

**MINUTES OF THE NOVEMBER 5, 2009  
BOARD OF DIRECTORS MEETING OF  
NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session November 5, 2009 at 9:00 a.m. in the Board Room of the District office at 603 East First, Dumas, Texas. The following persons were present:

**Members Present:**

Daniel L. Krienke;  
Gene Born;  
Bob Zimmer; and  
Phil Haaland.

**Staff Present during part or all of the meeting:**

Steve Walthour, General Manager;  
Dale Hallmark, Assistant Manager/District Hydrologist;  
Pauletta Rhoades, Administrative Assistant;  
Casey Tice, Compliance Coordinator; and,  
Kirk Welch, Public Information and Conservation Education Manager.

**Others present during part or all of the meeting:**

Russell Hill;  
Diane Ball;  
Scott Morris, City of Amarillo;  
Leon New; and,  
Keith Good, Attorney for the District.

President Krienke declared a quorum present and called the meeting to order at 9:00 a.m.

Gene Born gave the invocation and President Krienke led the pledge.

President Krienke then asked if there were persons present who desired to make Public Comments. No Public Comment was presented to the Board.

Diane Ball from the Moore County Appraisal District presented a report to the Board regarding an accounting error on the account of Frische Brothers Fertilizer certified in error to North Plains Groundwater Conservation District and other taxing entities for its 2009 tax levy and corrections to the Moore County Appraisal Roll

Bob Zimmer moved to remove items 1a, 1b, and 1c from the Consent Agenda and to approve the remaining item on the Consent Agenda for payment of professional services and out-of-pocket expenses to Lemon, Shearer, Phillips & Good, P. C. in the amount of \$10,094.03 for services rendered from September 1, 2009 through September 30, 2009. Gene Born seconded the motion and it was unanimously approved by the Board.

Bob Zimmer moved to approve the Minutes of the September 8, 2009 meeting of the Board of Directors. Phil Haaland seconded the motion and it was unanimously approved by the Board.

Gene Born moved to approve the Minutes of the October 16, 2009 meeting of the Board of Directors. Phil Haaland seconded the motion and it was unanimously approved by the Board.

Bob Zimmer moved to approve District expenditures from October 1, 2009 through October 31, 2009. Gene Born seconded the motion and it was unanimously approved by the Board.

The Board discussed a settlement offer which the District proposed to Wilder Farms, Inc. for violation of the District's Rules and a counteroffer of settlement which Wilder Farms, Inc. made to the District to voluntarily place, on an annual basis, a minimum of 20 new approved (flow) meters per year on its wells. Under its counteroffer, Wilder Farms would continue to stay within the guidelines of the District and place District approved flow meters on the wells which are the most difficult to calculate and report on annually. The Board desired for all of the Wilder Farms wells to be metered and suggested that Wilder meter the 6 properties that are in violation first and then meter its other wells. It was also discussed that Wilder should have all of the properties metered within a defined period of time such as five years. The Board directed the General Manager to confer with legal counsel so that a proposed agreement with these terms could be prepared between the District and Wilder Farms.

The Board reviewed and discussed the District's General Funds and Designated Funds. Phil Haaland moved to designate and move \$400,000.00 from the District's General Funds to the District's Compliance and Conservation Fund. Gene Born seconded the motion and it was unanimously approved by the Board.

Bob Zimmer moved the Board approve the following well permits as active and complete wells because the wells are properly equipped and otherwise comply with District Rules:

COUNTY	OWNER	WELL	L	MAX	QUART	SEC	BLK	SUR	N S E W	VARDS
DALLAM	JAMES TREW	DA-3081	C	800	NW	3	M-	H&TC	118N	471W
DALLAM	JAMES TREW	DA-3082	C	800	SE	16	M-	TCRR	440S	514E
DALLAM	RKD HOLDINGS	DA-3206	C	800	SE	25	6	CSS	126S	755E
DALLAM	RKD HOLDINGS	DA-3235	C	800	SE	25	6	CSS	147S	123E
DALLAM	SLAUGHTER DON	DA-2938	C	800	SW	8	6	CSS	469S	175W
DALLAM	STATELINE RANCH	DA-3080	C	800	SW	0	0	ZCOLLIER	31S	1362W
DALLAM	JAMES TREW	DA-3081	C	800	NW	3	M-	H&TC	118N	471W
DALLAM	JAMES TREW	DA-3082	C	800	SE	16	M-	TCRR	440S	514E
DALLAM	RKD HOLDINGS	DA-3206	C	800	SE	25	6	CSS	126S	755E
DALLAM	RKD HOLDINGS	DA-3235	C	800	SE	25	6	CSS	147S	123E
DALLAM	SLAUGHTER DON	DA-2937	A	100	NW	12	6	CSS	500N	500W
DALLAM	SKYWARD DAIRY	HA-2541	C	800	NW	126	48	H&TC	30N	478W
HARTLEY	FOUR STAR	HA-2586	C	800	SW	21	12	CSS	332S	872W
HARTLEY	FOUR STAR	HA-2589	C	800	SE	38	12	CSS	449S	395E
HARTLEY	MIDDLEWATER LTD	HA-3009	D	1200	NE	381	44	H&TC	876N	794E
HARTLEY	KASPER LAND	HA-3010	D	1200	SE	381	44	H&TC	445S	426E
HARTLEY	FOUR	HA-3014	C	800	NW	59	13	CSS	893N	105W
HARTLEY	MIDDLEWATER	HA-3015	B	400	SE	45	48	H&TC	178S	873E
HUTCHINSON	MCCLOY THANE	HU-0681	D	1200	SW	99	5-1	T&NO	770S	555W
SHERMAN	MURPHY JAY	SH-2358	C	800	NE	16	1-C	GH&H	493N	100E

Phil Haaland seconded the motion and it was unanimously approved by the Board.

The general manager and legal counsel presented a report to the Board regarding Groundwater Management Area 1 and the Texas Water Development Board hearing to be held on November 11, 2009 concerning the two challenges to the reasonableness of the adopted desired future conditions.

Casey Tice and Steve Walthour presented a report to the Board regarding 2009 Production Reporting activities.

Gene Born moved that the District review its primary banking depository and seek proposals from other institutions to compare bank services regarding the District's banking service needs. Phil Haaland seconded the motion and it was unanimously approved.

Bob Zimmer moved that the Board accept the October 9, 2009 bid submitted by Les Taylor Drilling for drilling monitor wells during fiscal year 2009-1010 and to authorize the General Manager and the District's legal counsel to draft and accept on behalf of the District, a contract with Les Taylor Drilling. Gene Born seconded the motion and it was unanimously approved by the Board.

Gene Born moved that the Board approve the Independent Contractor Service attached hereto as Exhibit "A" between the District and R. J. Vandygriff to provide conservation programs and education outreach services. Phil Haaland seconded the motion and it was unanimously approved by the Board.

Leon New presented a report to the Board concerning an interim 2008 production study for determining water duties for crops in the District.

Bob Zimmer moved that the District's general counsel prepare a new Independent Contractor Service Agreement between the District and Leon New for two additional years of consulting services and authorize the District's general manager to enter into such Agreement with Leon New. Phil Haaland seconded the motion and it was unanimously approved by the Board.

Gene Born moved that the Board adopt Policy model 4 of the Texas State Library and Archives Commission as its record management program. Bob Zimmer seconded the motion and it was unanimously approved by the Board.

Bob Zimmer moved to table discussion of the interim Legislative Session and the District's representation in Austin until the next regular meeting of the Board of Directors. Phil Haaland seconded the motion and it was unanimously approved by the Board.

The Board, by consensus, referred the review of amendments to the District's Public Fund Investment Policy to the Budget Committee.

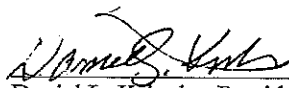
There were no District Director's Reports made to the Board.

There were no Committee Reports made to the Board.

Steve Walthour presented the General Manager's Report, including information concerning upcoming meetings and conferences; the General Manager's activity summary; and the District activity summary.

By consensus, the Board set the next regular meeting of the Board on January 19, 2010.

Phil Haaland moved to adjourn the meeting. Bob Zimmer seconded the motion and it was unanimously approved by the Board. President Krienke declared the meeting adjourned at 12:15 p.m.

  
Daniel L. Krienke, President

  
Gene Born, Secretary

