be in New Orleans.

Being no other business Williams adjourned the meeting at 5:45 PM

